

Organisational Context

Mercy Community Services SEQ Ltd is a Catholic ministry finding inspiration in the Gospel, the charism of Mercy, the life of Catherine McAuley and the traditions of the Sisters of Mercy. Mercy Community (MC) supports and inspires people in need to live healthy, connected lives within inclusive communities. Our vision is a world where people, families and communities are strong in spirit, healthy and connected.

Scope

This policy applies to all members of the Board, officers, employees, volunteers, contractors, sub-contractors, agents and consultants engaged by MC (collectively, MC People). This policy is to be read in line with relevant operating procedures.

Policy Statement

MC is committed to the protection of personal and organisational information collected from the people we support, employees and any other individuals who have contact with MC in whatever forms it takes, and in accordance with all relevant legislation. MC will:

- ensure the personal information process is managed in an open and transparent way;
- protect the privacy of personal information including sensitive information of individuals;
- provide for the fair collection and handling of personal information;
- maintain the quality of personal information;
- ensure that personal information we collect is used and disclosed for relevant purposes only;
- regulate access to and correction of personal information; and
- ensure the confidentiality of personal information through appropriate storage and security.

Principles

Legislative Compliance

MC will use all reasonable efforts to protect the privacy of individuals' personal information and to comply with the obligations imposed by the *Privacy Act 1988* (Cth), the Australian Privacy Principles, the *Information Privacy Act 2009* (Qld) and any other relevant Act.

MC will only collect personal information by lawful and fair means and will only collect personal information that is necessary for one or more of our organisation's functions or activities.

If it is reasonable and practicable to do so, MC will collect personal information about an individual only from that individual.

In meeting our obligations with respect to the privacy of individuals, MC acknowledge that some people may require support to access and understand records.

Awareness

In ensuring that all individuals are aware of their rights and responsibilities in respect to privacy, MC will ensure that:

- All MC People are aware of, and are supported to comply with, any relevant governing legislation and guidelines in relation to privacy through training, advice and review;
- All MC People are made aware of their responsibility to uphold the privacy of people we support and stakeholders both during and after their employment with MC;
- Individuals are aware of how the organisation collects, uses and stores their personal information; and

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- Individuals are aware of privacy provisions and have access to *GOV POL Privacy* and resources.

Collection & Use of information

Collection of information is limited to only the information that is necessary for our activities. MC recognises that the collection of information enhances the organisation's ability to deliver core services. Given the nature of the services we provide, MC may collect personal and sensitive information about individuals from several sources. MC ensures that robust and accountable documentation is available regarding the collection of information, ensuring information that is sought and used is relevant to the organisation's business and is appropriately managed.

Unsolicited Information

In the event that MC receives personal information that was not solicited and could not have been obtained by lawful means, it will be destroyed or de-identified as soon as practicable and in accordance with the law.

Disclosure

MC will use personal information for the purposes intended at the time of collection. Where the information is required for another use or disclosure MC will obtain consent for the revised use, unless a reasonable exception exists or in accordance with the law.

Anonymity

MC will support an individual's request to remain anonymous in the provision of personal information where it is reasonable and practicable to do so. MC will advise individuals of the limitations to this prior to the collection of the information.

Storage and Security

MC are committed to keeping secure the personal information that is provided to us. MC take all reasonable steps to ensure that the personal information held is protected from misuse, interference, loss, from unauthorised access, modification or disclosure. MC will not use or disclose sensitive information about an individual for the purposes of direct marketing, unless the individual has provided consent.

Cross border disclosure

Personal information will not be transferred to third parties outside Australia unless they are subject to similar privacy laws or the individual's consent has been obtained.

Response to a data breach

A data breach occurs when personal information is lost or subjected to unauthorised access, modification, use or disclosure, or other misuse or interference. All workers are responsible for reporting any actual or suspected data breach to the Executive Director Corporate Services immediately. Details about how MC manage any actual or suspected data breach is set out in the *GOV SOP Data Breach Response Plan*.

Access

Any individual receiving services has a right to request access to their personal information. All applications will be addressed to the MC Privacy Officer and responded to within a reasonable period.

Personal Information Quality

If an individual establishes the personal information held about them is inaccurate, incomplete, out-of-date, irrelevant or misleading, MC will take reasonable steps to correct the information.

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Where MC determines that the information should not be corrected, the individual will be given written notice of the reasons for the refusal and the mechanisms available to complain about the refusal.

Media

No employee will make any statement to the press, radio or television station, to any reporter for the media or on any social media. If an employee is approached to make a statement or comment they must refer the person to the Chief Executive Officer (CEO), as outlined in *GOV POL Media Communications*.

MC Privacy Officer

The Privacy Officer will oversee and direct the organisation's privacy practices. The Privacy Officer, in collaboration with other organisational units, will maintain up-to-date knowledge of privacy issues and provide advice and guidance to workers to ensure legislative compliance is maintained.

Complaints and appeals

Individuals will be made aware of their rights to report actual, suspected or perceived breaches of privacy and how they can make these complaints. These complaints can be lodged internally at a service level or with the Privacy Officer in one of two ways:

- Email: privacy@mercycommunity.org.au
- Mail: ATTN: Privacy Officer
Mercy Community
PO Box 508,
Lutwyche Qld 4030

The individual will be contacted within five working days to acknowledge receipt of the complaint and advised of how it will be managed.

External complaints can be lodged with the Office of the Australian Information Commissioner or other statutory bodies.

In the event that a breach of privacy occurs in relation to a client receiving services funded by a government agency, the funding body will be notified.

Definitions

Personal Information

Information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Sensitive Information

Sensitive Information includes information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, biometric information, biometric templates, health information about an individual and genetic information.

Health Information

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- (a) Information or an opinion about:
- (i) the health or disability (at any time) of an individual;
 - (ii) an individual’s expressed wishes about the future provision of health services to him or her; or
 - (iii) a health service provided, or to be provided, to an individual that is also personal information; or
- (b) Other personal information collected to provide, or in providing, a health service;
- (c) Other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
- (d) Genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

Unsolicited Information

Unsolicited information is all personal information received from an individual that MC did not actively seek to collect.

Employee Record

A record of personal information relating to the employment of the employee. Examples of personal information relating to the employment of the employee are health information about the employee and personal information about all or any of the following:

- the engagement, training, disciplining or resignation of the employee;
- the termination of the employment of the employee;
- the terms and conditions of employment of the employee;
- the employee’s personal and emergency contact details;
- the employee’s performance or conduct;
- the employee’s hours of employment;
- the employee’s salary or wages;
- the employee’s membership of a professional or trade association;
- the employee’s annual, long service, personal, maternity, paternity or other leave; and
- the employee’s taxation, banking or superannuation affairs.

References

Privacy Act 1988 (Cth)
Information Privacy Act 2009 (Qld)

Related Documents

HR POL Code of Conduct
GOV POL Information Systems and Technology Management and Security
GOV POL Media Communications
GOV SOP Responding to Personal Information Requests
GOV FORM Request for Personal Information
MC Privacy Brochure
GOV SOP Data Breach Response Plan
GOV FORM Data Breach Response Checklist

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