

## Rationale

In order to deliver services to children and families, SDN needs to collect and hold personal information about individuals, including children and families, staff members, board members, volunteers, and students. In doing this, we are committed to protecting the privacy of those individuals, and recognise that doing so is a legal requirement arising from privacy legislation.

We believe that protecting the privacy of individuals we work with also acts as a powerful tool in the creation of healthy relationships.

This policy outlines the approach SDN takes to manage the privacy of personal information, and should be read in conjunction with the *Records Management Policy* and its associated Procedures.

This policy has been developed with regard to the *Australian Privacy Principles* (APPs) set out in Schedule 1 of the *Privacy Act 1988* (Cth), the *Health Privacy Principles* (HPPs) set out in Schedule 1 of the *Health Records and Information Privacy Act 2002* (NSW), the Office of the Australian Information Commissioner (OAIC) and the *National Disability Insurance Scheme Act 2013* (Cth) (*NDIS Act*).

## Scope

This policy, and its associated documents, applies to the entirety of SDN Children’s Services and the entirety of its wholly owned subsidiaries.

The policy applies to all SDN Board members, staff members, volunteers, students, casuals and contractors.

## Policy

SDN collects personal, sensitive and health information in order to deliver services. According to the *Privacy Act* and the OAIC:

- 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.
- Sensitive information is personal information that requires a higher level of privacy protection than other personal information. It includes information or an opinion about an individual’s racial or ethnic origin, political opinions, religious beliefs, trade union membership or associations, sexual orientation or practices, criminal record and health information.

The privacy of personal, sensitive and health information collected by SDN will be protected, and the need for confidentiality maintained. SDN staff members will not unreasonably intrude into the personal affairs of children and families who use our services or of other stakeholders.

Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 1 of 8
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SDN staff members who collect, use, disclose or otherwise have access to personal information as part of their job will receive training regarding this policy and the APP's where appropriate, and must apply these in practice. Non-compliance by an SDN staff member with this policy may lead to disciplinary procedures, including the possibility of dismissal (refer to *Managing Performance Policy and Procedure*).

SDN will also adhere to any additional privacy requirements contained within legislation, regulation, guidelines and service agreements.

### Types of information collected

SDN may collect and keep personal, sensitive and health information about individuals (including staff) to provide an effective service to a child, family or another service. We may collect this directly by asking the individual for this information, indirectly through their participation in an activity we have organised or are involved with, or it may be provided to us from a referring body. SDN will only collect and use personal, sensitive or health information that is relevant and necessary for us to undertake our work. Information will be collected lawfully, and SDN will take all reasonable steps to make sure the information we collect and keep is accurate, complete, up to date, and relevant.

The following are the types of information SDN may collect and keep about individuals including but not limited to:

- name, home/postal address, email address and contact number
- family information such as information about marital status, family relatives, and emergency contacts
- information including gender, age and cultural background
- medical history, including health services previously provided or to be provided
- information regarding diversity and inclusion for equal opportunity and reporting purposes, as well as determining priority of services, including disability and Indigenous status
- financial and tax information
- photography, images, video and audio recording
- information about family circumstances that are relevant to our work
- written developmental records
- case plans
- a history of contact or correspondence with that individual and copies of correspondence
- details of internal investigations
- employment information including Working With Children Checks and police checks
- information about job applicants including resumes and applications, contact details, reference checks and eligibility to work in Australia.

Where possible and practicable, individuals will be allowed to remain anonymous or use a pseudonym. An example will be providing feedback on a service, or accessing the SDN website for information. In general,

PRIVACY AND PROTECTION OF INFORMATION POLICY		GI-HLP-1.09	
Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 2 of 8

however, we will need to know an individual's name, contact information and information about the purpose of the contact in order to respond to that person.

### Workplace surveillance

SDN may use camera surveillance at SDN premises in order to improve safety and security for children and families, staff and property. SDN will display a notice where CCTV is in use at SDN service or office, and staff will be notified in accordance with the Workplace Surveillance Act 2005 (NSW) and any other relevant legislation.

SDN will not use or disclose surveillance other than to provide information to a law enforcement agency in relation to criminal or civil proceedings, for a legitimate purpose related to an employee's employment, or when SDN reasonably believes that there is a risk of violence, damage to property or other serious incidents.

SDN reserves the right to monitor computing activities while using SDN resources and all information stored in any of SDN's IT resources will be the property of SDN. See the SDN IT User Policy for further detail.

### How we collect information

Unless SDN is authorised by or under an Australian law or it is unreasonable or impracticable to do so, information will be collected directly from the individual concerned, or where children are concerned, from the child's parent or guardian. The information specifically collected will vary depending on the service or services the individual is using and the requirements of those services.

Where it is reasonable in the circumstances to do so, individuals from whom SDN is collecting personal, sensitive or health information will be provided with a collection notice (either before, at the time or as soon as reasonably practicable after collection) informing the individual of the following:

- the identity and contact details of SDN
- whether the collection of the personal information is required or authorised under an Australian law or court/tribunal order
- what information will be collected
- why the information will be collected
- the main consequences (if any) for the individual if all or some of the personal information is not collected by SDN
- what types of individuals, organisations or other agencies SDN usually discloses personal information to
- the right of the individual to access their personal information and ask for it to be corrected
- how the individual may complain about a breach of the APPs and how SDN will deal with such a complaint
- whether SDN is likely to disclose the personal information to overseas recipients, and if so the countries in which it may do so.

PRIVACY AND PROTECTION OF INFORMATION POLICY		GI-HLP-1.09	
Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 3 of 8

## How we deal with personal information

Information collected for a particular purpose will only be used for that purpose or a related purpose, unless we have specific consent for another use or SDN is authorised to use the information for another purpose under the APPs or HPPs.

SDN may use personal information for the purpose of direct marketing where the personal information was collected from the individual and the individual would reasonably expect SDN to use the information for that purpose, or where the individual has consented to the use of the personal information for that purpose or it is impracticable to obtain that consent. In such instances, SDN will provide a simple means by which the individual may request not to receive direct marketing communications in the future (eg an unsubscribe functionality in an email or a number that the individual can call to be removed from the direct marketing database).

SDN may also, from time to time, contact individuals for the purposes of keeping them informed about SDN's work or requesting feedback.

The length of time that information will be kept and the disposal method will be defined in the *Records Retention Schedule* under the *Records Management Policy*.

SDN may assign an identifier (a code or number) to records for the purposes of managing the information internally and if it is reasonably necessary to do so. We will not use any identifier that has been assigned by another agency or government department, for example, Medicare numbers or Centrelink CRNs. SDN will not provide this identifier to organisations or individuals outside SDN.

## Consent of the individual

SDN will collect information directly from the individual concerned, unless it is unreasonable or impractical to do so. For example, information may be collected from a parent, guardian or carer in the case of a child or an individual who lacks the capacity to provide this information.

If SDN otherwise collects personal, sensitive or health information about an individual from someone other than the individual, for example a referring organisation, then SDN will advise the individual that they have collected the information; under what circumstances, and how it will use the information.

Individuals will have the right to not provide personal, sensitive or health information. However, if individuals choose not to provide information SDN is required to collect under law, then SDN may not be able to perform the services it has been asked to provide. Information will not be collected if the individual does not consent to the collection.

The exceptions to this include if we are required or authorised by or under an Australian law or a court or tribunal order, or as permitted under section 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

## How we hold information

SDN will take all reasonable steps to ensure information we collect is relevant, accurate, up-to-date, and complete.

SDN may store information electronically, for example in a secure database, or in hard copy format. We destroy or delete information in a secure manner once it is no longer required either by law or

PRIVACY AND PROTECTION OF INFORMATION POLICY		GI-HLP-1.09	
Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 4 of 8

operationally. SDN endeavours to ensure that personal, sensitive or health information is stored on servers located in Australia and this is factored into decision making regarding potential vendors.

SDN will store personal, sensitive and health information securely, protect it from misuse, interference and loss, protect it from unauthorised access, modification or disclosure, not keep it longer than necessary, and dispose of it appropriately or de-identify it.

The *SDN Records Management Policy* and associated procedures set out how we manage particular types of records and ensure we comply with the various legislative requirements.

### Collecting information online and through email

SDN has a public website, [www.sdn.org.au](http://www.sdn.org.au), and manages social media accounts.

SDN may collect technical details about users who access our website (such as your IP address) and we may use cookies and analytical technologies to track and enhance your online experiences. Users can adjust their browser settings to reject cookies from websites.

Where our website allows an individual to make comment or give feedback, SDN may collect name and contact details in order to respond, but the information will not be used for any other purpose.

SDN collects email addresses and, if provided, other contact details when someone subscribes to our email lists. We only use this information for the purpose of sending regular updates on the activities of SDN, and to administer the lists. We may use third party email services. Individuals may opt out of these lists at any time.

### Individuals accessing their personal information

Individuals have the right to ask for access to personal information that we are holding about them, and we will give access to that information within a reasonable period.

An exception to this will be if it would not be lawful to grant access to the information, if giving access would have an unreasonable impact on the privacy of others, pose a serious threat to the health or safety of others, or any other exceptions listed under APP 12.

Individuals also have the right to ask us to correct any personal information we are holding about them.

An individual or a third party operating on behalf of an individual can request to access or correct personal information held by SDN by contacting the SDN Privacy Officer using the *Request for Access to Personal Information Form* using the contact details below. Any requests for access to personal information must be forwarded to the SDN Privacy Officer.

- Email: [privacy@sdn.org.au](mailto:privacy@sdn.org.au)
- Telephone: 02 9213 2506
- Postal address: ATTN SDN Privacy Officer, PO Box 654, Broadway NSW 2007

### Fee for access

SDN reserves the right to charge fees for supplying access to personal information, but a fee for lodging a request will not be charged. SDN will contact the requesting individual to discuss whether charges will

PRIVACY AND PROTECTION OF INFORMATION POLICY		GI-HLP-1.09	
Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 5 of 8

apply to the request. If the fee is deemed necessary, provision of the personal information requested would be conditional upon the fee being paid.

### Notifiable Data Breaches Scheme

The Notifiable Data Breaches Scheme under the *Privacy Act 1988* requires SDN to respond to data breaches where personal information held by SDN is subjected to unauthorised access or disclosure. Our *Data Breach Response Procedure* outlines the relevant processes and procedures to be followed should SDN experience a data breach.

SDN must submit a notifiable breach statement to the Australian Information Commissioner for any data breach that is likely to result in serious harm to any of the individuals to whom the information relates. The statement will include our name and contact details, a description of the data breach, the type of information involved in the data breach, and what steps SDN recommends that individuals take in response to the data breach. SDN will notify any affected individuals about the contents of this statement.

### Complaints

Complaints regarding the handling of personal, sensitive or health information are directed to the SDN Privacy Officer, and will be handled according to the Privacy Act or other regulations as is appropriate.

If the complainant is dissatisfied with the response received from SDN they can escalate the matter to the OAIC, or to other relevant bodies. See the OAIC website below or contact the OAIC on 1300 363 992 to find out more.

### Disclosing personal information to other agencies

Personal, sensitive or health information will only be disclosed for the purposes for which it was collected, unless SDN is authorised to disclose that personal information for another purpose under the APPs or HPPs or permission is granted by the individual concerned.

Unless an exemption applies under the APP's or HPP's, information can only be disclosed following receipt of written consent (which may be on paper or through an online form) from the person who provided the information. SDN will not disclose an individual's personal, sensitive or health information to another individual, agency or organisation unless permission is granted to do so.

The exceptions to this are if SDN is legally compelled to disclose information, or when legislation allows for exchange of information for the protection of the safety and wellbeing of an individual. In these instances, SDN will make a written note of the use or disclosure of this personal, sensitive or health information.

### Transferring information overseas

SDN will not transfer personal information about an individual to someone in a foreign country unless SDN is legally required to do so or permitted to do so under the APPs or HPPs. Some information may be collected and held overseas by third party sites as a result of online and email activities.

PRIVACY AND PROTECTION OF INFORMATION POLICY		GI-HLP-1.09	
Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 6 of 8

## Related SDN Documents

### Policies

- GI-HLP-1.11: Social Media and Electronic Communications
- GL-HLP-1.12: Communicating with External Stakeholders
- GI-OP-1.13: Complaints Management
- GI-HLP-1.18: Research and Evaluation at SDN
- GI-HLP-1.33 Child Protection Policy
- HR-OP-3.08: Managing Performance
- IT-OP-6.01: IT User Policy
- IT-OP-6.03: IT Security Policy
- LGL-HLP-8.03: Records Management
- SD-HLP-2.01 Priority of Access to SDN Services

### Procedures

- GI-PRO-1.13-01: Complaints Management
- GI-PRO-6.03-02: Information Security Incident Management
- HR-PRO-3.08-01: Managing Performance
- GI-PRO-1.09-01: Data Breach Response

### Form/Template

- GI-FRM-1.09-01: Photo, Audio Recording and Video Consent Form
- GI-FRM-1.09-02: Photo, Audio Recording and Video Consent for Paid Models Form
- GI-FRM-1.09-03: SDN Child and Parenting Program Consent Form
- GI-FRM-1.09-04: SDN Disability Services Consent and Authorisation Form
- GI-FRM-1.09-05: Request for Access to Personal Information Form
- GI-FRM-1.09-06: SDN Child and Parenting Program Authorisation Form

### Other SDN Documents

- GI-ADD-1.09-B: Separated Parents Access to Information

## Relevant Legislation/Regulations

- Privacy and Personal Information Protection Act 1998 (NSW)
- Privacy Act 1988

PRIVACY AND PROTECTION OF INFORMATION POLICY		GI-HLP-1.09	
Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 7 of 8

- Notifiable Data Breaches Scheme under Part IIIIC of the Privacy Act 1988
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Health Records and Information Privacy Act 2002 (NSW)
- Health Records (Privacy and Access) Act 1997 (ACT)
- Office of the Australian Information Commissioner: Privacy complaints  
<https://www.oaic.gov.au/privacy/privacy-complaints>
- Office of the Australian Information Commissioner: Australian Privacy Principles  
<https://www.oaic.gov.au/privacy/australian-privacy-principles>
- Information and Privacy Commission NSW: Health Privacy Principles (HPPs) explained for members of the public <https://www.ipc.nsw.gov.au/health-privacy-principles-hpps-explained-members-public>
- Workplace Surveillance Act 2005 (NSW) <https://legislation.nsw.gov.au/view/html/inforce/current/act-2005-047#pt.2>
- Disability Inclusion 2014 (NSW)
- Disability Inclusion Regulation 2014 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011, regulations, 168 (2)(l) 181 and 183
  - Schedule 1: National Quality Standard, standards 6.1 to 6.3, elements 7.1.1 and 7.3.1
- National Disability Insurance Scheme Act 2013
- National Standards for Disability Services
- NDIS Practice Standards and Quality Indicators

PRIVACY AND PROTECTION OF INFORMATION POLICY		GI-HLP-1.09	
Approved by SDN Board of Directors	Approval Date June 2022	Review Date June 2026	Page 8 of 8