

Privacy Policy		
Quality Governance Domain:	Client and Family Partnerships	
Document Manager:	Manager Quality and Strategic Projects	
Approved by:	Executive Leadership Team	

POLICY STATEMENT

Brophy Family & Youth Services Incorporated ABN 80 114 143 802 ("Brophy", "we", "us", "our") complies with the Australian Privacy Principles ("APPs"), which are part of the Privacy Act 1988 (Cth). The APPs require Brophy to have a readily available Privacy Policy that describes how Brophy collects, uses, discloses and manages the personal information it holds.

In certain circumstances (for example, where funding agreements with government agencies require it), Brophy may also be required to comply with the Information Privacy Principles ("IPPs") in the Privacy and Data Protection Act 2014 (Vic).

Brophy is also bound by other relevant legislation, including:

- Health Records Act 2001 (Vic);
- Surveillance Act 1999 (Vic),
- Child Wellbeing and Safety Act 2005 (Vic);
- Family Violence Protection Act 2008 (Vic).

Brophy recognises that protecting individuals' privacy is of fundamental importance and required by law. This Privacy Policy explains:

- what sorts of personal information Brophy collects;
- how Brophy may use that personal information and to whom it may be disclosed;
- how Brophy protects the personal information we hold from unauthorised use or disclosure; and
- how you can access and correct the personal information we hold about you, and your options to complain if you believe we have breached our privacy obligations to you.

Brophy reserves the right (at its discretion) to modify, amend or replace this Privacy Policy from time to time to take account of new laws and technology, changes to Brophy's operations and practices and to make sure it remains appropriate. The modified, amended or replaced policy will be posted by Brophy to its website in place of the older Privacy Policy and notified to Clients, parents and/or guardians.

SCOPE

This Privacy Policy applies to clients, parents and/or guardians ("Parents"), job applicants, volunteers, TAFE and university student placements, co-locators, contractors, service providers, visitors, website users and other people with whom Brophy ordinarily interacts.

This Privacy Policy does not apply to employees or employee records, as the handling of employee records by a private sector employer is exempt from the Privacy Act if it is directly related to the employee's current or former employment relationship.

However, if you do have questions regarding the handling of your employee records, you can contact our Privacy Officer on the details below for assistance.

DEFINITIONS

<u>Personal information</u>	According to the Privacy Act, 'personal information' means information or an opinion about an identified individual, or a reasonably identifiable individual.
<u>Sensitive information</u>	<p>According to the Privacy Act, 'sensitive information' means personal information relating to a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, membership of a trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices, or criminal record. It also includes health or genetic information about an individual or biometric information used for specific purposes.</p> <p>We will only:</p> <ul style="list-style-type: none"> • collect sensitive information where you agree and it is reasonably necessary for Brophy's functions and activities. • use and disclose sensitive information for the purpose for which it was collected or a directly related secondary purpose that you would reasonably expect unless you agree otherwise, or the collection, use or disclosure of the sensitive information is otherwise authorised or required by law.

Types of personal information we collect and hold

Brophy collects and holds a range of personal information, including some health and other sensitive information, about clients, parents and/or guardians ("Parents"), job applicants, volunteers, student placements, contractors, co-locators, service providers, visitors and website users, which may include the following:

Clients: Brophy we may collect the following information about clients:

- full name, date of birth/age, gender, contact details including emergency contacts and next of kin;
- residency, visa status, citizenship and languages spoken;

- educational history;
- health fund, health care card, Centrelink reference number (CRN) and Medicare details;
- driver licence;
- counselling reports, behaviour and complaint reports and/or notes;
- immunisation records and counselling reports;
- information regarding referrals to government welfare agencies;
- details of any relevant court orders;
- photos and/or videos (taken at Brophy events or by closed-circuit television cameras ("CCTV"));
- Information on personal issues and experiences, areas of interest, relationships;
- family background or supports in the community;
- financial information; and
- NDIS status.

We may also collect the following types of sensitive information about clients only where necessary or appropriate, or the client / Parent has otherwise consented:

- racial or ethnic origin (including if the client identifies as Aboriginal or Torres Strait Islander), for example, to ensure cultural safety in service provision;
- sexual orientation, for example, to ensure inclusive practice as part of our funding requirements and adherence to Rainbow Tick accreditation;
- criminal record, for example, as part of our Youth Justice Programs and in connection with our Foyer youth accommodation residence;
- health information (disabilities/allergies / medical certificates, etc. – includes mental health), for example, to assist in developing case plans for family violence clients and homelessness support clients.

Parents: at Brophy we may collect the following information about Parents of clients:

- full name, date of birth/age, gender, contact details including emergency contacts and next of kin;
- languages spoken;
- occupation and educational history;
- Medicare number;
- details of any court orders;
- financial information (for programs that require financial hardship application), such as employment details, salary and income, assets and liabilities, and supporting documents; and
- photos and/or videos (taken at Brophy events or by closed-circuit television cameras ("CCTV")).

We may also collect the following types of sensitive information about Parents only where necessary or appropriate, or the Parent has otherwise consented:

- racial or ethnic origin (including if the Parent identifies as Aboriginal or Torres Strait Islander), for example, to ensure cultural safety in service provision;
- sexual orientation, for example, to ensure inclusive practice as part of our funding requirements and adherence to Rainbow Tick accreditation;
- criminal record, for example, if this information is provided to us as part of a referral from DFFH or Child Protection within their Client Relationship Information System for Service Providers ("CRISSP")/ Client Relationship Information System ("CRIS") platforms; and
- health information (disabilities / allergies / medical certificates, etc. – includes mental health)

Job applicants, volunteers, student placements, service providers, co-locators and contractors: Brophy may collect the following types of personal information about other people who apply to work with Brophy:

- full name, contact details, emergency contacts (particularly for students on placement);
- information on job application, including employment histories and qualifications, education history, training records and competency assessments, references, and professional development history;
- Working with Children's Check (for volunteers, including carers);
- behaviour and complaint reports and/or notes (for volunteers, including carers); and
- leave details (for volunteers and carers);
- passport numbers / copies, Medicare number, driver's licence number (only if supplied as part of the CrimCheck process);
- photos and videos (taken at Brophy events or by closed-circuit television cameras ("CCTV")); and
- emails when using Brophy email address or resources.

We may also collect the following types of sensitive information only where necessary or appropriate, or you have otherwise consented:

- racial or ethnic origin (including if the student identifies as Aboriginal or Torres Strait Islander), for example, to ensure to support cultural needs and safety of students on placement;
- membership of a professional or trade association if required for certain roles;
- health information (disabilities / allergies / medical certificates, etc. – includes mental health), for example, where necessary to meet workplace health and safety requirements; and
- criminal record – we are sometimes required to conduct police checks in order to comply with the Child Safe Standards under the *Child Wellbeing and Safety Act 2005* (Vic) and the *Children, Youth and Families Act 2005* (Vic).

CrimCheck

Our police checks are conducted by CrimCheck. We will provide applicants with a CrimCheck link to upload the required ID documents, consent form and personal details. We review the documents to ensure they meet all the ID requirements, and then we submit the check to CrimCheck. We do not generally download or collect copies of your ID documents. You should refer to CrimCheck's privacy policy on its website at <https://www.crimcheck.org.au/privacy> for how it handles your personal information.

Other visitors

We may collect full names, email address, photos and videos (taken at Brophy events or by closed-circuit television cameras ("CCTV") and where appropriate, Working with Children Checks, from visitors that attend our premises or events. We do not generally collect other sensitive information from visitors.

Website Users

We may also collect information about you when you access our website using a technology called 'cookies'. That information includes the pages viewed and the information downloaded, the IP address of the computer or mobile used to visit our website, the page from where the individual visited our website, the type of browser used, unique device identifiers and information about websites visited before the individual visited our website. You can configure your browser to disable cookies, but some parts of our website may not function properly (or at all) if cookies are disabled.

Purpose for collecting personal information

Brophy's primary purpose for collecting personal information is to support the functions and activities of Brophy, including:

- generating statistical data and reports for policy and funding purposes;
- organising and managing events/functions;
- for insurance purposes, internal accounting and administration;
- for publications such as magazines and newsletters, including publication of that material (both physically and online); and
- reporting to educational and Government authorities.

Clients and Parents

Brophy's primary purpose for collecting personal information about clients and Parents is to enable Brophy to provide a range of family, youth and children services to clients, exercise its duty of care, and perform all the associated activities that are necessary to enable the clients to take part in all the activities of Brophy, including:

- provide clients with services , referrals, information or advice they have requested from Brophy;
- comply with necessary business/accounting standards, and reporting obligations to the Australian Taxation Office and other government agencies;
- educate clients on supports offered within the community;
- support clients' social and emotional wellbeing, and health;
- communicate with next of kin, medical professionals (where necessary), service providers and parents / guardians / power of attorney;
- maintain good order and management of programs that Brophy provides;
- to enable Brophy to work with relevant government departments to:
 - ensure effective management, resourcing and administration of Brophy;
 - fulfil statutory and contractual functions and duties; and
 - plan, fund, monitor, regulate and evaluate the Department's policies, services and functions; and
- service improvement and advocacy.

In some cases where Brophy requests personal information about a client, if the information requested is not provided, Brophy may not be able to provide services to that client.

Job applicants, volunteers, student placements, service providers, co-locators and contractors:

Brophy's primary purpose for collecting personal information regarding other people who interact with Brophy is to assess their suitability and manage the relationship, including:

- manage training/internship/employment records or volunteer arrangements;
- fulfill legal requirements, including:
 - taking reasonable steps to reduce the risk of harm to clients, staff and visitors;
 - making reasonable adjustments for individuals with disabilities; and
 - complying with aged care and disability legislation;
- assessing an applicant's suitability for employment or a volunteer position;
- administer individual contracts; and
- maintaining good order and management of Brophy.

How does Brophy collect personal information?

Brophy aims to collect personal information about an individual directly from that individual, where reasonable and practicable to do so. We collect the information in a variety of ways, including:

- electronic or paper documents (including forms, letters and invoices), face-to-face meetings and interviews, emails and telephone calls;
- Brophy social media accounts;
- online tools (including apps or other software used by Brophy);

- CCTV cameras located at Brophy premises (see below);
- photographs, video or other recordings, including at Brophy events;
- polls, surveys and/or questionnaires;
- from other parties under the Information Sharing Schemes described in further detail below, to enable Brophy to discharge its duty of care;
- from other parties with whom Brophy partners to delivery services, such as delivering the Tenancy Plus program with Uniting Wimmera, or parties who engage Brophy to deliver services;
- from medical forms, incident reports, documents about occupational health and safety requirements (including capacity to work certificates), and Working with Children clearance requirements, provided by the applicant, or any other third party authorised by the applicant;
- from other parties (such as recruiters, representatives or referees); and
- from publicly available sources.

Collection of personal information through CCTV

Brophy uses CCTV cameras on its premises in accordance with relevant surveillance laws. Where installed, CCTV cameras are appropriately sign-posted at all Brophy entrances and exits, as well as in hallways and other open areas.

Brophy will only use or disclose CCTV footage in accordance with applicable legislation which includes the *Surveillance Act 1999 (Vic)*, *Child Wellbeing and Safety Act 2005 (Vic)*, *Privacy and Data Protection Act 2014 (Vic)* and *Privacy Act 1988 (Cth)* as necessary to:

- ensure the care, safety and welfare of staff and clients;
- manage relationships between members of Brophy community (including staff, Parents and clients); and
- to protect Brophy's lawful interests in a legal or disciplinary proceeding.

Brophy will exercise discretion and will not:

- disclose CCTV footage to anyone unless compelled by the relevant laws; or
- use or disclose records of private conversations or activities in situations where it is reasonably evident that the parties did not intend for the conversation or activity to be heard or observed by others.

How do we use and disclose the personal information we collect?

As a general principle, and in accordance with our statutory obligations, we only use and disclose personal information for:

- the primary purpose for which the information was collected;

- a secondary purpose that is related to the primary purpose and for which you would reasonably expect us to use the collected information;
- a secondary purpose that is directly related to the primary purpose where it is sensitive information; or
- as otherwise required or authorised by law, including the APPs.

We will take reasonable steps to make individuals aware of the purpose for which the information collected may be used or disclosed, including by reference to this Privacy Policy.

In particular, we may disclose personal information to the following people, where appropriate:

- other community agencies, for example, to support referrals and share information relevant to risk;
- government department and, regulatory bodies the purpose of our compliance with our statutory obligations or obligations we owe to a department or agency under a funding or other agreement;
- medical practitioners such as GPs and hospitals as needed;
- people providing administrative, legal, accounting, information technology, marketing and financial services to Brophy;
- recipients of Brophy's publications, such as newsletters and magazines (with consent);
- next of kin, Parents and emergency contacts;
- third parties to whom you authorise us to disclose personal information, including parties such as Uniting Wimmera, who Brophy partners with to deliver the Tenancy Plus program;
- third parties who engage Brophy to deliver services to you;
- where authorised or required by law (such as Information Sharing Entity) or court order, or other governmental order or process, such as where we believe in good faith that the law compels us to disclose information to:
 - lessen or prevent a serious threat to your life, health or safety or public health or safety, where it is impractical to obtain your consent;
 - take appropriate action in relation to suspected unlawful activity or serious misconduct;
 - to locate a person reported as missing;
 - to assert a legal or equitable claim; or
 - to conduct an alternative dispute resolution process;
- where we are required to satisfy legal obligations including with respect to child safety and child abuse; and
- where we are required to do so as a result of any obligations we owe under a contract.

Information Sharing Schemes

We are a prescribed organisation under both the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme.

The Child Information Sharing Scheme operates under Part 6A of the *Child Wellbeing Safety Act 2005* (Vic) The Scheme allows organisations and services prescribed by regulation as information sharing entities to share confidential information to support child wellbeing or safety. The Scheme is designed to improve early identification of risks to children's safety and wellbeing, increase collaboration between services involved in supporting children and families, promote earlier and more effective intervention and integrated service provision, and improve outcomes for children and families.

The Family Violence Information Sharing Scheme operates under Part 5A of the *Family Violence Protection Act 2008* (Vic). The Scheme allows organisations and services prescribed by regulation as information-sharing entities (key organisations and services) to share information related to assessing or managing family violence risk. The Scheme is designed to minimise the legislative barriers that had previously prevented the timely and effective sharing of information in cases of family violence.

Third-party service providers

When Brophy engages third parties to provide products and/or services to Brophy, such as IT service providers and payment processors, such third parties may have access to personal information Brophy holds about individuals. Brophy does not authorise those third parties to use any personal information disclosed to or accessed by the third party for any purpose other than to facilitate the third party's completion of its obligations owed to Brophy.

Disclosure of personal information overseas

Brophy does not generally disclose personal information about an individual to overseas recipients. If Brophy does send personal information about an individual outside Australia, it will:

- first obtain the consent of the individual (in some cases this consent will be implied); or
- otherwise comply with the APPs and other applicable privacy legislation.

Brophy may use online or 'cloud' service providers to store or back up personal information and to provide services that involve the use of personal information, such as services relating to Google and Microsoft forms, Microsoft Office and other platforms. Some limited personal information may also be provided to these service providers to enable them to authenticate users who access their services. This personal information may be stored in the

'cloud' which means that it may reside on a cloud service provider's server which may be situated outside Australia.

Brophy does not otherwise disclose or allow a third party located outside Australia to access the personal information Brophy holds.

Direct marketing

Brophy does not generally use your personal information for marketing purposes, but if we do there will be a simple "unsubscribe" (opt out) method in any marketing emails. If you opt out of receiving marketing material from us, we may still otherwise contact you in relation to our existing relationship with you other than for marketing.

Period of retention

Brophy will take reasonable steps to destroy or de-identify personal information that it no longer requires unless it is obligated to retain the information by law or a court/tribunal order.

Security and retention of personal information

Brophy takes security seriously and takes reasonable steps to protect any personal information it holds from misuse, interference and loss. This includes:

- computers and other devices that store information locally are password protected and are either not removed from Brophy premises, or if they are removed from the premises, then they can only be used for work purposes;
- physical security measures such as locking cabinets and restricting access to employees in Brophy premises (which may include requiring the employees to sign out the keys and swipe card); and
- technology security measures such as employing passwords and multi-factor authentication measures to protect electronic records and limit access on a "need to know" basis.

Accessing the personal information we hold

An individual is entitled to access the personal information we hold about that individual. All enquiries should be directed to Brophy's Privacy Officer (see below).

We will respond to such requests within a reasonable period. We are entitled under the APPs to charge a reasonable fee to cover the costs we incur in providing access, but this is usually not required.

We reserve the right to refuse access where an exception applies, for example, where releasing the information would unreasonably impact the privacy of another individual. Alternatively, we reserve the right to redact the information made available, to protect the privacy of other individuals. We also reserve the right to verify the identity of the person requesting the information and their entitlement to access it.

Quality of the personal information we hold

We take reasonable steps to ensure that the personal information we collect, use and disclose is accurate, complete and up-to-date. However, the accuracy, completeness and currency of the information we hold largely depend on the accuracy of the information supplied to us or which we collect.

If at any time you discover that any information held about you is inaccurate, out-of-date, incomplete, irrelevant or misleading, you can request correction of the information by contacting the Brophy's Privacy Officer (see below). Brophy reserves the right to verify your identity before processing a correction request.

Lodging a complaint

If you wish to make a complaint to Brophy about how Brophy handles your personal information we ask that you make the complaint in writing to Brophy's Privacy Officer (see below).

Brophy will promptly acknowledge receipt and will respond to you within a reasonable time period (generally within 30 days). Where the complaint requires a more detailed investigation, the complaint may take longer to resolve, and we will keep you updated as to progress.

Brophy reserves the right to verify the identity of the individual making the complaint and to seek further information from the complainant about the circumstances of the complaint. Brophy reserves the right to refuse to investigate or to otherwise deal with a complaint where permitted under the Privacy Act. For example, Brophy may refuse to investigate or to otherwise deal with a complaint if Brophy considers the complaint to be vexatious or frivolous.

If you are not satisfied with our response to your complaint, or you consider that Brophy may have breached the APPs or the Privacy Act, you can make a complaint to the Office of the Australian Information Commissioner ("OAIC").

Notifiable Data Breaches Scheme

In the event of any unauthorised access or unauthorised disclosure or loss of your personal information that is likely to result in serious harm to you, and where remedial action has not

been able to prevent the likely risk of serious harm, we will investigate and notify you and the OAIC in accordance with the Privacy Act.

Office of the Australian Information Commissioner

Postal address: GPO Box 5288 Sydney NSW 2001

Phone: 1300 363 992

Email: foi@oaic.gov.au

Website: www.oaic.gov.au

Health Complaints Commissioner

Postal address: Level 26, 570 Bourke Street, Melbourne, Victoria 3000

Phone: 1300 582 113

Email: hcc@hcc.vic.gov.au

Website: <https://hcc.vic.gov.au/>

Victorian Information Commissioner

Phone: 1300 006 842

Email: enquiries@ovic.vic.gov.au

Post: PO Box 24274, Melbourne VIC 3001

How to contact us

If you have a query about this privacy policy or wish to make a complaint, please contact:

Privacy Officer

Position: Quality and Strategic Projects Manager

Telephone Number 55561 8888

Postal Address: 210 Timor St, Warrnambool

Email Address: Quality@brophy.org.au