

Privacy Policy



Purpose

The purpose of this policy is to outline how MoWSA protects the privacy and personal information of individuals.

Background

As an organisation providing home support services to individuals MoWSA routinely collects personal and sensitive information from customers, workers and others, in order to organise and manage these services.

Personal information includes a broad range of information, or an opinion that could identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.

For example, personal information may include:

- an individual's name, signature, address, phone number or date of birth
- sensitive information
- credit information
- employee record information
- photographs
- internet protocol (IP) addresses
- voice print and facial recognition biometrics (because they collect characteristics that make an individual's voice or face unique)
- location information from a mobile device (because it can reveal user activity patterns and habits).

Sensitive information is personal information that includes information or an opinion about an individual's:

- racial or ethnic origin
- political opinions or associations
- religious or philosophical beliefs
- trade union membership or associations
- sexual orientation or practices
- criminal record
- health or genetic information
- some aspects of biometric information.

Generally, sensitive information has a higher level of privacy protection than other personal information. The Fair Work Act requires that MoWSA keeps certain personal information about employees in their employee records. Personal information held by an employer, relating to someone's current or former employment, is covered by the Australian Privacy Principles if used by the employer not directly in relation to their employment.

Name and contact details

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Ph 1800 854 453
Email Privacy Officer: louiseh@mealsonwheelssa.org.au

This policy relates to:

Legislation and other requirements	Privacy Act 1988 (Cth) Australian Privacy Principles Fair Work Act (Cth) 2009 Aged Care Act (Cth) 2024 and Rules
Contractual requirements	Standard Not For Profit Sector Funded Services Agreement P410 C1 Community Meals Program (customers under 65) – requires compliance with the SA Government Information Privacy Principle

Scope

This policy applies to all workers and Board members.

It applies to all records, whether hard copy or electronic, containing personal information about individuals, customers, workers and others, and to interviews or discussions of a sensitive personal nature.

Policy Statements

MoWSA is committed to protecting and upholding the right to privacy of customers, workers, Board members, donors and representatives of agencies we deal with and meeting its legal and ethical obligations as an employer and service provider.

In particular MoWSA is committed to protecting and upholding the rights of our customers and workforce in the way we collect, store and use information about them, their needs and in the way we provide services to them.

MoWSA is subject to the Privacy Act 1988. The organisation follows the guidelines of the Australian Privacy Principles and the South Australian Government Information Privacy Principles in its information management practices.

MoWSA, its aged care workers and its responsible persons must comply with the Aged Care Code of Conduct ("Code"). Paragraph (c) of the Code requires MoWSA, its aged care workers and its responsible persons to "act with respect for the privacy of individuals".

MoWSA requires workers and Board members to be consistent and careful in the way they manage what is recorded and disclosed about individuals and how they decide who can see or hear this information.

Workers will not copy, use, disclose, divulge or make accessible any personal or sensitive information to a third party without specific authority, unless it is in the normal course of MoWSA business to persons who have a legitimate need for the information, or if there is a legal or professional duty to disclose the information.

MoWSA will:

- ensure that customers and other relevant persons are provided with information about their rights regarding privacy
- only collect and store personal information that is necessary for the functioning of the organisation
- use fair and lawful ways to collect personal information
- collect personal information only by consent from an individual
- provide privacy when customers and organisational personnel are being interviewed or discussing matters of a personal or sensitive nature

- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, relevant, complete, up-to-date and not excessively personal, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to ensure personal information is securely stored and to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired
- assess and respond to a suspected or reported data breach in alignment with the OAIC Data breach preparation and response guide 2019, including notifying individuals if it is likely to result in serious harm, and complying with any required reporting under the national Notifiable Data Breaches Scheme.
- ensure that workers and Board members understand what is required to meet these obligations.

Meals on Wheels SA Privacy Procedures provide more specific operational guidance in the circumstances below.

Personal information records

- **Customers**

At first contact with MoWSA workers will explain to customers what information is being collected about them and purposes of collection, and how this information will be used, disclosed, stored and their privacy protected and MoWSA's usual practices with respect to disclosure of personal information of the kind collected. Written information about their rights in relation to their personal information will be provided at assessment and the customer's consent to MoWSA's information handling practice will be sought at the earliest opportunity. Reminders to customers about MoWSA's information handling practice will be provided regularly. If the collection of information is authorised or required by or under law, workers will explain to customers that the collection of the information is so authorised or required.

- **Employees**

As required by the Fair Work Act 2009

- **Voluntary Workers**

As required for administration, rostering and to ensure that critical information is monitored, ie status of criminal history checks and banning order status.

Criminal History checks

MoWSA will keep information on the status of all workers' and responsible persons criminal history checks i.e. that it has been sighted and the date of its expiry (only accessed by paid workers as per Delegations of Authority Schedule).

Website user information

Personal information may be collected and stored about users who input such information into the MoWSA website.

Cookies from a user's computer enable MoWSA to record website use and help customise website experience, but as a rule it is not possible to identify users personally from the use of cookies.

Users' personal information is only disclosed to service providers who support the operation of the website and may be accessible to website maintenance and support personnel acting in the normal course of their duties.

MoWSA cannot be responsible for the protection and privacy of any information which is provided whilst visiting other sites to which links are provided.

Privacy for interviews and personal discussions

MoWSA will safeguard the privacy of customers or employees when discussing sensitive or personal matters by holding these discussions in a private environment.

General Information Disclosure

MoWSA is required by legislation or to meet funding requirements to provide information on customers and workers to organisations such as Government funders, but will not sell, release or offer any information to third parties for marketing or promotional activities.

Storage and security of information

MoWSA computer storage is located within Australia. Security provisions to safeguard information held by MoWSA include measures outlined in the Policy: Information and Cybersecurity

If MoWSA receives personal information that it did not request, it will be destroyed or deleted.

When no longer required, MoWSA will destroy or permanently de-identify all personal information records according to guidelines and schedules outlined in the Information Disposal and Destruction Policy

Overseas transfer

Personal information will not be disclosed to recipients outside Australia unless expressly requested by the owner of the information. In this case, the overseas recipient will not be required to comply with the Australian Privacy Principles, and MoWSA will not be liable for any mishandling of information in such circumstances.

Access to Personal Information

Australian Privacy Principle 12 permits an individual to request access to the personal information held by MoWSA about them in certain circumstances, and Australian Privacy Principle 13 permits requests to correct inaccurate personal information subject to certain exceptions. MoWSA will facilitate all such requests where possible. SA Government Information Privacy Principles provide that for SA Government funded activities a customer is entitled to access their records in accordance with the Freedom of Information Act 1991 (SA) and MoWSA shall ensure that records of personal information are corrected in so far as they are inaccurate or, having regard to the purpose of collection or to a purpose that is incidental to or connected with that purpose, incomplete, irrelevant, out of date, or where they would give a misleading impression in accordance with the Freedom of Information Act 1991 (SA).

MoWSA will give individuals access to their personal information on request and must make all endeavours to ensure that information is correct, updated and current. Access requests can be made to MoWSA's Privacy Officer by mail, fax, email, telephone or in person.

If personal information is not able to be corrected, MoWSA will provide the reason/s for refusal, and information on how a formal complaint can be made.

Participants in research projects

People being invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used
- given copies of any subsequent publications

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified. Other organisations or their representatives which participate in research projects will generally be identified in MoWSA research, unless the nature of a particular project requires anonymity, or an organisation specifically requests it.

Data Breaches

If a data breach occurs and personal information is accessed or disclosed without authorisation or is lost, MoWSA will act in accordance with the Privacy Act 1988. If the breach is an 'eligible data breach' under the national Notifiable Data Breaches (NDB) scheme, notification to the Office of the Australian Information Commissioner (OAIC) may be mandatory.

Complaints

Complaints concerning privacy matters can be made according to relevant MoWSA process, (Customer Feedback Management Policy, worker grievance procedure etc) by providing:

- the date the complaint was made
- the name and contact details of the person making the complaint
- a description of what happened (when, where and who was responsible)
- a description of who was affected, how they were affected and how they felt
- suggestions about how the complainant would like MoWSA to deal with the complaint.

All complaints will be considered by the MoWSA Privacy Officer, who may seek further information to clarify the issues and concerns. The Privacy Officer will determine if a violation of the law or MoWSA's policy has occurred and will document the findings, along with any further communication that has taken place with the complainant.

The Privacy Officer must notify the complainant of the determination within 30 days of receipt of the complaint and, if the complaint is justified, the steps that will be taken by MoWSA to rectify the issue (and the time it will take to complete those steps). MoWSA will then take steps in consultation with the complainant.

If a complainant is dissatisfied with a response a complaint may be lodged in writing with the Office of the Federal Privacy Commissioner.

MoWSA will maintain documentation of all privacy complaints received and how they were dealt with for a period of at least six years (from the date of creation) in accordance with federal regulation.

Responsibilities for managing privacy

All workers are responsible for the management of personal information to which they have access, and in the conduct of their daily work. This includes the secure handling/storage/destruction of hard copy customer information including route sheets.

The General Manager Business Sustainability (GMBS) is responsible for systems which safeguard personal information relating to MoWSA workers, Board members, contractors and MoWSA members.

The GMBS will be responsible for:

- ensuring that all workers are familiar with this Policy and administrative procedures for handling personal information
- ensuring that customers and other relevant individuals are provided with information about their rights regarding privacy
- ensuring that the Privacy Officer handles any queries or complaints about privacy issues according to organisational policy and procedures.
- notifications to the OAIC of eligible data breaches under the Notifiable Data Breach Scheme

- monitoring content in MoWSA publications, communications and website to ensure that:
 - appropriate consent is obtained for the inclusion of any personal information (including images) about any individual including MoWSA customers and personnel
 - information being provided by other agencies or external individuals conforms to privacy principles
 - a current version of this Policy appears prominently on the MoWSA website.

The Privacy Officer:

The MoWSA Privacy Officer will be a person nominated from time to time by the CEO.

Policy Responsibilities

Responsible for monitoring	GMBS
Responsible for implementation	Senior Managers

Policy Delegations

Review of policy and policy compliance	GMBS
Approving policy and policy changes	CEO (designated principal officer for the purposes of the SA Government Information Privacy Principles)

Documents

Fair Work Ombudsmen Best Practice Guide Workplace Privacy
 Information and Cybersecurity Policy
 Information Disposal and Destruction Policy
 Confidentiality Policy
 Customer Feedback Policy
 Workforce Grievance Policy