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## PURPOSE

The purpose of this policy and procedure is to:

- i) ensure personal information is managed in an open and transparent way;
- ii) protect the privacy of personal information including health information of consumers and staff;
- iii) provide for the fair collection and handling of personal information;
- iv) ensure that personal information that Peninsula Villages collects is used and disclosed for relevant purposes only;
- v) regulate the access to and correction of personal information; and
- vi) ensure the confidentiality of personal information through appropriate storage and security.

## SCOPE

This policy and procedure applies to consumer, visitor and staff information.

## APPLICABLE LEGISLATION

- Aged Care Act 1997.
- Aged Care Act 1997. Sect 96.1 Principles
- Privacy Act 1998.
- Privacy Act 1998. Schedule 1 – Australian Privacy Principles.
- Workplace Surveillance Act 2005.

## POLICY STATEMENT AND OBJECTIVES

Peninsula Villages will use all reasonable efforts to protect the privacy of individual's personal information and to comply with the obligations imposed by the *Privacy Act 1988* (Cth) (**Privacy Act**), the Australian Privacy Principles (**APP**), the Aged Care Act and the associated Aged Care Act Principles.

## STAFF ROLES AND RESPONSIBILITIES


This policy applies to all staff (including contracted agency staff, contractors and Board members) and volunteers.

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### DEFINITIONS

Term	Definition
<b>Personal information</b>	Personal information is information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
<b>Sensitive Information</b>	Sensitive information includes information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, biometric information, biometric templates, health information about individual and genetic information.
<b>Personal Information</b>	Health Information is: <ul style="list-style-type: none"> <li>i) information or an opinion about: <ul style="list-style-type: none"> <li>A. the health or a disability (at any time) of an individual;</li> <li>B. an individual's expressed wishes about the future provision of health services to him or her; or</li> <li>C. a health service provided, or to be provided, to an individual that is also personal information; or</li> </ul> </li> <li>ii) other personal information collected to provide, or in providing, a health service;</li> <li>iii) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or</li> <li>iv) 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.</li> </ul>
<b>Unsolicited Information</b>	Unsolicited information is all personal information received from an individual that Peninsula Villages did not actively seek to collect.
<b>Employee Record</b>	An Employee Record is a record of personal information relating to the employment of the employee. Examples of personal information relating to the employment of the employee are health information about the employee and personal information about all or any of the following: <ul style="list-style-type: none"> <li>i) the engagement, training, disciplining or resignation of the employee;</li> <li>ii) the termination of the employment of the employee;</li> <li>iii) the terms and conditions of employment of the employee;</li> </ul>

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	<ul style="list-style-type: none"> <li>iv) the employee’s personal and emergency contact details;</li> <li>v) the employee’s performance or conduct;</li> <li>vi) the employee’s hours of employment;</li> <li>vii) the employee’s salary or wages;</li> <li>viii) the employee’s membership of a professional or trade association;</li> <li>ix) the employee’s trade union membership;</li> <li>x) the employee’s recreation, long service, sick, personal, maternity, paternity or other leave; and</li> <li>xi) the employee’s taxation, banking or superannuation affairs.</li> </ul>
<b>Person Responsible</b>	A person responsible is a parent, a child or sibling, a spouse, a relative, a member of the individual’s household, a guardian, an enduring power of attorney, a person who has an intimate personal relationship with the individual, or a person nominated by the individual to be contacted in case of emergency, provided they are at least 18 years of age.

## POLICY

Peninsula Villages will only collect personal information by lawful and fair means and will only collect personal information that is necessary for one or more of our organisation’s functions or activities.

If it is reasonable and practicable to do so, Peninsula Villages will collect personal information about an individual only from that individual.

Peninsula Villages whilst meeting its obligations with respect to the privacy of our consumers, acknowledge that people with vision or hearing impairments and those of culturally and linguistically diverse people may require special consideration.


All information collected will be stored securely and accessed by authorised persons only.

## COLLECTION, USE AND DISCLOSURE

Peninsula Villages will collect and use information about consumers and staff through the course of their admission or employment.

It is important that the information Peninsula Villages holds is current. Staff and consumers/representatives are encouraged to notify Peninsula Villages of any changes.

## COLLECTION OF PERSONAL INFORMATION

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Peninsula Villages will only collect personal information about an individual by fair and lawful means and only if the information is necessary for one or more functions as an aged care provider and collection of the personal information is necessary to:

- i) comply with the provisions of state or commonwealth law;
- ii) provide data to government agencies in compliance with state or commonwealth law;
- iii) determine eligibility to entitlements provided under any state or commonwealth law;
- iv) provide appropriate services and care;
- v) enable contact with a nominated person regarding a consumer’s health status; and
- vi) lawfully liaise with a nominated representative and to contact family if requested or needed.

Some consumers may not want to provide some information to Peninsula Villages. If the information that Peninsula Villages’ collects is relevant to providing consumers with care and services and the individual chooses not to provide Peninsula Villages with some or all of the information requested, Peninsula Villages may not be able to provide them with the care and services they require.

Peninsula Villages will not collect Sensitive information (including health information) unless the collection of the information is reasonably necessary for or directly related to one or more of our functions and:

- i) the individual has consented to the collection of this information; or
- ii) the collection of the information is required to authorised by or under an Australian law or a court/tribunal order; or
- iii) a permitted general situation exists to the collection of the information; or
- iv) a permitted health situation exists in relation to the collection of the information; or
- v) Peninsula Villages is a non-profit organisation and:
  - A. the information relates to our activities; and
  - B. the information relates only to the members of the organisation, or to individuals who have regular contact with us and our activities.


### METHODS OF COLLECTION

Personal information and sensitive information (including health information), may be collected:

- i) from a consumer or their representative;
- ii) from any person or organisation that assesses health status or care requirements, for example the Aged Care Assessment Team;
- iii) from the health practitioner of a consumer;
- iv) from other health providers or facilities;
- v) from family members or significant persons of a or consumer; and
- vi) from a legal advisor of a consumer.

Peninsula Villages will collect personal information from the consumer unless:

- i) the consumer has consented to collect the information from someone else; or

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- ii) Peninsula Villages is required or authorised by law to collect the information from someone else; or
- iii) it is unreasonable or impractical to do so.

During admission, a consumer should identify any parties from whom they do not wish personal information accessed or to whom they do not wish personal information provided. This should be recorded in the file of the consumer and complied with to the extent permitted by law.

### Unsolicited Information

If Peninsula Villages receives personal information from an individual that has not been solicited and could not have obtained the information by lawful means, Peninsula Villages will destroy or de-identify the information as soon as practicable and in accordance with the law.

### Staff records

Peninsula Villages must keep a record in respect of staff regarding:


- i) basic employment details such as the name of the employer and the employee and the nature of their employment (eg part-time, full-time, permanent, temporary or casual);
- ii) pay;
- iii) overtime hours;
- iv) averaging arrangements;
- v) leave entitlements;
- vi) superannuation contributions;
- vii) termination of employment (where applicable); and
- viii) individual flexibility arrangements and guarantees of annual earnings.

Peninsula Villages may also collect personal information about a staff member relating to their employment being Employee Records (as defined above).

### Notification

Peninsula Villages will at or before the time or as soon as practicable after the collection of personal information from an individual take all reasonable steps to ensure that the individual is notified or made aware of:

- i) our identity and contact details;
- ii) the purpose for which Peninsula Villages is collecting personal information;
- iii) the identity of other entities or persons to whom Peninsula Villages usually discloses personal information to;
- iv) that the Peninsula Villages' Privacy Policy and Procedure contains information about how the individual may complain about a breach of the APPs and how Peninsula Villages will deal with a complaint;
- v) whether Peninsula Villages is likely to disclose personal information to overseas recipients and if so, the countries in which such recipients are likely to be located and if practicable, to specify those countries.

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### CCTV

Peninsula Villages uses camera surveillance systems (commonly referred to as CCTV) in shared/common areas for the purposes of maintaining safety and security of our consumers, staff, and visitors. Security cameras records footage which can be reviewed if there is an incident. Unless footage is retained due to an incident, footage is automatically deleted.

Peninsula Villages displays signage on the entry to each facility that CCTV recording devices are present.

### USE AND DISCLOSURE OF INFORMATION

#### a) Permitted disclosure

Peninsula Village may not use or disclose personal information for a purpose other than the primary purpose of collection, unless:


- i) the secondary purpose is related to the primary purpose (and if sensitive information directly related) and the individual would reasonably expect disclosure of the information for the secondary purpose;
- ii) the individual has consented;
- iii) the information is health information, and the collection, use or disclosure is necessary for research, the compilation or analysis of statistics, relevant to public health or public safety, it is impractical to obtain consent, the use or disclosure is conducted within the privacy principles and guidelines and Peninsula Villages reasonably believes that the recipient will not disclose the health information;
- iv) Peninsula Villages believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or public safety;
- v) Peninsula Villages has reason to suspect unlawful activity and use or disclosure of personal information as part of an investigation of the matter or in reporting concerns to relevant persons or authorities;
- vi) Peninsula Villages reasonably believes that the use or disclosure is reasonably necessary to allow an enforcement body to enforce laws, protect the public revenue, prevent seriously improper conduct or prepare or conduct legal proceedings; or
- vii) the use or disclosure is otherwise required or authorised by law.

If Peninsula Villages receives personal information from an individual that has not been solicited, Peninsula Villages will, if it is lawful and reasonable to do so, destroy or de-identify the information as soon as practicable.

#### b) Cross border disclosure

Peninsula Villages will not disclose an individual's personal information to an overseas recipient. If Peninsula Villages does, all reasonable steps will be taken relative to the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles, unless:

- i) the overseas recipient is subject to laws similar to the Australian Privacy Principles and the individual has mechanisms to take action against the overseas recipient;

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- ii) Peninsula Villages reasonably believe the disclosure is necessary or authorised by Australian Law; or
- iii) the individual has provided express consent to the disclosure.

**c) Disclosure of Health Information**

Peninsula Villages may disclose health information about an individual to a person who is responsible for the individual if:

- i) the individual is incapable of giving consent or communicating consent;
- ii) the facility or department manager is satisfied that either the disclosure is necessary to provide appropriate care or treatment or is made for compassionate reasons or is necessary for the purposes of undertaking a quality review of our services (and the disclosure is limited to the extent reasonable and necessary for this purpose); and
- iii) the disclosure is not contrary to any wish previously expressed by the individual of which the service manager is aware, or of which the service manager could reasonably be expected to be aware and the disclosure is limited to the extent reasonable and necessary for providing care or treatment.

**ACCESS**

Consumers or their representatives, or staff, have a right to request access to the personal information that Peninsula Villages holds. Peninsula Villages shall make all reasonable attempts to grant that access, unless providing access:

- i) is frivolous or vexatious;
- ii) poses a serious threat to the life or health of any individual;
- iii) unreasonably impacts upon the privacy of other individuals;
- iv) jeopardises existing or anticipated legal proceedings;
- v) prejudices negotiations between the individual and Peninsula Villages;
- vi) be unlawful or would be likely to prejudice an investigation of possible unlawful activity;
- vii) an enforcement body performing a lawful security function asks us not to provide access to the information; or
- viii) reveal information that is regarding a commercially sensitive decision making process.

**Requesting access**


Requests for access to information can be made orally or in writing and addressed to the facility or department manager of the relevant service. Peninsula Villages will respond to each request within a reasonable time.

**Declining access**

An individual’s identity should be established prior to allowing access to the requested information. If unsatisfied with the individual’s identity or access is requested from an unauthorised party, Peninsula Villages can decline access to the information.

Peninsula Villages can also decline access to information if:

- i) there is a serious threat to life or health of any individual;
- ii) the privacy of others may be affected;

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- iii) the request is frivolous or vexatious;
- iv) the information relates to existing or anticipated legal proceedings; or
- v) the access would be unlawful.

Peninsula Villages will provide in writing the reasons for declining access to the requested information.

### Granting access

On request (and after determining an individual’s right to access the information) Peninsula Villages should provide access to personal information.

### Charges

If Peninsula Villages charge for providing access to personal information, those charges will not be excessive.

## CORRECTION

If an individual establishes the personal information held about them is inaccurate, incomplete, out-of-date, incomplete, irrelevant or misleading, Peninsula Villages must take reasonable steps to correct the information.

If Peninsula Villages disagree with an individual about whether information is accurate, complete and up-to-date, and the individual provides a statement claiming that the information is inaccurate, incomplete, out-of-date, incomplete, irrelevant or misleading Peninsula Villages must take reasonable steps to do so.

If Peninsula Villages refuses to correct the personal information as requested by the individual, Peninsula Villages’ will give the individual written notice that sets out:

- i) the reasons for the refusal, except to the extent that it would be unreasonable to refuse;
- ii) the mechanisms available to complain about the refusal; and
- iii) any other matter prescribed by the regulations.

## DIRECT MARKETING


### Personal information

Peninsula Villages’ will not use or disclose personal information about an individual for the purposes of direct marketing, unless the information is collected directly from an individual and:

- i) it is reasonably expected that Peninsula Village would use or disclose an individual’s personal information for the purpose of direct marketing; and
- ii) Peninsula Villages has provided individuals with a means to ‘opt-out’ and the individual has not opted out.

### Sensitive Information



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Peninsula Villages will not use or disclose Sensitive Information about an individual for the purposes of direct marketing, unless the individual has consented to the information being used for direct marketing.

**An individual’s rights in relation to direct marketing activities**

If Peninsula Villages’ uses information for the purposes of direct marketing the individual may:

- i) Request that direct marketing communications is not provided
- ii) Request that Peninsula Villages does not to disclose or use their information
- iii) Requests that Peninsula Villages’ provide the source of the information.


**PERSONAL INFORMATION SECURITY**

Peninsula Villages is committed to maintaining the security of personal information provided. Peninsula Villages will take all reasonable steps to ensure that personal information held is protected from misuse, interference, loss, from unauthorised access, modification or disclosure.

**Information of a Consumer:**

- i) Peninsula Village must keep the records of a consumer in a secure storage area.
- ii) If the records are being carried while providing care only the staff member carrying the records will have access to them.
- iii) Records of previous consumers and earlier unused volumes of current consumers shall be archived and stored in a locked area away from general use.
- iv) Only health professionals attending to the care of a consumer are to have access to information of the consumer. All records shall only be used for the purpose it was intended.
- v) A consumer or their representative, shall be provided access to records as requested and after consultation with the facility manager. At these times, a qualified staff member is to remain with the consumer or their representative to facilitate the answering of any questions raised.
- vi) Details of a consumer are not to be provided over the phone, unless the staff member is sure of the person making the inquiry. If in doubt, consult the facility manager.
- vii) No staff shall make any statement about the condition or treatment of a consumer to any person not involved in the care except to the immediate family or representative of the consumer and then only after consultation with the service manager.
- viii) All staff must be discrete with their comments at all times, protecting and respecting the privacy, dignity and confidentiality of all consumers.
- ix) Handovers shall be conducted in a private and confidential manner.
- x) No information , electronic or otherwise shall be left in a manner which would leave it in view of unauthorised persons.
- xi) On leaving any area where information, electronic or otherwise is stored, the area will be secured by a closed door / closed shutter / secured hatch
- xii) All computers will power down after a period of 15 seconds of non-use.

**Security measures**

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Peninsula Villages' security measures include, but are not limited to:

- (i) training staff on their obligations with respect to security of personal information;
- (ii) use of passwords when accessing the data storage system;
- (iii) the use of firewalls and virus scanning tools to protect against unauthorised interference and access;
- (iv) Regular auditing of our privacy systems and processes

Peninsula Villages, as soon as practicable and in accordance with the law, will destroy or de-identify any personal information that is no longer required.

## REPORTING

Peninsula Villages will comply with the requirements of the Notifiable Data Breach Scheme. If a data breach has occurred please refer to the [Notifiable Data Breach Policy](#) for further directions.

## MEDIA

No member of staff shall make any statement to the press, radio or television station or to any reporter for the media. If a staff member is approached to make a statement or comment they must refer the person to the Chief Executive Officer or an Executive Manager.

## GRIEVANCE PROCEDURE

### How to make a complaint

If a staff member or a consumer/representative wishes to make complaint regarding how Peninsula Villages has managed their personal information, they may make that complaint verbally or in writing by setting out the details of the complaint to any of the following:

**(a) Executive Manager – Quality and Organisational Development**

Phone: 02 4344 9199  
 Fax: 02 4341 9771  
 Email: [quality@penvill.com.au](mailto:quality@penvill.com.au)

**(b) The CEO**

Phone: 02 4344 9199  
 Fax: 02 4341 9771  
 Email: [agedcare@penvill.com.au](mailto:agedcare@penvill.com.au)


Alternatively, complaints may also be referred to a number of services as set out below:

**(c) Office of the Australian Information Commissioner**

The Australian Information Commissioner receives complaints under the Privacy Act. Complaints can be made:

Online: <https://www.oaic.gov.au/privacy/privacy-complaints>

By phone: on 1300 363 992

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By fax: on +61 2 9284 9666

In writing:

Address your letter to the Australian Information Commissioner at the:

Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001

**(d) Aged Care Quality and Safety Commission**

The Aged Care Quality and Safety Commission receives complaints under the Aged Care Act. Act. Complaints can be made:

Online: <https://www.agedcarequality.gov.au/making-complaint/lodge-complaint>

By phone: on 1800 951 822

Or if you need an interpreter you can phone the Translating and Interpretation Service on 131 450 and ask them to put you through to the Aged Care Complaints Scheme on 1800 500 552.

For hearing or speech impaired TTY users phone 1800 555 677 then ask for 1800 550 552.

For Speak and Listen users phone 1800 555 727 then ask for 1800 550 552.

For Internet relay users connect to <https://www.iprelay.com.au/call/index.aspx> and enter 1800 550 552.

In writing:


Address your letter to:

Aged Care Quality and Safety Commission  
GPO Box 9819, in your capital city

**How Peninsula Villages will deal with your complaint**

The complaint will be investigated by us in accordance with our internal procedures and processes.

The complainant may be invited to participate in a conference by the staff member conducting the investigation. At the discretion of the Chief Executive Officer or the Executive Manager- Quality and Organisational Development, other interested parties may also be invited to participate in the conference to discuss the nature of the complaint and attempt to resolve it. This may include the presence or participation of a support person or advocate for the complainant.

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The complainant will be provided with a response to their complaint within a reasonable timeframe after completion of any investigation. This response will be in writing and will include the outcome of the investigation, any proposed action and details of the right to lodge a complaint with any relevant external organisations.

#### PRIVACY OFFICER

Peninsula Villages has appointed a Privacy Officer (Executive Manager – Quality and Organisational Development) to manage and administer all matters relating to protecting the privacy of individual’s personal information.

The Privacy Officer can be contacted if any relevant person wishes to obtain more information about any aspect of this policy or about the way in which Peninsula Villages operate to protect the privacy of individual’s personal information.

#### REFERENCES

- Privacy Act 1998.
- Privacy Act 1998. Schedule 1 – Australian Privacy Principles

#### RELATED DOCUMENTS

[Notifiable Data Breach Policy](#)

#### REVISION HISTORY (COMMENCED APRIL 2022)

Date	Revision
November 2011	Formulated
May 2022	Revised
January 2024	Revised



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