

<i>Title:</i>	<b>3.10 PRIVACY AND CONFIDENTIALITY</b>		
<i>Version:</i>	<b>2.0</b>	<i>Type:</i>	<b>Org Wide</b>
<i>Approved by:</i>	<b>Board and CEO</b>	<i>Date:</i>	<b>01/08/20</b>
<i>Status:</i>	<b>APPROVED</b>		

## 1. BACKGROUND

Consumers of Mental Health WA (CoMHWA) recognizes and values our members and consumers rights to privacy, dignity and confidentiality in all aspects of their personal or business life.

We respect and uphold your rights to privacy protection under the Privacy Act 1988 (amended 2012) and the Australian Privacy Principles (APPs) in regulating how we collect, use, disclose and hold your personal information.

## 2. PURPOSE

The purpose of this policy/procedure statement is to detail how CoMHWA ensures privacy protection by ensuring each of the underlying APPs as listed here are adopted.

- 1 Open and transparent management of personal information.
- 2 Anonymity and pseudonymity
- 3 Collection of solicited personal and sensitive information
- 4 Collection of unsolicited personal information
- 5 Notification of the collection of personal information
- 6 Dealing with personal information
- 7 Personal information other than sensitive information
- 8 Cross border disclosure of personal information
- 9 Adoption, use or disclosure of government related identifiers.
- 10 Quality of personal information
- 11 Security of personal information
- 12 Access to personal information
- 13 Correction of personal information
- 14 Complaints policy

## 3. PROCEDURES

### 1. Open and transparent management of personal information

- Electronic and hard copies of personal information including the membership list are subject to authorised access.
- As per CoMHWA's Constitution, CoMHWA members can access names and addresses of other CoMHWA members (for procedure refer below to Access to Personal Information).
- Sensitive and confidential information is retained in a locked cupboard and/or electronically protected password and available only to authorised personnel.
- CoMHWA will take reasonable steps to ensure individuals inquiring or complaining about CoMHWA's compliance with the Australian Privacy Principles can be dealt with. All inquiries and complaints will be brought to the attention of the CEO or their nominated delegate. Where appropriate such matters will be brought to the attention of the Board.

### 2. Anonymity and pseudonymity

- Individuals have the option of not identifying themselves or of using a pseudonym when dealing with CoMHWA in a particular matter. An exception is if the information is legally required - for example – on the Members Register (under current WA State Law) or if it is impracticable to remain de-identified.

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### **3. Collection of solicited personal and sensitive information**

- Personal information will be collected from an individual unless it is unreasonable or impractical to do so, the individual consents to collection from someone else, and/or if required by law.
- Personal information collected by CoMHWA on the membership form includes the name and contact person and the type of membership being applied for i.e. individual or group/associate.
- Sensitive information regarding staff or volunteers Police Clearance is collected as per CoMHWA Criminal Record Screening and Disclosure Policy.
- Information is only collected if the personal information is reasonable and necessary for CoMHWA's functions/activities.
- Sensitive information must only be collected with individual consent and the information is reasonable and necessary for CoMHWA's functions/activities.
- In the case of a required Police Clearance, staff and volunteers will be informed prior to the commencement of their duties of the requirement for them to obtain/provide the Clearance. The individuals will be notified that if there are concerns with the Clearance the matter will be considered in accord with CoMHWA Criminal Record Screening and Disclosure Policy.
- In relation to sensitive information, as a non-profit organisation, the information relates to the activities of CoMHWA and solely to the members of CoMHWA, or to individuals who have contact with CoMHWA in connection with its activities. Sensitive information will also be collected if required by Australian law or a court/tribunal order, a permitted general situation exists in relation to the collection of information by CoMHWA and/or CoMHWA as an organisation and a permitted health situation exists in relation to the collection of information by CoMHWA.

### **4. Collection of unsolicited personal information**

- Due to the nature of CoMHWA's activities it is unlikely to receive unsolicited personal information however if CoMHWA receives unsolicited personal information, within a reasonable period, CoMHWA will determine if the information would be likely to have been obtained in accord with Principle 3 if the information had been solicited. If not and if the information is not in a Commonwealth record, CoMHWA will destroy the information or ensure it is de-identified.

### **5. Notification of the collection of personal information**

- Personal information collected by CoMHWA on the membership form includes the name and contact person and the type of membership being applied for i.e. individual or group/associate.

### **6. Dealing with personal information**

- Personal information collected for a particular purpose will only be used for another purpose if the individual has consented, or could be reasonably expected to consent to disclose the information for the secondary purpose, or if it is required by law, in relation to a health situation, a permitted general situation exists in relation to the use or disclosure of the information by CoMHWA.

### **7. Personal information other than sensitive information**

- CoMHWA may use personal information (other than sensitive information) for direct marketing if CoMHWA collected the information from the individual, the individual could reasonably expect CoMHWA to use or disclose the information for that purpose, the individual has consented to the use/disclosure of the information, it is impracticable to obtain that consent, and CoMHWA provides a simple means by which the individual may request not to receive direct marketing communication from CoMHWA.

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#### **8. Cross border disclosure of personal information**

- It is not anticipated CoMHWA would disclose personal information to overseas recipients. Any outsourcing agreements of CoMHWA will be reviewed to ensure information disclosed overseas is handled in accordance with the APPs.

#### **9. Adoption, use or disclosure of government related identifiers.**

- CoMHWA will not use or disclose a government related identifier.

#### **10. Quality of personal information**

- CoMHWA will make all reasonable efforts to ensure information collected is correct, complete, relevant and updated in a reasonable timeframe once notified of changes.
- CoMHWA administration staff are responsible for changes and updating of the CoMHWA member database.

#### **11. Security of personal information**

- All member/consumer files must be kept secure when not being accessed directly by authorised staff.
- Confidential member/consumer files and information is available only to authorised CoMHWA staff for the purpose of assisting the member/consumer in activities relevant to their business with CoMHWA.
- Electronic personal information will be backed up on a daily basis in the working week.

#### **12. Access to personal information**

- CoMHWA members may access a hard copy of the CoMHWA Membership List (member names and addresses only) following a written request to the CEO and when accompanied by a designated CoMHWA staff/Board member. The member accessing the Membership List cannot modify the list nor remove it from the CoMHWA premises.
- An individual can access their personal information unless CoMHWA is required or authorised to refuse individual access by or under the Freedom of Information Act or any other act of the Commonwealth that provides for access by persons to documents.
- CoMHWA may not be required to give access to an individual to personal information that CoMHWA believes could pose a serious threat to the life, health or safety of the individual, or to public health/safety, giving access would have unreasonable impact on the privacy of other individuals, or the request is frivolous or vexatious, giving access would have legal/enforcement implications, or the information is commercially sensitive

#### **13. Correction of personal information**

- CoMHWA will respond to requests for correction of personal information within a reasonable time period.
- CoMHWA will update personal information in a reasonable timeframe after notification.
- CoMHWA administration staff are responsible for changes and updating of the CoMHWA member database.
- No charge will be made for the correction/update of the information.
- Requests for corrections to personal information should be sent to [admin@comhwa.org.au](mailto:admin@comhwa.org.au)

#### **14. Complaints Policy**

- If a person has provided us with personal and/or sensitive information and is of the belief that we have breached our privacy obligations, or we have collected and hold personal and/or sensitive information about

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them that they do not believe is correct, they have a right to make a complaint under CoMHWA's Complaints policy.

#### 4. REFERENCE DOCUMENTS

- Consumers of Mental Health WA Constitution 2019
- Privacy Act 1988 (amended in 2012), Schedule 1 Australian Privacy Principles (APP).  
<https://www.comlaw.gov.au/Details/C2015C00598>
- National Standards for Mental Health Services 2010  
<https://www1.health.gov.au/internet/publications/publishing.nsf/Content/mental-pubs-n-servst10-toc>
- Freedom of Information Act 1992 (WA)  
[https://www.legislation.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_353\\_homepage.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_353_homepage.html)

#### 5. VERSIONS

VERSION	DATE	Comment
0.0	13/1/16	Initial draft released
0.1	27/1/16	Modified draft
1.0	26/02/2016	CEO and Board approved
1.1	04/11/19	Under review
1.2	19/11/19	CEO Approved awaiting BOARD approval
2.0	1/08/20	Board Approved