

2. Service Standards

2.4 Privacy, Dignity and Confidentiality Policy

2.4.1 Policy Connections

NDIS Quality and Safeguards Commission Practice Standards v3 2020 - 1 Rights and Responsibilities, Disability Services Act 1986 (Commonwealth), Disability Discrimination Act 1992 (Commonwealth), Privacy Act 1988 (Commonwealth), Australian Privacy Principles (**APPs**), Aged Care Quality and Safety Commission Aged Care Quality Standards 2019 – 1 Consumer Dignity and Choice, Assistance Dogs International Standards, International Guide Dog Federation (IGDF) Standards.

2.4.2 Policy Statement

EverAbility Group (EverAbility) respects, and is committed to protecting, your privacy. EverAbility is committed to adhering to all regulatory and legislative instruments in the way it, collects, uses, discloses, stores, corrects, and provides access to your personal information.

This policy applies to, but is not limited to, volunteers, clients, job applicants, etc.

For clarity, this policy does not apply to personal information collected, or otherwise obtained, by EverAbility in relation to current and former employees and which relates directly to the employment relationship that exists, or existed, between EverAbility and its current and former employees.

2.4.3 Open and transparent management of personal information

EverAbility makes its privacy policy available on its website and can also provide a hard copy version upon request. If you would like more information or a hard copy of this privacy policy, please contact us by:

- phone:
 - Western Australia:
 - Main number: (08) 9311 8202
 - Toll free: 1800 847 466 or 1800 VISION

- Feedback and comment telephone line (08) 9311 8219
- Tasmania:
 - Main number: (03) 6232 1222
 - Toll free: 1800 484 333 (when dialling from within Tasmania)
- e-mail: info@everabilitygroup.org.au; or
- post: PO Box 101, Victoria Park WA 6979

2.4.4 Collection of Personal Information

2.4.4.1 Purpose

EverAbility will solicit and collect your personal information only to the extent necessary to:

- carry out service delivery and fund raising operations;
- provide you with direct marketing materials, where you would reasonably expect us to do so; and
- support these operations via such activities as monitoring, reviewing and quality assurance.

Such situations include, but are not limited to:

- when responding to any request for services;
- when surveying people to identify areas of service improvement or expansion;
- when presenting seminars, conducting workshops or other functions;
- when interacting with certain government agencies;
- when required by law; and
- when communicating with people who contact us regarding our activities or the activities of our members.

If you are a job applicant, the amount of the information we collect is sufficient to assess your suitability for the position.

2.4.4.2 Types of Personal Information

The efficacy of EverAbility's operations depends upon its receipt of necessary, accurate and current personal information.

The personal information which we collect, store, use and disclose may include:

- your name;
- your contact details;
- your banking details and/or credit card details;
- your age or date of birth;
- any relevant government identifier;
- any other personal information provided by you in any correspondence with EverAbility; and
- any other personal information provided by you during the course of your interactions with EverAbility.

Some personal information is considered 'sensitive information' for the purposes of the Privacy Act. The sensitive information which we may collect, store, use and may disclose includes information or an opinion about an individual's:

- sexual orientation or practices; or
- criminal record.

If you wish to be either anonymous or assume a pseudonym, we will engage with you wherever possible and practical. However, given the nature of many of our operations this is likely to limit your opportunities for interaction and receipt of services.

2.4.4.3 Methods and Sources of Collection

Where practicable, EverAbility endeavours to obtain your personal information directly from you. However, some information may be collected from a third party.

Collection is undertaken via a range of methods, sources and formats that might include:

- personal interactions via face-to-face, telephone, email, video, print, audio, Braille or electronic (including website¹ and other forms of social media);

- newsletters, surveys, employment and volunteering applications or other requests for information;
- referrals from service providers or medical and allied health practitioners;
- representatives including family, friends, carers or advocates;
- service contracts and interactions with business associates and other stakeholders;
- purchase transactions with customers;
- donor, fund-raising, sponsorship transactions (e.g. payments, donations) with a range of individual, group and corporate supporters; and
- commercial list providers either pooled, swapped or purchased.

Subject to certain exceptions under the Privacy Act, EverAbility only collects sensitive information about you if you consent to the collection of the information and the information is reasonably necessary for one or more of EverAbility's functions or activities. The provision of sensitive information to EverAbility on a voluntary basis will be taken to be consent for this purpose.

EverAbility will take reasonable steps to ensure that you are aware of:

- who we are and our full contact details;
- the purposes for which your personal information is collected;
- the organisations (or types of organisations) to which we will usually disclose or transfer your personal information;
- any law that requires us to collect your personal information; and
- the main consequences (if any) if all or part of your personal information, as requested by us, is not provided.

2.4.4.4 Unsolicited personal information

Where EverAbility receives unsolicited personal information about you (either directly from you or from a third party), we will consider, within a reasonable period, whether we could have collected that personal information from you had the personal information been solicited.

Where we determine that we could have collected the unsolicited personal information had it been solicited, we will store, use and disclose that personal information in the manner set out in this privacy policy.

Where we determine that we could not have collected the unsolicited personal information had it been solicited, we will destroy or de-identify that unsolicited personal information as soon as practicable, provided it is lawful and reasonable to do so.

2.4.4.5 Consent – Provided, Withheld, Withdrawn

Where we have collected personal information about you, you may withdraw permission for your personal information to be used for:

- service provision;
- fund raising; or
- related purposes.

Withdrawal of consent for service delivery purposes may limit our ability to provide the services sought. Up to 14 working days should be allowed for any opt out requests to take full effect.

2.4.5 Use of Personal Information

EverAbility uses your personal information described above for the primary purposes of providing services as well as conducting its other business, marketing and fund raising activities. This includes support activities such as internal reporting and monitoring functions for risk management, planning and quality improvement purposes.

EverAbility will not use your personal information for a secondary purpose unless:

- you consent to the use or disclosure or you would reasonably expect us to use it for a secondary purpose which is related (or in the case of sensitive information, directly related) to a primary purpose;
- the use or disclosure is required or authorised by law; or
- the use or disclosure is otherwise permitted by the Privacy Act (for example, as a necessary part of an investigation of suspected unlawful activity).

2.4.6 Direct marketing

We may use your personal information so we can contact you with news, information about our products and services, promotions, and events that may be of interest to you.

We may contact you by email, mail or telephone. You can let us know at any time if you no longer wish to receive these communications, by contacting us (using the contact details set out above) or using the opt-out/unsubscribe facility in our communications.

We may also use your personal information to de-duplicate details of our existing donors from lists purchased from data list suppliers, these are not shared with any other party.

You can let us know at any time if you no longer wish to be part of data swapping arrangements by contacting us (using the contact details set out above). If you opt out of data swapping arrangements, EverAbility may not be able to prevent organisations with whom you data has already been shared from continuing to contact you. You may need to unsubscribe from their communications directly with those organisations.

2.4.7 Disclosure of Personal Information

Where you have provided consent or where legally permissible, EverAbility typically discloses your information in ways that include the following:

- internally for service delivery and directly related purposes such as management, funding or billing, service monitoring, planning, evaluation and complaint handling;
- internally for other approved purposes such as direct marketing or fund raising;
- to another agency in a formal service delivery arrangement such as a contractor or professional adviser (e.g. “cloud” data storage, auditor, mailing house, delivery service);
- to another agency for insurance or legal purposes; and
- government agencies for regulatory compliance reporting under service provision contractual funding agreements.

2.4.8 Overseas disclosure

Overseas disclosure of your personal information to third parties overseas may occur as we use data storage providers located overseas. The entities we use are generally located in the USA

If EverAbility discloses personal information to a third party in a country which does not have equivalent privacy laws to Australia, we will take reasonable steps in the circumstances to ensure that the overseas recipient does not breach the Privacy Act. In particular, we will not send your personal information overseas unless either:

- we reasonably believe that the recipient of the information is subject to a law or binding scheme that has the effect of protecting information in a way that, overall, is at least substantially similar to the way in which the Privacy Act protects personal information and there are mechanisms that you can access to take action to enforce that protection of the law or binding scheme; or
- you have consented to the transfer.

2.4.9 Government Identifiers

EverAbility will not use, adopt or disclose your government related identifier unless prescribed by regulation to do so or when referring you to another agency that requires a particular identifier such as Medicare, Department of Veterans' Affairs or National Disability Insurance Scheme Numbers.

2.4.10 Security of Personal Information

EverAbility takes all reasonable steps to protect the personal information that it holds about you from misuse, interference and loss, unauthorised access, modification and disclosure.

This is undertaken by secure:

- physical storage accessed via physical locks;
- electronic storage accessible via passwords, within a system protected by firewalls, intrusion detection systems and virus scanning tools, using dedicated secure networks or encryptions for data transmission; and
- strict controls around workers' off-premise access and use of data and documents.

Information access is controlled to eligible personnel, on a need to know basis, who are bound by the organisations privacy and confidentiality policies. EverAbility's Information and Communication Technology addresses breaches of personal information.

2.4.11 Correction of Personal Information

EverAbility takes reasonable steps to keep your personal information as accurate, up to date and complete as possible.

If EverAbility becomes or is made aware that any personal or other information it holds about you is inaccurate, outdated, incomplete or misleading it will take all reasonable steps to correct the information.

Either you or your authorised representative may give corrections or updates to a EverAbility worker. Information will not be changed unless EverAbility workers are reasonably assured that you consent to the change. If EverAbility is unable to respond to your request for a change to your personal information, we will formally provide you with written notice setting out our reasons for the refusal and the mechanisms available to complain about the refusal. Charges will not apply for any information corrections.

2.4.12 Retention of Personal Information

Your personal information held by EverAbility that is no longer needed for any purpose, or required to be retained: under law, by court or tribunal order, or for insurance purposes, will be either destroyed or de-identified.

2.4.13 Access to Personal Information

You may request access to your personal information that is held by us. Requests to access personal information must be made in writing, either by email or in hard copy, to the CEO. We may ask you to provide proof of your identity if you request access to or correction of your personal information.

In accordance with the Privacy Act provisions, where reasonable and practical to do so, we will action a request within 30 working days, providing supervised access or document copies. If significant resources are required to respond to an access request a reasonable administration fee may be charged.

In certain circumstances, EverAbility has the right in its absolute discretion to redact or omit information when communicating with you (in any form) if such redaction or

omission is in the best interest and/or for the safety of a child or another party or as required or permitted by law.

In certain circumstances, we may refuse an access request. These include where:

- it would have an unreasonable impact on the privacy of others;
- the information relates to legal proceedings with you;
- the information would reveal our commercially sensitive decision-making process;
- providing access to the information would prejudice certain investigations; or
- we are required by law not to disclose the information. This includes duties we may have under common law.

If we refuse an access request, in accordance with APP 12, we will write to you conveying the reasons and providing information about the mechanism by which you may lodge a complaint.

2.4.14 Complaints and Enquiries

EverAbility is committed to the continuous improvement of its systems and procedures in order to give you full confidence in our ability to respect and safeguard the privacy of your personal information.

You may make a complaint about this Privacy, Dignity and Confidentiality Policy, which is available via our website, or about any matter related to your personal information held by us.

EverAbility's Complaints and Feedback Policy, which is available via our website, provides a means for you to lodge complaints for us to address and appropriately resolve if possible. Complaints are seen to play an important role in contributing to EverAbility's improved operations. If we have not fulfilled our commitment, please contact our Chief Executive Officer (CEO).

Complaints may be lodged in person, in print, in Braille or electronic formats and by phone via the contact details set out above.

If you are not satisfied with our handling of your complaint, you may lodge a complaint with the Office of the Australian Information Commissioner (OAIC). For more information about doing so, visit [Privacy complaints page](https://www.oaic.gov.au/privacy/privacy-complaints/): <https://www.oaic.gov.au/privacy/privacy-complaints/>.

2.4.15 Changes to this Privacy, Dignity and Confidentiality Policy

EverAbility reserves the right to amend this privacy policy from time to time. If we do so, the amended privacy policy will be posted as soon as practicable following that amendment on our website.

Policy Management and Review History

Owner	CEO
Approver	Board
Frequency	2 yearly
Version	v5.0
Date Ratified	October 2022
Next Review	October 2024

Review History:

- v4.0 2022; v3.0 2021; v2.0 2020; v1.0 2019
- This policy supersedes – Information Confidentiality – Volunteers Policy, Information Confidentiality Policy, Privacy Safeguards Policy

Note 1: Analytical information is automatically collected. However, this is non-personal, general information about website visits and includes details such as the date, duration and landing page. EverAbility’s website uses “cookies”, which is a widespread practice. Cookies are used to store information on computers accessing the EverAbility and Guide Dogs WA websites. For example, cookies can be used to recognise a computer that is re-visiting a site and customise the site based on previous preferences and site behaviour. Cookies may also be used to manage security and to store information about the type of browser being used. Users can erase cookies from their computer, block all cookies, or receive a warning before a cookie is stored. Our website may contain links to third party websites; we are not responsible for the privacy policies of any third party website.