



Presbyterian Aged Care

PRIVACY STATEMENT

Policy Declaration

In line with our values, PAC respects and upholds individuals' rights to privacy and rights to their personal information. Consequently, PAC is committed to protecting the privacy of personal and sensitive information it collects, holds and administers in the process of providing its services. These commitments are undertaken in compliance with the Australian Privacy Principles prescribed in the Commonwealth Privacy Act 1988 and the Health Privacy Principles prescribed in the Health Records and Information Privacy Act 2002 (NSW).

Overview

All personal information will be collected by lawful and fair means and handled in a manner consistent with the relevant privacy obligations under the Privacy Act 1988. No information will be disclosed to third parties without consent, unless required under law.

All residents/clients are offered the PAC Resident or Client Privacy Agreement document.

Information collection

PAC will only collect information by a lawful and fair means for a lawful purpose, that is, information that is directly related to the organisation's activities and necessary for that purpose.

PAC will ensure that personal information is relevant not excessive. Information collection will not unreasonably intrude into the personal affairs of the individual. We will take reasonable steps to ensure that the personal information we hold is accurate and current.

PAC will collect personal information directly from the person concerned, unless it is unreasonable or impractical to do so.

PAC will inform the person (or their valid substitute decision maker) why they are collecting the personal information about them, what we will do with the personal information, and who else might see it. We will also inform the person how they can see and correct their personal information, and any consequences if they decide not to provide their information to us.

We will be open about how we manage personal information. If asked, we will provide information on our approach to privacy.

Storage

PAC will ensure that personal information is stored securely, not kept any longer than necessary, and disposed of appropriately. All information collected will be protected from unauthorized access, use or disclosure.

We will implement measures to protect personal information from misuse, loss, unauthorised access, changes or disclosure, including via PAC's computer systems. PAC will periodically review and update our security measures, especially as technologies change.

PAC will retain information in line with its statutory obligations and its record retention policies. When information is no longer required or relevant it will be destroyed and de-identified in a secure manner.

Access and Accuracy

PAC will explain to the person what personal information about them is being stored, why it is being used and any rights they have to access it.

PAC will allow individuals to access their personal information without unreasonable delay or expense.

PAC will allow individuals to update, correct or amend their personal information where necessary.

PAC will ensure that the personal information is relevant and accurate before using it.

Usually, when asked, we will give an individual access to their personal information, unless there is a reason why we cannot do so. We may deny a request for access if we reasonably believe:

- It would pose a serious or imminent threat to the life or health of any person.
- The privacy of others would be unreasonably affected.
- The request is frivolous or vexatious.
- The information relates to existing legal proceedings with the person who is the subject of the information and would not be accessible through discovery.
- Providing access would prejudice negotiations with the person who is the subject of the information by revealing our intentions regarding those negotiations.
- Providing access would be unlawful or denying access is required or authorised by law.
- Providing access would be likely to prejudice an investigation of unlawful activity or law enforcement, public revenue protection, prevention and remedying of seriously improper conduct, or preparation or conduct of court or tribunal proceedings, either by or on behalf of an enforcement body.
- An enforcement body performing a lawful security function requests denial of access to protect national security.
- Where evaluative information generated by us in making a commercially sensitive decision would be revealed by providing access. In this situation

we may provide an explanation for the commercially sensitive decision instead.

If we refuse access, we will usually explain why in accordance with Australian Privacy Principle 12 – Access to Personal Information.

Use

PAC will only use personal information for the purpose for which it was collected, or a directly-related purpose that the person would expect.

Disclosure

PAC will only disclose personal information for the purpose for which it was collected, or a directly-related purpose that the person would expect, unless

- consent has been obtained;
- the purpose is directly related to the purpose indicated at the time of collection;
- there is a serious threat to someone's life, health or safety;
- there is suspected unlawful activity, or serious misconduct involving the functions or activities of PAC, or it is reasonably necessary for the functions or activities of PAC to be carried out;
- it is required or authorised by law or court/legal proceedings; or
- an individual is incapable of giving or communicating consent and personal information is required to be given to a 'responsible person' for the necessary provision of appropriate care or treatment or for compassionate reasons.

If we use or disclose information without consent we will keep a record of such disclosure.

Identifiers and Anonymity

PAC will identify individuals (including clients and staff) by a unique identifier assigned internally by PAC by consent. We will not adopt Commonwealth Government identifiers (such as Medicare Card numbers) for use as our own identifiers, unless such use is mandated by government policy. PAC may, however, retain a record of other external personal identifiers that are required to provide services, coordinate with other care agencies, or otherwise fulfil service, operational, or reporting obligations for the purposes of your care.

PAC will give individuals, if reasonably possible, the option of dealing with us or receiving services anonymously, where this is lawful and practicable.

Transfer and Linkages

PAC will only transfer health or personal information outside New South Wales or the ACT in accordance with Australian Privacy Principle 8 – Cross Border Disclosures and Health Privacy Principle 14 – Transferrals and Linkage / Controlled.

PAC will ensure that individuals have given their consent to participate in any system that links health records across more than one organisation. We will only include health information about them, or disclose their identifier for the purpose of the health records linkage system, if they have expressly consented to this.

Sensitive Information

Generally, we will only collect sensitive information, including health information, with an individual's consent, except where:

- The collection is required by law or to establish, exercise or defend a legal or equitable claim;
- It is necessary to prevent or lessen a serious or imminent threat to life, health or safety of any individual, or to public health or safety;
- Locating a person reported as missing;
- Taking appropriate action in relation to suspected unlawful activity or serious misconduct; or
- Reasonably necessary for a confidential alternative dispute resolution process.

PAC may from time to time collect information for the purpose of research that will be conducted into the pursuit of better outcomes for residents/clients. Wherever possible, sensitive information would be provided in a de-identified form.

Internet and Email

PAC collects personal information and makes use of cookies* in its websites.

However this is only used to log the following information for statistical purposes:

- the number of page hits;
- the number of unique sessions as identified by server address and top-level domain name (e.g. .com, .gov, .org, etc.);
- the pages accessed or downloaded by session; and
- the type of browser being used.

*A cookie is a small piece of data which is sent from PAC's web server to your web browser when you visit the PAC website. The cookie is stored on your machine as a historical identifier and is used for interactive features and remembering your preferences and settings. When you access our secure online services we may also use cookies for security purposes to:

- help identify you during your secure session;
- time your session so you will be logged off if you are not using the service for a specified time period; and
- maintain an audit trail of your secure session.

PAC cookies are not used to collect personal information for any other purpose.

Most internet browsers accept cookies by default. You can specify the use of cookies by configuring the preferences and options in your browser and/or firewall. If you choose to disable cookies, you will still be able to access most of the content on the PAC website, however some interactive features may become unavailable.

Complaints

If an individual believes that PAC has breached any aspect of its Privacy Policy a complaint may be lodged either with the relevant PAC Service Manager or PAC Privacy Officer. If the complaint is not addressed to the individual's satisfaction, or they do not wish to deal with PAC in the first instance, they have the opportunity to direct the issue to the Commonwealth Government's Information Commissioner.

PAC will work with the Commissioner and the individual to resolve the issue.

Contact details:

PAC Privacy Officer

PO Box 2196

Strawberry Hills NSW 2012

Telephone: (02) 9690 9333

Fax: (02) 9310 2148

Email: info@pacnsw.org.au

*Adapted from **PAC Privacy Policy v.2.1**, June 2014*