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PRIVACY COMPLIANCE POLICY

TABLE OF CONTENTS

1	Purpose	2
2	Scope and Applicability.....	2
3	Definitions.....	2
4	Policy.....	3
4.1	Objectives.....	3
4.2	What is personal information?	3
4.2.1	Collection of personal information	3
4.2.2	Type of information collected and stored	4
4.2.3	Anonymity and Pseudonymity	4
4.2.4	Unsolicited personal information	4
4.2.5	Notification of the collection of personal information.....	4
4.2.6	Consent from culturally and linguistically diverse persons.....	5
4.2.7	Use of disclosure of personal information.....	5
4.2.8	Social Media.....	5
4.2.9	Direct Marketing.....	6
4.2.10	Photographs and Video	6
4.2.11	Cross-border disclosure of personal information	6
4.2.12	Adoptions, use or disclosure of Government related Identifiers	6
4.2.13	Security of personal information	7
4.2.14	Access to personal information	7
4.2.15	Correction of personal information	8
4.2.16	Audits	8
4.2.17	Data Breaches.....	8
4.2.18	Complaints	9
5	Consequences of Policy Breach.....	9
6	Roles and Responsibilities.....	9
7	Committees and Working Groups	10
8	Related Documents.....	10
9	Document Control.....	10



1 Purpose

Bethanie Group Inc and Bethanie Housing Limited (collectively referred to as 'Bethanie') is committed to protecting the privacy of all personal information collected by complying with the Privacy Act 1988 (Cth) (Privacy Act) and the 13 Australian Privacy Principles (APPs) in the Privacy Act, to meet its obligations including the Aged Care Quality Standards and the NDIS Practice Standards.

The purpose of this policy is to:

- ensure personal information is managed in an open and transparent way,
- protect the privacy of personal information including health information of residents, customers and staff,
- provide for the fair collection and handling of personal information,
- ensure that personal information that Bethanie collects is used and disclosed for legally permitted purposes only,
- regulate the access to and correction of personal information, and
- ensure the confidentiality of personal information through appropriate storage and security.

2 Scope and Applicability

Who must use this policy:	All direct care employees, all registered employees, contractors, agency staff, volunteers, consultants
Why this policy is important:	The aim of this policy is to provide principles and guidelines to the privacy rights of Bethanie customers, staff, volunteers, and contractors. The Australian Privacy Principles contained in the Privacy Act 1988 (Cth) have been adopted as the reference point for the Bethanie Privacy Management Framework.
When this policy applies:	<p>This policy applies to all decisions, actions, activities, functions relating to the collection, use and disclosure of personal information of staff and customers.</p> <p>The Australian Privacy Principles govern the standards, rights, and obligations around:</p> <ul style="list-style-type: none">• the collection, use and disclosure of personal information• an organisation's governance and accountability• integrity and correction of personal information <p>the rights of individuals to access their personal information</p>
Who to ask for more information:	Bethanie Privacy Officer

3 Definitions

Term	Definition
Personal Information	Information from which an individual's identity is reasonably apparent
Sensitive information	Personal information about an individual including information relating to an individual's ethnicity, race, religion or health.
Health information	Health information is any personal information about an individual's health or disability. It includes information or opinion about illness, injury or disability.



4 Policy

4.1 Objectives

The Australian Privacy Principles have been adopted as the reference point for the Bethanie Privacy Compliance Policy. The Principles govern standards, rights and obligations around:

- the collection, use and disclosure of personal information
- an organisation or agency's governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information

4.2 What is personal information?

Under the Privacy Act, personal information is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.

Some personal information is further classified as 'sensitive information'. Sensitive information is personal information or an opinion about an individual's health, ethnic or racial origin, political opinions, membership of political associations, religious beliefs or affiliations, philosophical beliefs, trade union membership, professional or trade association membership, sexual preferences or practices, criminal record or biometric information that is to be used for certain purposes.

4.2.1 Collection of personal information

Personal information is collected by Bethanie for the following purposes:

- Providing quality health, NDIS or aged care services.
- Administering and managing those services.
- Conducting research and developing its services.
- Assisting treating doctors, pharmacists, nursing staff, other health professionals or carers in providing health, NDIS or aged care services at its facilities.
- Internal administrative requirements, including information required by insurers and legal representatives.
- Quality reviews including NDIS audits, clinical audits, service-monitoring, planning, evaluation, and accreditation activities.
- Providing housing
- Managing relationships with individuals; or
- Complying with regulatory obligations

Personal information will be collected directly from the individual unless:

- Bethanie has the individual's consent to collect the information from someone else, or
- Bethanie is required or authorised by law to collect the information from someone else, or
- It is unreasonable or impractical to do so.



After providing consent, an individual is able to withdraw it at any time by contacting Bethanie. By withdrawing consent, Bethanie may not be able to provide the individual with the services they require.

4.2.2 Type of information collected and stored

Bethanie only collects personal information by fair and lawful means and only if the information is necessary in order to provide products and services to its customers. Where information requested is not provided, this may affect the provision of products and services by Bethanie.

Bethanie may collect and hold a range of customer personal information, which includes, but not limited to:

- Name, address, date of birth, contact details, gender, marital status, occupation
- Government identifiers (such as tax file number, NDIS reference number or Medicare number)
- Details of identification documents (such a driver's license)
- Details of next of kin or other nominated representatives
- Health information.

4.2.3 Anonymity and Pseudonymity

Generally, Bethanie is not able to deal with customers who do not wish to identify themselves. However, where possible and appropriate Bethanie will provide information of a general nature to unidentified individuals.

4.2.4 Unsolicited personal information

If Bethanie receives unsolicited personal information, a determination will be made on whether the personal information was collected by lawful and fair means, and whether it is related to one of the purposes of collecting personal information above. Bethanie will do this by looking at the relationship with the individual and whether the personal information relates to the relationship with them.

Bethanie will destroy or de-identify the personal information if the personal information was not collected by lawful and fair means, or the personal information does not relate to one of Bethanie's purposes for collecting the personal information.

4.2.5 Notification of the collection of personal information

When first collecting personal information from an individual, Bethanie will notify the individual that they have collected their personal information, including sensitive information, by way of a Privacy Disclosure Statement and Consent Form. This notification will provide the individual with information about:

- the purposes of the collection of their personal information and sensitive information.
- those entities that Bethanie usually disclose personal information or sensitive information to.
- what happens if the individual chooses not to provide Bethanie with personal information.
- direct marketing that may be undertaken by Bethanie or any related companies.



- Bethanie's privacy policy and where it can be found; or
- any disclosure of personal information that Bethanie make to an overseas entity.

If Bethanie knows that as part of the relationship with the individual it will disclose their personal information to another identifiable entity, Bethanie will notify the individual of the following matters at the time their personal information is first collected:

- The identity and contact details of that organisation; and
- Why their information may be disclosed to that organisation.

4.2.6 Consent from culturally and linguistically diverse persons

Where specific consent is required (e.g. for the collection of sensitive information), Bethanie will work with the individual to ensure that the individual fully understands what is being consented to. If required, a Translator and Interpreter Service will be utilised.

4.2.7 Use of disclosure of personal information

Bethanie may collect, store (in hard copy or electronic form), use or disclose an individual's person information for the primary purpose of conducting and supporting its business activities.

If during Bethanie's relationship with the individual their personal information will be used for an additional purpose, Bethanie will obtain their consent unless the purpose is related to the primary purpose or Bethanie are permitted under law to do so.

Bethanie may disclose personal information to:

- Third parties where the individual has given their consent (express or implied), including organisations for research purposes,
- Government agencies or similar entities as required or permitted by law,
- Professional advisors, contractors or other service providers used by Bethanie to carry out, advise or assist with the carrying out of Bethanie's business activities.

4.2.8 Social Media

Bethanie's social media pages (such as Facebook and YouTube) are hosted on an external site in which Bethanie has no affiliation with. When accessing or using these external sites, the user is subject to the privacy policies and practices of that external site and any questions or concerns regarding that site's privacy policies and practices should be referred to the privacy policy of the relevant external site. Bethanie does not endorse, and is not accountable for, any views expressed by third parties using that site.

Bethanie records all information posted to its social media pages and uses that information for the purposes of administering the pages, for record keeping, for considering and / or addressing any comments made and for running competitions and campaigns. No attempt will be made to further identify social media subscribers except when requested and authorised by law.



4.2.9 Direct Marketing

Bethanie notifies individuals at the time of collecting their personal information that their personal information may be used for the purposes of providing information to individuals on Bethanie services.

In all Bethanie direct marketing communications, a prominent statement about how an individual can elect not to receive direct marketing will be provided. If the direct marketing communication is an email Bethanie will provide an 'unsubscribe' function within the email.

Bethanie will keep appropriate records to ensure those individuals that have made requests not to receive direct marketing communications do not receive them. There is no fee to unsubscribe from direct marketing communications.

Bethanie does not sell personal information, nor does it use sensitive information for the purposes of direct marketing.

If Bethanie purchases personal information for the purposes of direct marketing, appropriate due diligence will be conducted to ensure appropriate consents from the individuals have been obtained.

4.2.10 Photographs and Video

Bethanie may take photos and videos of individuals at functions and events. Photos are often displayed on facility notice boards or published in internal newsletters, which are accessible to personnel, visitors, residents and clients and their families.

From time to time, Bethanie may take professional photos or video for external promotional purposes, such as the annual report and its public website.

When an individual enters into services with Bethanie, they will be asked to sign a release form, confirming whether or not they provide consent for Bethanie to use or display any photographs and/or videos taken.

4.2.11 Cross-border disclosure of personal information

If Bethanie needs to disclose personal information to an overseas recipient, reasonable steps will be undertaken to ensure that the overseas recipient does not breach the Australian Privacy Principles, unless express consent to the disclosure has been provided by the customer, or the disclosure is necessary or authorised by Australian Law.

Bethanie may use cloud storage and IT servers that may be located overseas to store the personal information it holds. Where Bethanie chooses to store personal information outside of Australia, Bethanie will take all steps that are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles in connection with this personal information.

4.2.12 Adoptions, use or disclosure of Government related Identifiers

Where Bethanie collects an individual's personal information, it will usually be identified by a common identifier, such as their name, address, contact details or a randomly generated unique number.

Subject to certain exceptions under the Privacy Act, Bethanie will not disclose identifiers assigned by Government agencies or its agents, such as tax file numbers, or use those identifiers to identify an individual.



4.2.13 Security of personal information

Personal information is handled in accordance with Bethanie's Document and Records Management and Archival Policies.

Bethanie takes reasonable steps to protect data from misuse, interference and loss, and from unauthorised access, modification or disclosure. This includes appropriate physical and technological barriers and security measures to protect personal information in both hard copy and electronic form.

Bethanie also takes reasonable steps to destroy or permanently de-identify personal information which is no longer needed for the purposes described in this Privacy Policy.

4.2.14 Access to personal information

Individuals may request access to any personal information held about them. Bethanie will not charge an individual for requesting access to their personal information.

Bethanie will verify the individual's identity prior to disclosing any personal information. When an individual requests access to their personal information Bethanie will conduct a search of its customer relationship database. This search will also indicate if there are any paper records that contain personal information.

Bethanie will not give access to the personal information that it holds about an individual where it is unreasonable or impracticable to provide access, or in circumstances where the request would likely:

- Pose a serious threat to the life, health or safety of any individual, or to public health or public safety.
- Unreasonably access the privacy of other individuals.
- Be frivolous or vexatious.
- Relate to anticipated legal proceedings, and the correct method of access to personal information is by the process of discovery in those legal proceedings.
- Reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations.
- Be unlawful or in breach of an Australian law.
- Prejudice the taking of appropriate action in relation to a matter where unlawful activity or misconduct that relates to our functions or activities.
- Prejudice an enforcement related activity of an enforcement body (such as the Department of Health or the Australian Health Practitioner Regulation Agency); or
- Reveal commercially sensitive information.

Where an individual requests access to their personal information, a response will usually be provided within 7 days. Depending on the nature of the request, Bethanie may be able to provide the personal information at the same time as when the request is made. Where the request cannot be dealt with immediately, or there is a large amount of personal information requested, Bethanie will investigate the request and then advise the individual of the personal information held.

Bethanie will comply with all reasonable requests to provide an individual with details of their personal information. A fee may be charged for providing access to personal information.



If a request to access personal information is declined, Bethanie will provide written reasons setting out why it believes they do not need to provide access. Bethanie will also advise the individual that they can contact the Office of the Australian Information Commissioner if they are dissatisfied with Bethanie's decision. Bethanie also takes reasonable steps to destroy or permanently de-identify personal information which is no longer needed for the purposes described in this Privacy Policy.

4.2.15 Correction of personal information

Bethanie relies on individuals to help ensure personal information held about them is accurate, up- to-date and complete. All individuals are asked to promptly advise Bethanie if any details they have provided have changed or are incorrect.

Where Bethanie receives a request to update personal information and are reasonably satisfied that the information they hold is inaccurate, out-of-date, incomplete, irrelevant, misleading or incorrect, Bethanie will take reasonable steps to update or correct the information. However, under the Australian Privacy Principles, Bethanie may decline requests to update an individual's personal information and, in such cases, reasons for the refusal will be provided, along with details of the Office of the Australian information Commissioner's complaints process.

If, after notifying the individual of its refusal to correct personal information, the individual requests Bethanie to issue a statement on the record that contains the updated personal information, Bethanie will take reasonable steps to do so.

If Bethanie has corrected or updated personal information that was previously disclosed to a third party, reasonable steps will be taken to notify the third party of the updated information.

4.2.16 Audits

Bethanie's customers have the option of participating in external audits conducted by the Aged Care Quality and Safety Commission and/or the NDIS Quality and Safeguards Commission if they wish.

4.2.17 Data Breaches

A data breach occurs when personal information is accessed or disclosed without authorisation, or it is lost.

Under the Privacy Act, Bethanie must notify the Office of the Australian Information Commissioner (OAIC) and affected individuals when a data breach is likely to result in serious harm to an individual whose personal information is involved (considered an 'eligible data breach').

Where Bethanie has reasonable grounds to believe an eligible data breach has occurred, reasonable steps will be taken and as required under the Notifiable Data Breach scheme, including:

- investigating the suspected breach and determining the scope of any breach that has occurred and the risk of harm to affected individuals whose information may have been compromised,
- notifying the individual involved and the OAIC of the potential breach, and
- steps undertaken to minimise any harm caused to affected individuals because of the breach.



4.2.18 Complaints

Bethanie is committed to providing the highest quality of service and customer experience and recognises the importance of managing complaints and other sources of feedback. Bethanie ensures that quality standards are maintained for customers, that their rights are protected, and all issues are addressed promptly and in the most diligent and appropriate manner in line with all legislative, regulatory and relevant Industry standards.

All privacy complaints are handled in accordance with Bethanie's Customer Feedback Management Policy.

Complaints to Bethanie about privacy or privacy breaches can be made formally or informally and accepted verbally or in writing and anonymously. Verbal complaints may be made in person or by phone. Written complaints may be submitted by completion of a Bethanie Feedback form, email, mail, fax and via Bethanie's Feedback Portal on its website.

For privacy complaints contact Bethanie at:

Phone: 131 151

Postal Address: Complaints Officer, PO Box 143, Northbridge, WA, 6865.

If customers are not satisfied with Bethanie's privacy complaint handling process or outcome, a complaint can be lodged with the OAIC, whose details are:

Website: www.oaic.gov.au

Postal address: GPO Box 5218, Sydney, NSW, 2001

Phone: 1300 363 992

5 Consequences of Policy Breach

- This policy is binding on Bethanie staff, as per Section 2: Scope and Applicability.
- Roles and Responsibilities in relation to this policy are set out in Section 6 below.
- Failure to comply with the policy may constitute a breach of the Bethanie Code of Conduct and business practices.

6 Roles and Responsibilities

Role	Responsibilities
Privacy Officer	Ownership of privacy-related policies and procedures; monitoring compliance with privacy requirements and updates in law/regulation; responsibility for privacy education for staff; oversight of third-party privacy; oversight of the investigation of privacy incidents, data breaches and complaints; cooperation with the relevant regulators such as the OAIC.
Privacy Working Group	Undertake a Final Data Breach Assessment in relation to an identified data breach; determine what further steps are required to contain, or take remedial action in relation to, a data breach (including, if appropriate, engaging external expertise); determine whether a data breach is an eligible data breach.
System Data Stewards	Named colleagues responsible for the maintenance of customer and staff common data in select ICT systems, including updating and archiving.
System Data Custodian	ICT Manager responsible for maintaining data on the ICT infrastructure in accordance with business requirements and the ICT Security Policy.
Physical Data Stewards – Customer	Facility Managers / Village Managers / Home Care Regional Managers responsible for the maintenance of data held at site about



	the customer in physical form, including its security, maintenance, retention, destruction and archival.
Physical Data Stewards – Staff	Recruitment Managers responsible for the maintenance of data held at site about staff and unsuccessful applicants in physical form, including its security, maintenance, retention, destruction and archival.

7 Committees and Working Groups

Committee / Working Group	
Privacy Working Group	
Operational Leadership Team	

8 Related Documents

Legislation
<i>Privacy Act 1988 (Cth)</i>
<i>Aged Care Act</i>
<i>NDIS</i>
Governance frameworks & policies
<i>Corporate Governance Manual</i>
<i>Privacy Management Framework</i>
<i>Privacy Management Policy</i>
Standards
<i>NDIS (Quality Indicators for NDIS Practice Standards) Guidelines 2018</i>
<i>NDIS (Provider Registration and Practice Standards) Rules 2018</i>
<i>ACQS Standards</i>
References
<i>Notifiable Data Breach Scheme</i>

9 Document Control

Approved by	Operational Leadership Team	Next Review	Sept 2025
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