Privacy and Confidentiality Policy

Who

This policy applies to the Australian Mentoring Services (AMS) Directors, Executive team, Practice Leaders and employees (including volunteers, agency employee, contractors and students).

What

The purpose of this privacy policy is to:

- Clearly communicate the personal information handling practices of AMS
- Enhance the transparency of AMS operations, and
- Give individuals a better and more complete understanding of the sort of personal information that AMS holds, and the way we handle that information.

Why

AMS respects the privacy and dignity of all people including employees, volunteers, our participants, business partners and online users. AMS is committed to safeguarding the personal information that is provided to us.

The Privacy Act 1988 and this Privacy Policy do not apply to acts or practices which directly elate to employee records of AMS current and former employees.

Table of Contents

How

Personal and Sensitive Information

Personal Information

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

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.

Consent

AMS has clear and transparent process to enable participants to understand the information that is being requested and to provide informed consent.

Our obligations under the Privacy Act

This privacy policy sets out how we comply with our obligations under the Privacy Act 1988 (Privacy Act). AMS is bound by the Australian Privacy Principles (APPs) in the Privacy Act which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.

Data Protection

AMS takes reasonable steps to ensure confidential, personal and sensitive information is protected from misuse and loss and from unauthorised access, modification or disclosure.

Data Breach

The NDB (Notifiable Data Breaches) scheme in Part IIIC of the Privacy Act requires entities to notify affected individuals and the Commissioner of certain data breaches. AMS has a requirement to notify individuals and the Australian Information Commissioner about 'eligible data breaches'.

An eligible data breach occurs when the following criteria are met:

- There is unauthorised access to or disclosure of personal information held by an entity (or information is lost in circumstances where unauthorised access or disclosure is likely to occur).
- This is likely to result in serious harm to any of the individuals to whom the information relates.
- The entity has been unable to prevent the likely risk of serious harm with remedial action.

Collection of personal and sensitive Information

Anyone wanting to access any AMS services on an anonymous basis or using a pseudonym, is required to let us know. If this is possible and lawful, AMS will take all reasonable steps to comply with the request, however, may not be able to provide the services in question if we are not provided with the personal information requested.

Collection of Personal and Sensitive Information

How we collect information

The nature and extent of personal and sensitive information collected by AMS varies depending on the interaction with AMS. AMS collects information through various means, including telephone and in-person interviews, appointments, forms and questionnaires.

There may be situations where AMS may need to obtain personal information from a third party source. If we collect information in this way, we will take reasonable steps to contact the person the information relates to, to ensure they are aware of the purposes for which we are collecting the personal information. If the information collected is required to be disclosed to an organisation to which we may disclose the information to (subject to any exceptions under the Act) we will advise the person the information relates to. For example, we may need to collect information from a health care professional, such as a doctor.

Information collection sources

AMS collects personal and sensitive information from participants, business partners, AMS employees and online users. Specific information about the kind of information collected from each of these groups and the use of the information is detailed below.

AMS participants

Type of information collected:

- Contact details (name, address, email etc.).
- Personal details including: date of birth, gender, income.
- Information on personal issues and experiences, relationships.
- Family background, supports participants may have in the community.
- Areas of interest.

- Health information and/or medical history.
- Credit card numbers or bank account details.
- Information received via the NDIA Portal.
- SIL Service Agreements and Tenancy Agreements.

How the information is collected:

- Online registration.
- Telephone.
- Service agreements.
- Enrolment forms.

Use of Information Collected:

- To provide AMS services.
- To provide participants with the most appropriate services for their needs.
- To meet any requirements of government funding for programs.
- To monitor and evaluate existing services and plan for future services.
- To produce reports.
- For research purposes which may involve contracted organisations and for which informed consent will be sought.
- To comply with legal obligations.

AMS Business Partners

Type of information collected:

- Contact person's name, the name of the organisation which employs the person, telephone numbers, fax number, street and postal address, email address and position title.
- Areas of interest by category and industry.
- Bank details (if AMS is to receive payment or make payment for services received).
- Australian Business Number (ABN).
- Type of support (e.g., workplace giving, goods in kind, program support, volunteering).

How the information is collected:

- Communications, email, flyers.
- Online registration.

- Telephone.

Use of Information Collected:

- To provide AMS services.
- To process and provide accurate receipts.
- To pay for services.
- To establish and manage partnerships.
- To receive services from you or the organisation which employs you.
- To manage AMS relationship with the business partner.
- To provide information about AMS services.
- To update the company on AMS appeals for programs and services.

AMS employees

Volunteers, employees, delegates and candidates for volunteer work and prospective employees.

Type of information collected:

- Contact details (name, address, telephone numbers, email etc.).
- Personal details including personal details of emergency contact person(s).
- Date of birth.
- Country of birth, citizenship, residency and/or visa details.
- Details of current/previous employment or volunteer involvement.
- Skills and experience.
- Languages spoken and written.
- Qualifications, drivers licence details.
- Information and opinions from referees for prospective employees and candidates for volunteer work.
- A Police Check and Working with Children Check is required for all roles in AMS. Individuals will be required to provide certain information for a Police Check. There are different arrangements for Police Checks in each state and territory of Australia.
- In some cases the Police Check will be received directly by AMS and then stored securely or destroyed.
- In some rare situations it is necessary for AMS to collect or receive information about an individual's health. In this circumstance, AMS will advise why the information is being collected and whether and to whom it will be released.

Use of Information Collected:

- To provide AMS services.
- To process an application to become an employee or volunteer of our organisation.
- To facilitate a placement in an appropriate service or position.
- To assist with services whilst an individual is employed or engaged as a volunteer with AMS.
- To provide feedback on performance as a volunteer or employee.
- To meet legislative responsibilities to all volunteers and employees.
- To obtain feedback from individuals about their experiences.
- To assist AMS to review and improve its programs and services to keep individuals informed about AMS developments and opportunities.
- To provide information about services.
- To facilitate further involvements with AMS (e.g. Disability supports, membership or donor or supplier).

Health Information

As part of administering AMS services, AMS may collect health information. For example, AMS collects health information (such as medical history) from some participants participating in AMS programs. When collecting health information, AMS will obtain consent to such collection and explain how the information will be used and disclosed.

If health information is collected from a third party (such as a doctor), AMS will inform the person the information relates to that the information has been collected and will explain how the information will be used and disclosed. AMS will not use health information beyond the consent provided, unless further consent is obtained or in accordance with one of the exceptions under the Privacy Act or in compliance with another law.

If AMS uses health information for research or statistical purposes, it will be de-identified if practicable to do so.

Online Users

To the extent that this Privacy Policy applies to online privacy issues, it is to be read as forming part of the terms and conditions of use for the AMS website.

Type of information collected:

- Contact details (name, address, telephone numbers, email etc.).
- Credit card number.
- Expiration date of credit card.
- Non-personal information e.g. visitor navigation and statistics.
- Server address, browser type, date and time of visit.
- Personal information.

Use of Information Collected:

- To process purchase orders, online bookings, purchases/transactions.
- To analyse website usage and make improvements to the website.
- AMS does not match the personal information collected with the non-personal information.

Website

The AMS website may from time to time contain links to other websites. AMS stresses that when an online user accesses a website that is not the AMS website, it may have a different privacy policy. To verify how that website collects and uses information, the user should check that particular website's policy.

AMS will never knowingly send electronic messages without consent. Refer to the Spam Act 2003 for more information.

Disclosure of Personal and Sensitive Information

Personal Information Disclosure

AMS only uses personal information for the purposes for which it has been provided, or for purposes which are related to one of our functions or activities. This includes the lawful functions and activities of the AMS Directors.

For the purposes referred to in this Policy (discussed above under ‘Collection of Personal and Sensitive Information’), we may also disclose personal information to other external organisations including:

- Government departments/agencies who provide funding for AMS services.

- Contractors who manage some of the services we offer to you, such as distribution centres who may send information to you on behalf of AMS. Steps are taken to ensure they comply with the APPs when they handle personal information and are authorised only to use personal information in order to provide the services or to perform the functions required by AMS.
- Doctors and health care professionals, who assist us to deliver our services.
- Other regulatory bodies, such as WorkSafe.
- Referees and former employers of AMS employees and volunteers, and candidates for AMS employee and volunteer positions, and
- Our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, AMS will not disclose an individual's personal information to a third party unless one of the following applies:

- The individual has consented.
- The individual would reasonably expect us to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected).
- It is otherwise required or authorised by law.
- It will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety.
- It is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities.
- It is reasonably necessary to assist in locating a missing person.
- It is reasonably necessary to establish, exercise or defend a claim at law.
- It is reasonably necessary for a confidential dispute resolution process.
- It is necessary to provide a health service.
- It is necessary for the management, funding or monitoring of a health service relevant to public health or public safety.
- It is necessary for research or the compilation or analysis of statistics relevant to public health or public safety.
- It is reasonably necessary for the enforcement of a law conducted by an enforcement body.
- We do not usually send personal information out of Australia. If we are otherwise required to send information overseas we will take measures to protect your personal information. We will protect your personal information either by ensuring that the country of destination has similar protections in relation to privacy or that we enter into contractual arrangements with the recipient of your personal information that safeguards your privacy.

Personal and Sensitive Information Protection

Security of personal and sensitive information

AMS takes reasonable steps to protect the personal and sensitive information we hold against misuse, interference, loss, unauthorised access, modification and disclosure. These steps include password protection for accessing our electronic IT system, securing paper files in locked cabinets and physical access restrictions. Only authorised personnel are permitted to access these details.

When personal information that we collect is no longer required, we destroy, delete or de-identify it in a secure manner, in accordance with AMS's Records Management policy.

Access to and Correction of Personal Information

If an individual requests access to the personal information we hold about them, or requests that we change that personal information, we will allow access or make the changes unless we consider that there is a sound reason under the Privacy Act or other relevant law to withhold the information, or not make the changes.

Requests for access and/or correction should be made to the Privacy Officer (details of which are set out below). For security reasons, we require the request in writing and proof of your identity to be provided. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not undermined.

Denied Access to Personal Information

If we deny access to information, AMS will set our reasons for denying access. Where there is a dispute about the right of access to information or forms of access, this will be dealt with in accordance with the Complaints Management procedure

Access to information will be denied if:

- The request does not relate to the personal information of the person making the request.
- Providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety.
- Providing access would create an unreasonable impact on the privacy of others.
- The request is frivolous and vexatious.

- The request relates to existing or anticipated legal proceedings.
- Providing access would prejudice negotiations with the individual making the request.
- Access would be unlawful.
- Denial of access is authorised or required by law.
- Access would prejudice law enforcement activities.
- Access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of AMS Limited.
- Access discloses a 'commercially sensitive' decision making process or information, or
- Any other reason that is provided for in the APP's or in the Privacy Act.

Requesting Personal Information

When a request for information is received, in the first instance, AMS will generally provide a summary of the information held about the individual. It will be assumed (unless told otherwise) that the request relates to current records. These current records will include personal information which is included in AMS data bases and in paper files, and which may be used on a day to day basis.

Due to the nature of our service delivery, personal records, such as incident reports, may contain information about other persons involved in activities or such matters. In this case, AMS must protect the confidentiality of those individuals. In this case, a summary or redacted reported may be provided to ensure we are protecting the identify of those people.

We will take all reasonable steps to provide access to the information requested within 14 days of receiving the request. In situations where the request is complicated or requires access to a large volume of information, we will take all reasonable steps to provide access to the information requested within 30 days.

If an individual is able to establish that personal information AMS holds about her/him is not accurate, complete or up to date, AMS will take reasonable steps to correct the applicable records.

Providing Personal Information

When a request for information is received AMS ensures the following prior to releasing the information:

- That consent to release information has been given by a person who is authorised to give that consent prior to collecting the information.
- The requestor of the information is authorised to receive the information requested.
- The information provided only contains the information needed.
- The information provided does not contain any information relating to any other person.
- The information collated to be provided is approved by a Director prior to release.

Providing Information Changes

AMS may charge reasonable fees as reimbursement for the cost incurred relating to the request for access to information, including in relation to photocopying and the delivery cost of information stored off site. For information on the current fees, contact the Privacy Officer.

Information Handing Complaints

Providing Information Changes

Complaints about AMS privacy practices or the handling of personal and sensitive information are to be addressed to the AMS Privacy Officer. All complaints received will be logged on the complaints database.

A privacy complaint relates to any concern regarding AMS's privacy practices or handling of personal and sensitive information. This could include matters such as how information is collected or stored, how information is used or disclosed or how access is provided to personal and sensitive information.

Complaints Resolution

AMS aims to achieve an effective resolution of complaints received within a reasonable timeframe, usually 30 days or as soon as practicable, however, in some cases, particularly if the matter is complex, the resolution may take longer.

Once the complaint has been made, AMS will resolve the matter in a number of ways such as:

- Requesting for further information: We may request further information including details of any relevant dates and documentation. This will enable us to investigate the complaint and determine an appropriate solution. All details provided will be kept confidential.

- Discuss options: We will discuss options for resolution with the complainant about how the matter might be resolved.
- Investigation: Where necessary, the complaint will be investigated. We will try to do so within a reasonable time frame. It may be necessary to contact others in order to proceed with the investigation.
- Conduct of our employees: If the complaint involves the conduct of our employees we will raise the matter with the employee concerned and seek their comment and input in the resolution of the complaint.
- The complaint is substantiated: If the complaint is found to be substantiated, we will take appropriate agreed steps to resolve the complaint, address the concerns and prevent the problem from recurring.
- If the complaint is not substantiated or cannot be resolved and this Privacy Policy has been followed, AMS may decide to refer the issue to an appropriate intermediary. For example, this may mean an appropriately qualified lawyer or an agreed third party, to act as a mediator.
- At the conclusion of the complaint, if a complainant is not satisfied of the outcome, they can take it to the Office of the Australian Information Commissioner at www.oaic.gov.au. AMS will keep a record of all complaints received and the outcomes.
- In the event that an anonymous complaint is received AMS will note the issues raised and, where appropriate, try and investigate and resolve the complaint appropriately.

Privacy Officer

AMS reserves the right to review, amend and/or update this policy from time to time. We aim to comply with the APPs and other privacy requirements required to be observed under State or Commonwealth Government contracts.

If further privacy legislation and/or self-regulatory codes are introduced our Privacy Policy is updated accordingly. Individuals can obtain further information in relation to this privacy policy, or provide any comments, by contacting us:

Privacy Officer – Director
Email: privacy@amsnsw.com

External Reporting Requirements

Agency	Criteria	Timeframe
Office of the Australian Information Commission	An eligible data breach occurs when the following criteria are met: • There is unauthorised access to or disclosure of personal information held by an organisation or agency (or information is lost in circumstances where unauthorised access or disclosure is likely to occur). • This is likely to result in serious harm to any of the individuals to whom the information relates. The organisation or agency has been unable to prevent the likely risk of serious harm with remedial action.	30 days
NDIS Quality and Safeguards Commission	Complaint regarding a breach of code of conduct (includes respect the privacy of people with disability)	No mandatory requirements for making complaints. Would depend on the severity of the issue.

Key Responsibilities

Directors	• Point of contact for any concerns regarding AMS privacy. practices or handling of personal and sensitive information. • Respond to requests for access and correction of information. • Respond to complaints regarding breach of this policy. • Identify and report data breaches. • Ensure adequate resources are allocated to allow effective implementation. • Ensure systems are in place to be able to meet the requirements of this policy. • Ensure records management complies with the requirements of this policy. • Ensure the risk management framework identifies and responds to data breaches. • Show leadership in privacy and dignity in each business area.

	• Determine response to privacy and dignity concerns. • Develop a data breach response.
Senior Managers/Managers	• Ensure privacy and dignity of maintained with their business unit. • Report any privacy breaches that arise. • Implement ELT solutions for privacy breaches.
Staff Members and Volunteers	• Maintain privacy and dignity at all times. • Comply with the DSA and NDIS Code of Conduct at all times.

Related policies, laws and other contractual obligations

Standards / Guides	• NDIS Practice Standards and Quality Indicators. • Australian Privacy Principles Guidelines.
Legislation or other requirements	• National Disability Insurance Scheme Act 2013. • National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018. • National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018. • National Disability Insurance Scheme (Quality Indicators) Guidelines 2018. • NDIS Quality and Safeguards Commission, Behaviour Support Competency Framework. • Health Records and Information Privacy Act 2002. • Privacy Act 1988. • Privacy Regulations 2013. • Spam Act 2003.
Contractual obligations	• NDIS Quality and Safeguards Commission. • NDIA Terms of Business.

Review, approval and document controls

Policy Name	Privacy and Confidentiality
Review frequency	3 years
Person responsible	Director
Approval	Director

Review	Date approved	Approved by	New review date
1.1	24/11/2020	Owen Atalifo	24/11/2023
1.2	15/03/2022	Owen Atalifo	15/03/2025