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Approved by: 
David Panter
Chief Executive

Date: 02/02/2024

1. Purpose

The purpose of this policy is to provide governance on how Minda collects, uses, keeps secure and discloses personal information in relation to clients and their family members, residents of the Dunes retirement village, staff and others who interact with Minda. This policy aligns with the Australian Privacy Principles (APP) contained within the *Privacy Act 1988 (Cth)*. This policy also captures Minda's obligations in relation to credit reporting information under the *Privacy Act 1988* and Privacy (Credit Reporting) Code 2014.

Minda works from the principle that individuals have the right to know what information Minda collects about them, how the information is collected, why it is collected, where and how it is stored, who has access to the information, how it is used, and to whom the information may be disclosed to.

This policy is applicable to safeguarding the privacy rights of all people accessing a Minda service as well as others who Minda may collect information from, including Minda staff, clients' decision makers and other key stakeholders as relevant.

2. Scope

This policy applies to Minda and its controlled entities, the Board, and all staff including Executive, Managers, Employees, Contractors and Volunteers.

3. Definitions

Term	Definition
Credit information (extracted from the <i>Privacy Act 1988</i>)	About an individual is personal information (other than sensitive information) that is: <ul style="list-style-type: none"> (a) identification information about the individual; or (b) consumer credit liability information about the individual; or (c) repayment history information about the individual; or (ca) financial hardship information about the individual; or (d) a statement that an information request has been made in relation to the individual by a credit provider, mortgage insurer or trade insurer; or (e) the type of consumer credit or commercial credit, and the amount of credit, sought in an application: <ul style="list-style-type: none"> (i) that has been made by the individual to a credit provider; and (ii) in connection with which the provider has made an information request in relation to the individual; or (f) default information about the individual; or (g) payment information about the individual; or (h) new arrangement information about the individual; or (i) court proceedings information about the individual; or (j) personal insolvency information about the individual; or (k) publicly available information about the individual: <ul style="list-style-type: none"> (i) that relates to the individual's activities in Australia or the external Territories and the individual's credit worthiness; and (ii) that is not court proceedings information about the individual or information about the individual that is entered or recorded on the National Personal Insolvency Index; or (l) the opinion of a credit provider that the individual has committed, in circumstances specified by the provider, a serious credit infringement in relation to consumer credit provided by the provider to the individual.
Credit provider (extracted from the <i>Privacy Act 1988</i>)	Each of the following is a credit provider : <ul style="list-style-type: none"> (a) a bank; (b) an organisation or small business operator if: <ul style="list-style-type: none"> (i) the organisation or operator carries on a business or undertaking; and (ii) a substantial part of the business or undertaking is the provision of credit;

	<p>(c) an organisation or small business operator:</p> <ul style="list-style-type: none"> (i) that carries on a retail business; and (ii) that, in the course of the business, issues credit cards to individuals in connection with the sale of goods, or the supply of services, by the organisation or operator (as the case may be); <p>(d) an agency, organisation or small business operator:</p> <ul style="list-style-type: none"> (i) that carries on a business or undertaking that involves providing credit; and (ii) that is prescribed by the regulations. <p><i>Other credit providers</i></p> <p>(2) If:</p> <ul style="list-style-type: none"> (a) an organisation or small business operator (the supplier) carries on a business or undertaking in the course of which the supplier provides credit in connection with the sale of goods, or the supply of services, by the supplier; and (b) the repayment, in full or in part, of the amount of credit is deferred for at least 7 days; and (c) the supplier is not a credit provider under subsection (1); <p>then the supplier is a credit provider but only in relation to the credit.</p>
Eligible Data Breach <i>(extracted from the Privacy Act 1988)</i>	<ul style="list-style-type: none"> (a) there is unauthorised access to, or unauthorised disclosure of, the information and a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates; or (b) the information is lost in circumstances where unauthorised access to, or unauthorised disclosure of, the information is likely to occur and assuming that unauthorised access to, or unauthorised disclosure of, the information were to occur, a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to any of the individuals to whom the information relates
Health Information <i>(extracted from the Privacy Act 1988)</i>	<p>The following information is health information:</p> <ul style="list-style-type: none"> (a) information or an opinion about: <ul style="list-style-type: none"> (i) the health, including an illness, disability or injury, (at any time) of an individual; or (ii) an individual's expressed wishes about the future provision of health services to the individual; or (iii) a health service provided, or to be provided, to an individual; that is also personal information; (b) other personal information collected to provide, or in providing, a health service to an individual; (c) other personal information collected in connection with the donation, or intended donation, by an individual of his or her body parts, organs or body substances; (d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.
Necessary Information	The information reasonably necessary for one or more of the organisation's functions or activities.
Personal Information <i>(extracted from the Privacy Act 1988)</i>	<p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not. <p>Information that could be used to identify an individual and anything about them. This could include names and contact numbers, date of birth, health history, certain financial details, medical insurance details, family history, names, addresses and contact number of family or friends, contact information regarding a person's doctor and medical treatment, and emergency contact details.</p>
Protected Agency information	<p>Under the <i>National Disability Insurance Scheme Act 2013</i> this type of information is</p> <ul style="list-style-type: none"> (a) information about a person that is or was held in the records of the Agency; or

	(b) information to the effect that there is no information about a person held in the records of the Agency.
Sensitive information <i>(extracted from the Privacy Act 1988)</i>	(a) information or an opinion about an individual's: <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual orientation or practices; or (ix) criminal record; that is also personal information; or <ul style="list-style-type: none"> (b) health information about an individual; or (c) genetic information about an individual that is not otherwise health information; or (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or (e) biometric templates

4. Minda Obligations

The *Privacy Act 1988* (the Act), incorporating the Australian Privacy Principles, places legal obligations on Minda and its staff on how we can collect, use, keep secure and disclose personal information in relation to residents, clients, staff, volunteers and others who have dealings with Minda.

The Act protects personal information, including health information about an individual. The Act recognises the sensitive nature of health information and places extra protection around its handling. It extends our current culture of confidentiality, which is fundamental to professional obligations.

Under the Act, Minda can only collect necessary Personal Information dependent on the services provided. We will take reasonable steps to ensure all personal and sensitive information held by us is secure and all personal information collected, used or disclosed by us is accurate, complete and kept up to date. We handle Personal Information in accordance with the Act and the *Credit Reporting Privacy Code 2014* (as amended from time to time) (Code).

All information collected will be managed in a confidential manner and remain the property of Minda. Records will be managed in accordance with the Australian Standard AS 30300:2020 and internal governance structures for the lifecycle of the record.

Minda will develop, implement, and seek to continually improve appropriate procedures and guidelines specifically aimed at complying with this policy, the Act and other legislative requirements, including providing necessary training to staff.

4.1. Compliance with the Australian Privacy Principles (APP)

Minda will take such steps that are reasonable in the circumstances to implement practices, procedures and systems relating to Minda's functions or activities that:

- a) will ensure that Minda complies with the APP and a registered APP code (if any) that binds the organisation; and
- b) will enable Minda to deal with inquiries or complaints from individuals about the organisation's compliance with the APP or such a code.

4.2. Access to Privacy Policy

It is a requirement under the APP Part 1.5 that Minda's Privacy Policy be publicly available, free of charge, and in an appropriate format. As such, Minda will publish the Privacy Policy on its public website for public consumption.

In addition, it is necessary under APP Part 1.6 that if the Minda Privacy Policy be requested in a particular format, Minda must take reasonable steps to accommodate the request.

4.3. Privacy (Credit Reporting) Code 2014

If Minda is a credit provider at any time, it will need to comply with the relevant requirements concerning credit under Part IIIA of the *Privacy Act 1988*.

In addition to the *Privacy Act 1988*, Minda is also bound by registered APP Codes, including the Privacy (Credit Reporting) Code 2014 and as such, handle information in accordance with both.

Minda will;

- take such steps that are reasonable in the circumstances to implement practices, procedures and systems relating to the credit reporting business of the organisation that:
 - a) will ensure that Minda complies with Division 2 of Part IIIA of the Act and the registered credit reporting code; and
 - b) will enable Minda to deal with inquiries or complaints from individuals about the organisation's compliance with the Division or the registered credit reporting code.

5. Consumer Information

5.1. Anonymity and Pseudonymity

You can deal with Minda anonymously (without identifying yourself) or under a pseudonym (fictitious name) unless you are applying for credit from us, applying for employment with us, dealing with us in relation to the provision of services or in any other situation where it is impractical or unlawful to deal with you anonymously or under a pseudonym.

5.2. Sources of Personal Information

Minda collects Personal Information in a number of ways, including but not limited to, directly from you when you engage us to provide you with services, set up an account with us, enter into a credit arrangement with us and when you browse our website.

If you apply for employment with us, we may collect Personal Information about you from any third parties that you nominate as your referees and you consent to us obtaining Personal Information about you from third party sources such as social media sites. We acknowledge that there is no obligation for you to provide us with Personal Information except as required by law.

However, if you choose not to provide us with certain Personal Information, we may not be able to assist or provide you with our full range of services or employment.

5.3. Unsolicited information

If Minda receives unsolicited Personal Information, such as information contained in an email sent to us in error, we will determine whether or not we could have collected the information under Australian Privacy Principle 3, and:

- if Minda concludes that it could not have collected the personal information and the information is not contained in a Commonwealth record — we will destroy or de-identify the information as soon as practicable, if it is lawful and reasonable to do so, or

- if Minda could have collected the personal information under Australian Privacy Principle 3, or the information is contained in a Commonwealth record, or we are not required to destroy or de-identify the information because it would be unlawful or unreasonable to do so — we may keep the information but will handle it in accordance with this Privacy Policy.

5.4. Types of information

5.4.1. Personal Information

Minda collects and holds personal information about clients, relatives or authorised representatives of clients, job applicants and their referees, employees (including supported employees), contractors and prospective contractors (including health service providers), students, work placement individuals, volunteers and other individuals who come in contact with us.

Depending on the particular circumstances, we may collect and hold a range of different Personal Information about you. This may include, but is not limited to, your name, date of birth, contact details (including address, email address and telephone number), driver's licence number, credit related information, internet protocol address, server address, domain name and payment, transaction and financial information (such as credit card or bank account numbers).

5.4.2. Sensitive Information

Minda may also collect sensitive information about you, including but not limited to, details of your health/mental health and medical history, race or ethnic origin, religion, nationality and in some cases, details of any criminal record you may have.

If you are a job applicant, or prospective or current contractor, we may also collect your tax file number or ABN, information about your work history and professional qualifications and/or memberships.

5.4.3. Protected Agency Information

Minda may collect, use, store and disclose Protected Agency Information in accordance with the *National Disability Insurance Scheme Act 2013*. Protected Information is information that is or was held in the records of the National Disability Insurance Agency. This information may include:

- Medical information
- Medical history
- Information related to a client's access to the NDIS
- NDIS participant plans.

5.4.4. Identifiers

Minda will not adopt a government identity number (e.g. Medicare number, passport number) for use in a way which is inconsistent with its primary purpose.

5.4.5. Credit information

The *Privacy Act 1988* classifies certain information relating to services supplied on terms which allow payment to be deferred for a period of more than 7 days after the services are supplied as 'credit information'. We may collect and hold credit information about you if we supply services to you and allow payment to be deferred for more than 7 days after supply.

5.4.6. Other information

Minda may also collect other information that does not fall within the scope of the protections of the *Privacy Act 1988* and *National Disability Insurance Scheme Act 2013*. In so far as is reasonable, we will treat any other information received in accordance with this Privacy Policy. This information may include:

- Records of correspondence with us and our agents
- Information about a client's circumstances

- Treating medical practitioner information
- Details connected with medical information (eg ambulance cover, Medicare number, private health cover, tax file number if applicable)

5.5. Purpose for Use and Disclosure

The purpose for which we use and disclose Personal Information will depend on the circumstances in which it was collected. We will only hold your Personal Information for the particular purpose of for which we collected it (Primary Purpose).

We will not use or disclose your Personal Information (not being Sensitive Information) for another purpose (Secondary Purpose) unless:

- we first obtain your consent;
- you would reasonably expect us to use or disclose it for a Secondary Purpose that is related to the Primary Purpose or (in the case of Sensitive Information) directly related to the Primary Purpose;
- we are required to by law;
- a permitted general purpose exists;
- a permitted health situation exists;
- we believe it is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body (for example, to comply with occupational health and safety, industrial relations and taxation laws).

Specific purposes for which we may use or disclose Personal Information include the purposes of providing you with services, dealing with client care related activities, marketing and developing our services, the operation and administration of accounts, carrying out certain checks (for example, in relation to credit), considering an individual for employment, interacting with companies or organisations with whom we have a business relationship, complying with our obligations under agreements with third parties and carrying out any activity in connection with a legal, governmental or regulatory requirement that we have to comply with, or in connection with legal proceedings, crime or fraud prevention, detection or prosecution.

In the event we collect Sensitive Information about you, you consent to us collecting, using and disclosing the Sensitive Information for the purpose for which it was disclosed and as permitted by the Act and other relevant laws.

Minda will only collect Protected Agency Information in accordance with its obligations under the *National Disability Insurance Scheme Act 2013*

5.6. Information Sharing Guidelines

Information Sharing Guidelines provide a mechanism for information when it is believed a person is at risk of harm and adverse outcomes unless appropriate services are provided. The Guidelines were developed by the South Australian Government and apply to information sharing practices across vulnerable adult and child services.

This means Minda will work closely with other agencies to coordinate the best support for vulnerable adults and children. Under the Information Sharing Guidelines, informed consent for the sharing of information will be sought and respected in all situations unless:

- It is unsafe or not possible to gain consent or consent has been refused; and
- without information being shared, it is anticipated a person or member of their family will be at risk of serious harm, abuse or neglect, or pose a risk to their own or public safety.

Reasonable steps will be taken to maintain the security and protect the privacy of personal information that is transferred to a third party.

5.7. Overseas Recipients

We will not generally disclose personal information we collect and hold about you to any overseas recipients (as defined in the Act), except where our third-party service providers use cloud-based systems which are located offshore, including in the United States of America and Japan.

5.8. Direct Marketing

From time to time, we may send you marketing material and communications in line with your previously expressed marketing preferences or as otherwise permitted under the Act and other relevant laws. If you do not wish to receive such communications, please contact us via the contact address or follow the opt-out instructions contained in each marketing communication.

5.9. Storage of Personal Information

All Personal Information collected by us will be retained as part of our business records, which will be securely monitored and maintained. We hold Personal Information in a number of ways, including:

- as part of client and staff records and other electronic documents where Personal Information is contained, which are stored on our information technology systems and servers that are operated by third parties who provide services to Minda in connection with our business; and
- by securely storing hard copy documents that contain Personal Information, at our various premises and using third party document management and archiving services.

5.10. Retention of Personal Information

We retain personal information for as long as it is required for our functions and activities or as required by law or an order of a court/tribunal.

Generally, we retain information about clients for at least 7 years after the date of the last record in relation to that client. Information that is no longer required is de-identified or securely destroyed.

5.11. Data Breaches

Minda is required to notify the Office of the Australian Information Commissioner (OAIC) should an eligible data breach occur. The Act specifies that if;

- a) Minda is aware that there are reasonable grounds to suspect that there may have been an eligible data breach of Minda; and
- b) Minda is not aware that there are reasonable grounds to believe that the relevant circumstances amount to an eligible data breach of the entity;

Minda must then:

- a) carry out a reasonable and expeditious assessment of whether there are reasonable grounds to believe that the relevant circumstances amount to an eligible data breach of the entity; and
- b) take all reasonable steps to ensure that the assessment is completed within 30 days after Minda becomes aware.

In addition, Minda must give a notification if:

- a) it has reasonable grounds to believe that an eligible data breach has happened; or
- b) it is directed to do so by the Commissioner.

Guidance regarding the assessment of suspected and actual data breaches, and giving notification of such breaches, can be found in the Minda Mandatory Reporting Guideline.

5.12. Using our website and cookies

We may collect personal information about you when you access and use our website.

While we do not generally use browsing information to identify you personally, we may record certain information about your use of our website, such as which pages you visit, the time and date of your visit and the internet protocol address assigned to your computer.

We may also use 'cookies' or other similar tracking technologies on our website that help us track your website usage and remember your preferences. Cookies are small files that store information on your computer, TV, mobile phone or other device. They enable the entity that put the cookie on your device to recognise you across different websites, services, devices and/or browsing sessions. You can disable cookies through your internet browser, but our websites may not work as intended for you if you do so.

We may also use cookies to enable us to collect data that may include Personal Information. For example, where a cookie is linked to your account, it will be considered Personal Information under the *Privacy Act 1988*. We will handle any personal information collected by cookies in the same way that we handle all other personal information as described in this Privacy Policy.

Third party websites, platforms or applications that our website provides links to, or that Minda maintains a presence on, are not subject to our privacy policy or Minda's control.

We recommend you ensure you are familiar and comfortable with the privacy policy of any such website, platform or application prior to use. Certain third-party websites, platforms or applications may provide you with options through their settings or other tools to control your privacy and to opt out of personalised advertisements.

5.13. Credit Reporting

If you apply for credit from us, we will need to collect Personal Information from you so we can assess your Credit Application. In order to assess your Credit Application, you consent to your Personal Information being disclosed to, and us obtaining your Personal Information from, third parties. Such third parties may include credit reporting bodies (CRB), companies who provide commercial credit references, people you authorise us to contact in connection with your Credit Application or any approved Business Credit Account, mercantile agencies and other companies who provide outsourced services to us. For contact details and information on how a CRB manages credit related Personal Information, please see their privacy policies available on their websites.

CRBs may include your Personal Information in reports that they provide to credit providers to assist those providers in assessing your credit worthiness. If you fail to meet your payment obligations in relation to consumer credit or commit a serious credit infringement, we may be entitled to disclose this to a CRB.

CRBs offer a service to credit providers wanting to send direct marketing material about credit services to individuals (credit pre-screening). You have the right to request that CRBs do not use your Personal Information for credit pre-screening. To opt-out of credit pre-screening, contact the CRB, using the contact details on their websites. You can also ask a CRB not to use or disclose your Personal Information for a period if you believe on reasonable grounds that you have been or are likely to be a victim of fraud.

5.14. Access to Personal Information

You may obtain access to personal information which we hold about you by completing a *Request for Information Form*.

If you request that we provide you with copies of your personal information, we may require you to verify your identity and specify what information you require. If you make a request for copies of your personal information held by us, we will endeavour to provide you with such personal information as soon as reasonably practicable. Where you ask for copies of your personal information, we may at our discretion charge you a fee to cover our reasonable costs incurred in providing you with those copies (but we will not charge you for updating or varying your personal information).

There may be occasions when access to personal information we hold about you is denied, including where the release of the requested information would have an unreasonable impact on the privacy of others or because we are otherwise prevented by law from releasing the information.

While we will endeavour to ensure that the personal information collected from you is up to date, accurate and complete, we will assume that any personal information provided by you is free from errors and omissions. You may request that we update or vary personal information that we hold about you by discussing it with your Minda contact person or by contacting our Privacy Officer using the details below. Where correction to information is disputed, we will notify you and, if it is reasonable to do so, make a note in our records that you have requested that we update or vary the information.

Clients may seek correction of Protected Agency Information however Minda may be barred from correcting this information under the *National Disability Insurance Scheme Act 2013* and therefore correction may need to be carried out by the originating party.

5.15. Compliance

If you are concerned that the way in which we collect, hold, use or disclose your Personal Information may be in breach of the APPs or the Code, please send written details of your complaint to the contact address.

After receiving a complaint, Minda will conduct an internal review and evaluate whether we believe that such collection, holding, use or disclosure of your Personal Information was in breach of the APPs and/or the Code. We will endeavour to notify you of the results of our investigation of your complaint within 30 days of receiving your complaint. However, if your complaint involves complex issues or requires extensive investigation, it may not be possible to respond within this timeframe. If the conclusion of our investigation is that our collection, holding, use or disclosure of your Personal Information was in breach of the APPs and/or the Code, we will take steps to remedy the breach as soon as reasonably practicable. If after dealing with us you are still not satisfied, you are entitled to make a complaint to the Office of the Australian Information Commissioner (www.oaic.gov.au) or the Financial Ombudsman Service (www.fos.org.au).

5.16. Variation of Policy

We may vary the terms of this privacy policy from time to time to take account of new laws and technology, changes to our functions and activities and to make sure it remains appropriate.

5.17. Contact Information

Please direct all enquiries or complaints regarding your Personal Information or privacy to your Minda representative or the Minda Privacy Officer, at either PO Box 5, Brighton SA 5048 or via email at privacy@minda.asn.au

6. Related Documents and Resources

6.1. External

- *Privacy Act 1988 (Cth)*
- *National Disability Insurance Scheme Act*
- Australian Privacy Principles 2014
- Privacy (Credit Reporting) Code 2014
- Information Sharing Guidelines
- National Disability Insurance Scheme (Protection and Disclosure of information – Commissioner) Rules 2018
- NDIS (Code of Conduct) Rules 2018
- NDIS Practice Standards and Quality Indicators

6.2. Internal

- Governance Policy
- Request for Information Procedure

7. Feedback

Contact the Quality and Governance department with feedback on this document at: compliance@minda.asn.au. Feedback includes but is not limited to broken hyperlinks, updated processes and additional related documentation and resources.

8. Document History

Version	Review Date	Description of Change
1.0	July 2023	Reviewed document. Supersedes ECM_6440_v12