

Privacy and Confidentiality Policy

1. Purpose

Easylink Community Services Limited (Easylink) is committed to protecting the privacy of the personal information and sensitive information which it collects and holds. We gather such information to allow us to meet our objectives of providing affordable and accessible transport solutions.

The purpose of this policy is to explain:

- the application of this Privacy and Confidentiality Policy to the activities of Easylink
- the kinds of information which Easylink may collect about our clients, employees, volunteers and others and how that information is collected and used
- how Easylink can disclose the information so collected
- how individuals can access the information held; and
- the processes by which Easylink protects the personal information held.

2. Scope

This policy applies to all activities conducted by Easylink and to the actions of its directors, employees, volunteers, and contractors of Easylink.

3. Policy

Easylink is committed to protecting the privacy and confidentiality of clients, consumers, employees, volunteers and directors in the way information is collected, stored and used.

3.1 Overview of How Easylink Addresses the Australian Privacy Principles (AAP)

Easylink handles all personal information and sensitive information in a manner which complies with the Australian Privacy Principles. We obtain consent (written or verbal) to collect, store, use and/or disclose this information. Easylink will only collect personal information:

- after a person has consented
- when any secondary use is related to the main reason for collection of personal information; or
- in circumstances in which collection is necessitated by the public interest such as law enforcement or public or individual health and safety.'

Easylink takes reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date and to protect the personal information it holds against loss, unauthorised access, use, modification or disclosure and against other misuse.

3.2 Part 1 – Consideration of Personal Information Privacy

AAP1: Open and transparent management of personal information

Easylink will only collect personal information necessary to undertake our programs, activities or functions. This is managed in an open and transparent way by the maintenance of processes which:

- make sure that each individual providing information is informed about and understands the purpose of collecting the information,

- disclose to whom and under what circumstances that personal information may be disclosed to another party; and
- allow and provide an individual access to the information held about that person.

This policy will be made available to any person upon request to the Privacy Officer. A general statement describing our approach to privacy is accessible to the public via the Easylink website.

APP2: Anonymity and pseudonymity

Easylink allows individuals the option of not identifying themselves when providing information except when:

- Easylink is required by law or court tribunal order to deal with persons who have identified themselves or
- it is impractical for Easylink to deal with individuals who have not identified themselves or have used a pseudonym.

3.3 Part 2 – Collection of Personal Information

APP3: Collection of solicited personal information

Easylink will only collect personal information that is reasonably necessary to provide a service.

Easylink will make sure that each individual who provides personal information is informed about and understands the purpose of collecting the information and its intended use/disclosure.

APP4: Dealing with unsolicited information

Easylink will not keep personal information received about an individual, unless that person has given permission.

Easylink will seek to preserve the accuracy of this information.

APP5: Notification of the collection of personal information

When collecting personal information about an individual, Easylink will first inform the individual and proceed only if the individual consents.

3.4 Part 3 – Dealing with Personal Information

APP6: Use of and disclosure of personal information

Easylink only use personal information for the purpose for which it was collected.

Easylink will only disclose personal information without consent where such disclosure is required by law, or for law enforcement, or in the interests of the individual's or the public's health and safety.

Individuals will be given the opportunity to refuse such use or disclosure. If an individual is physically or legally incapable of providing consent, a responsible person (as described under the Privacy Act 1988) may do so.

Easylink will keep records of any such use and disclosure. Information may only be disclosed to a responsible person (as described under the Privacy Act 1988).

If information is to be used for a secondary or unrelated purpose, such as service evaluation, further consent is not required provided that the data will be de-identified i.e. elements of the data will be removed or substituted to ensure that an individual's identity cannot be readily determined or recognised.

APP7: Direct marketing

Easylink will not provide personal information to another person or organisation for direct marketing except:

- with the express consent of the individual in circumstances where that specific use of the information is intended; or

- when the organisation is a contracted service provider to the Commonwealth and the disclosure of the information is necessarily required to meet an obligation under that contract.

APP8: Cross-border disclosure

Easylink will not provide personal information overseas unless legally required to do so.

APP9: Adoption, use or disclosure of Government related identifiers

Easylink will not use any Government related identifier (eg Medicare or Veterans' Affairs numbers or similar) as our identifier, nor will we disclose it other than in accordance with Australian Privacy Principles.

3.5 Part 4 – Integrity of Personal Information

APP10: Quality of personal information

Easylink takes reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

APP11: Security of personal information

Easylink takes care to protect and hold securely personal information whether electronic or on paper.

All personal information held by Easylink will be:

- if in paper form, received and stored in a secure, lockable location,
- if in electronic form, password and firewall protected, and externally backed up with a provider contractually bound to confidentiality,
- accessible by staff only on a "need to know" basis, and
- not taken from the Easylink offices unless authorised and for a specified purpose.

Easylink destroys or permanently de-identifies personal information that is no longer required to be held by legislation and by Easylink.

3.6 Part 5 – Access to and Correction of Personal Information

APP12: Access to personal information

Individuals may request access to their own personal information. Access will be provided unless there is a sound reason under the Privacy Act 1988 or other relevant law to withhold access.

Situations in which access to information may be withheld may include when:

- there is a threat to the life or health of an individual,
- access to information creates an unreasonable impact on the privacy of others,
- the request is clearly frivolous or vexatious or access to the information has been granted previously,
- there are existing or anticipated legal dispute resolution proceedings, and
- denial of access is required by legislation or law enforcement agencies.
- Easylink suspects unlawful activity or conduct of a serious nature.
- giving access would reveal evaluative information within Easylink in connection with a commercially sensitive decision-making process.

Easylink responds to a request to access or amend information within 30 business days of receiving the request.

APP13: Correction of personal information

Easylink will correct the personal information we hold about a person if it is inaccurate, out of date, incomplete or misleading.

Amendments may be made to personal information to ensure it is accurate, relevant, current, complete and not misleading, taking into account the purpose for which the information is collected

and used. If the request to amend information does not meet these criteria, Easylink may refuse the request.

If the requested changes to personal information are not made, the individual may make a statement about the requested changes and the statement will be attached to the record.

Easylink will respond to queries and requests for access and amendment to personal information within 30 days by electronic means or by registered post correspondence. Sensitive Information

3.7 Confidentiality of Other Information

All information held by Easylink in the course of its activities is confidential. It is appropriate that a decision to release or make public (e.g. website content) gives due consideration to confidentiality of the information and the appropriateness of wider distribution.

If they are unsure whether information is confidential to Easylink or its clients, employees and stakeholders are to refer to the Privacy Officer before transferring or providing information to an external source.

3.8 Breach of Privacy or Confidentiality

If employees or volunteers are dissatisfied with the conduct of a colleague regarding privacy and confidentiality of information, the matter should be raised with the employee's direct supervisor. If this is not possible or appropriate, a complaint should be raised with the Privacy Officer. Employees or volunteers who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

If a client or stakeholder is dissatisfied with the conduct of an Easylink employee, volunteer or director, a complaint should be raised with the Privacy Officer.

Notifiable Data Breaches

Under the notifiable data breaches (NDB) scheme, which was established following the passage of the *Privacy Amendment (Notifiable Data Breaches) Act 2017*, Easylink is required to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm and the Australian Information Commissioner (Commissioner) in the case of 'eligible data breaches'.

Easylink has put in place a Data Breach Procedure which sets out the steps to be followed by Easylink employees in the event that Easylink experiences a data breach, or suspects that a data breach has occurred.

4. Definitions

Privacy Provisions

Privacy provisions of the Privacy Act 1988 govern the collection, protection and disclosure of personal information provided to Easylink by clients, directors, employees and volunteers.

Confidentiality

Confidentiality applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access, and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature; for example, it is information that is not available in the public domain.

Health Information

Health information is personal information, or an opinion about:

- an individual's physical or mental health or disability (at any time)
- an individual's express wishes about the future provision of services for themselves or

- a service provided, or to be provided to an individual

As well as other personal information collected to provide, or in providing a service

Personal information

Personal information means 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 the information or opinion is recorded in a material form or not.

Sensitive Information

Sensitive information means personal information or an opinion about an individual's:

- racial or ethnic origins
- political opinions or political associations
- philosophical beliefs or religious beliefs or affiliations
- sexual orientation or practices
- criminal record

5. Responsibilities

General Manager (GM) The GM is **Easylink's Privacy Officer**. The GM is the contact point for all privacy and confidentiality related enquiries and issues (from both external and internal parties).

Privacy enquiries can be made by:

- Phone - 02 9919 0700
- Post – PO Box 701, Dee Why 2099
- Email - manager@easylink.com.au

The GM is responsible for the development and implementation of the policies, procedures and other governance tools required to comply with organisational and statutory privacy requirements. This will include ongoing enforcement, monitoring and evaluation of Easylink's privacy processes.

Employees, Volunteers and Directors

Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information.

Understand the organisation's ethical standards regarding the treatment of other confidential information relating to Easylink, its clients, employees', volunteers and stakeholders.

Act in accordance with organisational systems in place to protect privacy and confidentiality. Comply with Privacy Policy, Procedure and associated governance instruments.

6. References

Internal interdependencies

- Code of Conduct
- Information Management Policy
- People and Culture Policy
- Feedback and Complaints Policy
- Privacy Statement
- Data Breach Procedure

External interdependencies

- Privacy Act 1988 (Cth) ("Privacy Act") incorporating Privacy Amendment (Notifiable Data Breaches) Act 2017
- Australian Privacy Principles (Jan 2014)
- Privacy and Personal Information Act 1998 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Freedom of Information Act 1989 (NSW)

7. Version Control

Version	Date	Owner (title)	Approver (title)	Nature of change
01	27/01/15	General Manager	Board	Creation
02	24/08/16	General Manager	Board	Change of company title and service user to customer
03	08/08/19	General Manager	Board	Updated to show how APPs addressed
04	25/09/19	General Manager	Board	Review and general revision
05	09/03/21	General Manager	General Manager (on behalf of Board)	Updated file name in footer
06	22/02/22	General Manager	Governance Committee	Reviewed and confirmed no changed required.
07	13/02/22	General Manager	Governance Committee	Updated information disclosure in section 3.4 in accordance with APP9
08	01/04/24	General Manager	Governance Committee	Policy reviewed. No changes made.