

Privacy and Confidentiality



SISTERS OF OUR LADY OF THE MISSIONS

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Privacy and Confidentiality

INTRODUCTION

The Sisters of Our Lady of the Missions values the privacy of every individual's personal information. It is committed to protecting the information it collects, holds and uses about individuals in order to ensure the privacy of an individual's personal information and the confidentiality of information related to individuals and organisations.

This policy details how the Sisters of Our Lady of the Missions manages and protects the personal and confidential information it holds. This is done in accordance with Privacy Amendment (Private Sector) Act 2000 (Cth) and the associated Australian Privacy Principles (APPs).

OBJECTIVE

This policy aims to:

- Demonstrate the Sisters of Our Lady of the Missions commitment to the privacy and confidentiality of information;
- Ensure awareness and understanding of managing and protecting the privacy of an individual's personal information and the confidentiality of information related to individuals and organisations;
- Protect the Sisters of Our Lady of the Missions from the misuse of personal information; and
- Ensure that legislative and regulatory obligations are met.

The Sisters of Our Lady of the Missions aims to ensure that personal information is:

- Collected only when necessary;
- Collected only when consent has been obtained, or a legal requirement exists;
- Protected and safeguarded; and
- Disclosed in an appropriate manner.

SCOPE

This policy applies to all personnel paid and unpaid), including contractors, consultants and volunteers associated with the Sisters of Our Lady of the Missions. It refers to personal information and sensitive information collected, created or captured through ecclesiastical, canonical and business activities. Personal information contained in any and all records, irrespective of medium or format, must be subject to this policy. For example, hardcopy and digital records, including, but not limited to, emails and websites, and records in all business systems, mobile devices, databases, social media and voicemail.

The Privacy Act 1988 (s6(10)) defines personal information 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 it is recorded in a material form or not.

Sensitive information is a subset of personal information. It is defined as information or an opinion (that is also personal information) 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 orientation or practices; or
- Criminal record.

Sensitive information also includes health information about an individual, genetic information (that is not otherwise health information), and biometric information that is to be used for automated biometric verification or biometric identification, or biometric templates.

Information may be sensitive information where it clearly implies one of these matters. Sensitive information is generally afforded a higher level of privacy protection under the APPs than other personal information (Privacy Act 1988 s6(1)).

According to the United Nations Economic Commission for Europe (2009), confidentiality is the obligation to the provider of information to maintain the secrecy of that information. This benchmark has been set as it represents best practice globally. Organisations that collect information from people and organisations have a legal and ethical responsibility to ensure that they maintain and respect the privacy of those providing the information; and that individuals and organisations cannot be identified from the information by persons not authorised to access the information.

There is a clear relationship between confidentiality and privacy. A breach of confidentiality can result in disclosure of information that might intrude on the privacy of a person or an organisation.

POLICY STATEMENT

Privacy

The Sisters of Our Lady of the Missions is committed to ensuring the privacy of an individual's personal information. It will manage appropriately the personal information that it collects, holds and uses about individuals.

Collection of Personal Information

The Sisters of Our Lady of Our Missions may collect personal information about individuals such as, but not limited to, names of employees and proprietors of organisations, addresses, telephone numbers, facsimile numbers, email addresses and titles.

The Sisters of Our Lady of the Missions will collect personal information only when reasonably required for the conduct of ecclesiastical, canonical and business activities and functions.

When collecting personal information, the Sisters of Our Lady of the Missions will take reasonable steps to ensure that individuals are:

- Aware of the collection;
- Know, in general, who is collecting the information;
- Know for what purposes the information is being collected; and
- Understand what sort of personal information is held.

In the main, the Sisters of Our Lady of the Missions will collect personal information from individuals who have contact with it in its ecclesiastical, canonical and business activities and functions. This may include, but not be limited to, religious, welfare, safeguarding and education programs. Collection of this information may be in person, via the internet, email and postal services, or through a telephone conversation.

The Sisters of Our Lady of the Missions will collect and use personal or sensitive information by lawful, fair and transparent means and, where possible, directly from the individual whose information it is and with their consent or as otherwise allowed under the Privacy Act or as required or authorised by law. It will collect data that is adequate, relevant and limited to what is required. It will collect and use an individual's personal or sensitive information only:

- For the purpose for which it was collected, that is, the primary purpose; or
- For a secondary purpose that is related to the primary purpose, and where the individual would reasonably expect their information to be used or disclosed for this secondary purpose. If the information is sensitive information, it will be used or disclosed for a secondary purpose only where this is directly related to the primary purpose.

At the time of collection of personal information that is not sensitive about an individual, or as soon as practicable after collection, the Sisters of Our Lady of the Missions will inform the individual about the purpose of the collection and whether the information will be disclosed to a third party.

The Sisters of Our Lady of the Missions will take all reasonable measures to ensure that the personal information it holds about individuals is accurate, complete and up to date.

Sensitive Information

In general, the Sisters of Our Lady of the Missions will not seek to collect sensitive information unless the collection is required by law or a situation exists where it is permitted and necessary to collect such information. Unless permitted or required by law, the Sisters of Our Lady of the Missions will not use sensitive information for any purpose without the express permission of the individual whose information it is.

Use and Disclosure of Personal Information

The Sisters of Our Lady of the Missions will use or disclose personal information only for the purpose for which it was collected, any related purpose for which it would reasonably be expected to be used or disclosed, or for a purpose for which the individual has provided consent.

The Sisters of Our Lady of the Missions may disclose personal information to third parties where it is required for the operation of its business, for example, to providers of services to the Sisters of Our Lady of the Missions and professional advisers. The Sisters of Our Lady of the Missions requires any service providers to keep personal information confidential, and does not allow it to be used for any purpose other than performing those services.

The Sisters of Our Lady of the Missions may also be required or authorised by law to disclose personal information to certain government agencies and regulatory authorities.

The Sisters of Our Lady of the Missions is unlikely to disclose personal information to recipients outside Australia. However, if it is required to do so, it will not send personal information about an individual outside Australia without:

- Obtaining the consent of the individual (in some cases this consent will be implied);
- Otherwise complying with the APPs or other applicable privacy legislation;
- Confirming that the recipients of the information will ensure that it is collected, held, used and/or disclosed in a manner consistent with the Sisters of Our Lady of the Missions's privacy and confidentiality policy and the APPs;
- Confirming that the information will remain subject to information handling protocols and privacy principles that are substantially similar to the APPs; and
- Ensuring that the individual has recourse to a process that will allow them to monitor and reinforce the appropriate information handling and privacy protocols.

Storage of Personal Information

The Sisters of Our Lady of the Missions will take all reasonable steps to protect the security and integrity of the personal information it holds. This includes appropriate measures to protect materials in digital format and those that are created, captured and stored in hard copy. All personal information collected by the Sisters of Our Lady of the Missions will be retained as part of a formal system that will be monitored and maintained by the Sisters of Our Lady of the Missions.

The Sisters of Our Lady of the Missions will also take reasonable steps to ensure that the personal information it holds is destroyed or permanently de-identified when it is no longer needed for any purpose for which the Sisters of Our Lady of the Missions may legitimately use or disclose it and it is no longer required to be held as a matter of law.

Access, Correction and Complaints

An individual may contact the Sisters of Our Lady of the Missions to request access to personal information that the Sisters of Our Lady of Our Missions holds about the individual, to seek correction of that personal information, or to make a complaint about a breach of the APPs by the Sisters of Our Lady of the Missions. Such requests or complaints should be made in writing and addressed to the Province Leader, using the contact details below.

Sr Catherine Brabender RNDM
Email: cbrabender@olm.org.au

There are circumstances where the Sisters of Our Lady of the Missions may deny an individual access to their personal information. These can include circumstances where providing access would:

- Have an unreasonable impact on the privacy of others;
- Reveal commercially sensitive information about the Sisters of Our Lady of the Missions; or
- Be unlawful.

A response to all requests or complaints will be provided as soon as reasonably practicable. A fee may apply to recover reasonable costs of making personal information available to an individual.

In the event that an individual believes personal information held about them is not accurate, complete or up to date, the Sisters of Our Lady of the Missions will take reasonable steps to correct the information.

Security

The security of personal and confidential information is important to the Sisters of Our Lady of **the** Missions. It takes all reasonable measures to ensure that personal and confidential information is stored safely to protect it from loss, unauthorised access, misuse, disclosure, or intentional or unintentional modification. The Sisters of Our Lady of the Missions will use digital and physical security measures as necessary.

Security measures extend to the ways in which staff may use and interact with personal information. Staff:

- May use confidential information solely for the purposes of performing their duties as an employee of the Sisters of Our Lady of the Missions;
- Must keep confidential all confidential information; and
- May disclose confidential information only to persons who are aware that the confidential information must be kept confidential, and who have a need to know, but only to the extent that each person has a need to know.

The obligation to maintain confidentiality does not extend to confidential information that must be disclosed by law.

When a staff member ceases employment with the Sisters of Our Lady of the Missions, they must return any and all of the following that are in their possession or control:

- All confidential information in material form;
- Those parts of all records and notes based on or incorporating confidential information; and
- All copies of confidential information, records and notes based on or incorporating confidential information.

A staff member is obliged to maintain the confidentiality of information even after they cease employment with or an association with the Sisters of Our Lady of the Missions.

SUPPORTING GUIDELINES

(Consider developing in the future)

SUPPORTING PROCEDURES

(Consider developing in the future)

RELATED POLICIES

Safeguarding Policy

Code of Conduct

Complaint Handling Policy

Risk Management Policy

RELEVANT LEGISLATION

Privacy Amendment (Private Sector) Act 2000 (Cth)

RESPONSIBLE OFFICER

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