

## E.15 Privacy Policy

### 1.0 INTRODUCTION/BACKGROUND

The values and philosophy of Mercy Services have implications on how personal information is collected, stored, used and disclosed. Mercy Services starts from a belief that each individual should control who has information about her/him and what is done with this information.

Mercy Services is required to comply with the Australian Privacy Principles<sup>1</sup> in relation to personal information and sensitive information.

**Personal information** is any information that can be used to personally identify you. This may include your name, address, telephone number, email address and profession or occupation. If the information we collect personally identifies you, or you are reasonably identifiable from it, the information will be considered personal information.

**Sensitive information** has the highest level of protection and is defined as 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; or
- health information.<sup>2</sup>

The Health Records Information Privacy Act (NSW)<sup>3</sup> also applies a higher privacy standard to organisations, such as Mercy Services, that hold "health information".

**Health information** includes information or an opinion about the physical or mental health or disability of an individual. Health information also includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual;
- an individual's express wishes about the future provision of health services to him or her;
- other personal information collected in connection with the donation of human tissue; and
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

If your organisation is a health service provider, 'health information' includes all

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<sup>1</sup> [http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles\\_2.pdf](http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles_2.pdf)

<sup>2</sup> <http://www.alrc.gov.au/publications/6.%20The%20Privacy%20Act%3A%20Some%20Important%20Definitions/sensitive-information>

<sup>3</sup> <http://www.legislation.nsw.gov.au/#/view/act/2002/71>

of the above plus any other personal information collected to provide, or in providing a health service.<sup>4</sup>

## 2.0 SCOPE

This policy specifies how Mercy Services will meet its moral and legal obligations to ensure that each individual has as much control over their personal information as possible. The policy and its procedures apply to all staff and volunteers.

## 3.0 POLICY STATEMENT

Mercy Services is committed to protecting the privacy of its clients, employees, volunteers, donors and supporters. Private/personal information includes the: name, address, relationship to Mercy Services, health information and photographic image of applicable persons (client/carer/donor/staff/volunteer/applicant for paid/voluntary work, donor/supporter).

## 4.0 PROCEDURES

### 4.01 Personal information collected and held by us

We will seek your consent to enable us to collect information about you. In seeking your consent we will try to explain:

- the purpose of collecting the information;
- who will have access to what parts of the information;
- what we will use the information for;
- who the health information will be passed on to;
- whether providing the information is voluntary or required by law; and
- the consequences of giving or refusing consent.

We may collect the following types of personal information on clients, staff, volunteers and donors/supporters:

- name;
- mailing or street address;
- email address;
- telephone number;
- facsimile number;
- age or birth date;
- photography or video recording of you;
- profession, occupation or job title;
- contact details of your next of kin/emergency contacts;
- personal goals/care preferences, risks involved in activities and venues you may use;
- details of the products and services you have purchased from us or which you have enquired about, together with any additional information necessary to deliver those products and services and to respond to your enquiries;

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<sup>4</sup> [http://www.privacy.nsw.gov.au/Lawlink/privacynsw/ll\\_pnsw.nsf/pages/privacy\\_hripa#a](http://www.privacy.nsw.gov.au/Lawlink/privacynsw/ll_pnsw.nsf/pages/privacy_hripa#a)

- ☑ bank account and payment details;
- ☑ any additional information relating to you that you provide to us directly through our websites or indirectly through use of our websites or online presence, through our representatives or otherwise; and
- ☑ information you provide to us through our service centre, customer surveys or visits by our representatives from time to time.

We may also collect some information that is not personal information because it does not identify you or anyone else. For example, we may collect anonymous answers to surveys or aggregated information about how users use our website.

#### **4.02 How we collect your personal information**

We collect your personal information directly from you unless it is unreasonable or impracticable to do so. When collecting personal information from you, we may collect it in ways including:

- during conversations between you and our representatives;
- when you complete an application or assessment/service delivery form;
- letters or emails you have sent us; and/or
- through your access and use of our website.

You should always feel the setting where we are collecting the information from you provides enough privacy.

If you are unable to give consent we will seek consent from your Enduring Power of Attorney, Guardian or any other person who is authorised by law to act for or represent you.

We may also collect personal information from third parties including:

- reports and information provided to us by other services that are or have assisted you, law enforcement agencies and other government entities.

#### **4.03 Security of internet transmission**

As our website is linked to the internet, and the internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of information you communicate to us online. We also cannot guarantee that the information you supply will not be intercepted while being transmitted over the internet. Accordingly, any personal information or other information which you transmit to us online is transmitted at your own risk.

#### **4.04 If we can't collect your personal information**

If you do not provide us with the personal information described above, some or all of the following may happen:

- we may be unable to tailor the content of our services to your preferences and your experience of our services may not be as enjoyable or useful;
- where fees are charged, if you withhold information about your income, fees may be charged at the highest rate;

- we may not be able to provide the requested products or services to you, either to the same standard or at all; and/or
- we may also decide not to provide a service or may change the type or location of the service if information regarding safety is not provided.

#### **4.05 We can use identifying numbers and anonymity**

Where a person's information is being used for research or statistical purposes we may be able to protect your privacy by using a unique number or code to represent you rather than use your name. The use of an identifier (number or code) instead of a person's name may still not be enough to prevent others identifying you. This is particularly the case with members of minorities and those with atypical characteristics. In these cases the information will not be used or will be further disguised.

Mercy Services is prohibited by law and will not adopt, use or disclose an identifier assigned by a government agency, except in prescribed circumstances e.g. Tax file number.

##### ***Anonymity***

Wherever it is lawful and practicable, we will give people the opportunity to remain anonymous when entering into transactions with, or receiving services from Mercy Services.

Examples of when an anonymous service is possible are:

- where a small cash donation is made and a tax receipt is not required (large donations can be accepted with the name of the donor being known to the Chief Executive Officer but not made publicly known); and/or
- where a person requests information on Mercy Services, its services, and/or its employment applicant packages.

#### **4.06 The purposes for which we collect, hold, use and disclose your personal information**

We collect personal information about you so that we can perform our business activities and functions and to provide best possible quality of customer service.

We collect, hold, use and disclose your personal information for the following purposes:

- to provide products and services to you and to send communications requested by you;
- to answer enquiries and provide information or advice about existing and new products or services;
- to assess the performance of the website and to improve the operation of the website;
- to conduct business processing functions including providing personal information to our contractors, service providers or other third parties;
- for the administrative, marketing (including direct marketing), planning, product or service development, corporate planning, contractors or service providers, quality control and research purposes;

- to enable government funders to monitor who is being assisted and how much assistance they are receiving with government funds;
- to provide your updated personal information to our contractors or service providers;
- to update our records and keep your contact details up to date;
- to process and respond to any complaint made by you; and
- to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or in co-operation with any governmental authority of any country (or political sub-division of a country).

Your personal information will not be shared, sold, rented or disclosed other than as described in this Privacy Policy.

#### **4.07 Direct marketing materials**

We may send you direct marketing communications and information about our products and services that we consider may be of interest to you. These communications may be sent in various forms, including mail, SMS, fax and email, in accordance with applicable marketing laws, such as the *Spam Act 2003* (Cth). If you indicate a preference for a method of communication, we will endeavour to use that method whenever practical to do so. In addition, at any time you may opt-out of receiving marketing communications from us by contacting us (see the details below) or by using opt-out facilities provided in the marketing communications and we will then ensure that your name is removed from our mailing list.

We do not provide your personal information to other organisations for the purposes of direct marketing.

#### **4.08 Storing your information securely is important to us**

We will take reasonable security safeguards to protect the security of personal information we hold.

Some reasonable safeguards include:

- personal information being stored in filing cabinets and storage areas that are locked when unattended;
- not displaying client names and details in public areas;
- positioning computer terminals and fax machines so that they cannot be seen or accessed by unauthorised people or members of the public;
- using passwords to restrict computer access, and requiring regular changes to passwords;
- establishing different access levels so that not all staff can view all information;
- secure waste disposal of expired records; and
- installing virus protections and firewalls.

Client records are only removed from Mercy Services premises:

- to be securely archived;
- as the result of a court order;
- for transfer to another organisation;

- to be given to the consumer, their family or guardian; and/or
- in a secure way for the purpose of delivering services (*only relevant sections of the record, in a non-identifying envelope/cover and while under constant supervision*).

We will retain information relating to the applicable person as follows:

- in the case of information collected while the person was an adult – for 7 years from the last occasion on which they were with a service;
- in the case of health information collected while the person was under the age of 18 years – the record will be kept until the person turns 25.

We will dispose of information securely. When we delete or dispose of a person's information we will keep a record of:

- the name of the person;
- the period covered by the information: and/or
- the date on which it was deleted or disposed of.

When we transfer a person's information to another organisation (and we do not continue to hold a copy of that information) we will keep a record of the name and address of the organisation to which we transferred the information.

#### **4.09 Disclosing your information**

All Mercy Services staff, volunteers, and/or students on placement who collect or have access to personal information should understand this Privacy Policy and have signed a confidentiality agreement (Attachment 1 and 2).

In general, we will only use (within Mercy Services) and disclose (to people/organisations outside Mercy Services) a person's information for the primary purpose for which the information was collected.

We may disclose your personal information to:

- our employees, contractors or service providers for the purposes of: operation of our business, fulfilling requests by you, and to otherwise provide products and services to you including, without limitation, couriers, contractors, and professional advisors such as accountants, solicitors, business advisors and consultants;
- suppliers and other third parties with whom we have commercial relationships, for business, marketing, and related purposes; and
- any organisation for any authorised purpose with your express consent.

There may be circumstances when Mercy Services has to disclose information without the person's consent. These circumstances include:

1. you do not have decision making capacity (*and your Enduring Guardian has authorised the disclosure*);
2. the law requires us to consult with the Police Service or the child protection agencies regarding children perceived to be at risk of abuse or neglect;
3. the law requires us to act upon serious concerns for the health or safety of a client or another person;
4. the law requires us to report incidences of serious criminal offence; and/or

5. A court of law may subpoena a client/staff file and Mercy Services is required by law to provide the file.

In the event that any of the situations described above should occur, Mercy Services will make reasonable efforts to discuss the matter with the person at the earliest possible opportunity.

#### 4.10 Transferring your information outside NSW

Mercy Services will only transfer health information out of NSW in the following circumstances:

- *recipient subject to substantially similar privacy standards or laws* - Mercy Services will satisfy itself that the recipient is subject to a law, binding scheme or contract that imposes substantially similar obligations to those imposed within NSW;
- *consent* - the person has consented to the transfer of their information;
- *contractual obligation* - the transfer is necessary for the performance of a contract between Mercy Services and the person;
- *benefit to the person* - the transfer is for the benefit of the person, and it is impracticable to obtain their consent, and, if it were practicable to obtain such consent, the person would be likely to give it;
- *serious threat to health or welfare* - the transfer is reasonably believed to be necessary to lessen or prevent a serious and imminent threat to the life, health or safety to any person, or a serious threat to public health or public safety; and
- *lawful authorisation* - the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.

#### 4.11 You can access and correct your personal information

You may request access to any personal information we hold about you at any time by contacting us (see the details below).

Where a person seeks to access her/his information held by Mercy Services the person's request should be on the appropriate form (Attachment 4). This form requires the person to specify the way they want to access her/his information.

There is no fee charged for requesting to access your information. If you want a copy of your information exceeding ten pages or if it requires detailed searching of our records, we may charge you an administration fee of \$1 per page.

Mercy Services may refuse a person access to their health information if:

- a) providing access would pose a serious threat to the life or health of any person (*for example where there is a risk that the information may cause the person significant distress, so as to result in them harming themselves or another*);
- b) providing access would have an unreasonable impact on the privacy of other people (*where a person's record contains information about someone else, Mercy Services will prevent an unreasonable impact on that other person's privacy by removing that other person's identifying details before releasing the information*);

- c) the information relates to legal proceedings (existing or anticipated) between Mercy Services and the person, and the information is subject to legal professional privilege;
- d) providing access would reveal Mercy Services intentions in relation to negotiations with the person in such a way as to expose Mercy Services to disadvantage (*for example, regarding the settlement of a negligence claim*);
- e) denying access is required or authorised under another law;
- f) providing access would be likely to prejudice an investigation of possible unlawful activity;
- g) Mercy Services has been asked by a law enforcement agency performing a lawful security function not to provide access, as it would likely cause damage to the security of Australia;
- h) the request for access is one that has been made unsuccessfully on at least one previous occasion and there are no reasonable grounds for making the request again; and/or
- i) the person has been provided with access to their information already and is making an unreasonable repeated request for access to the same information in the same manner.

If Mercy Services decides to refuse access, it will provide a written reason for the refusal. The reason must be one of the reasons listed above. Access may be refused to a part of the information, to which a request relates, but provided to the remainder of the information.

Where Mercy Services refuses to provide the person with access to their health information on the grounds that providing access would pose a serious threat to their life or health, the notice of refusal must:

1. advise the person that he or she may nominate a medical practitioner to be given access to the health information instead; and
2. advise the person that any nomination must be made within 21 days, after receipt of the notice of refusal.

Access must then be provided to the nominated medical practitioner within 21 days of receiving the person's nomination.

Mercy Services may not be able to provide information in the way requested due to:

- I. sections needing to be blocked out or omitted due to the reasons listed above;
- II. the request placing unreasonable demands on Mercy Services resources;
- III. the request being detrimental to the preservation of the information; and/or
- IV. the release involving an infringement of copyright.

In these cases, Mercy Services will discuss with the person the other options.

Mercy Services will respond to a request for access within 21 days after receiving the request.

#### **4.12 You can request changes/corrections to your information**

If you believe that personal information we hold about you is incorrect, incomplete or inaccurate, then you may request us to amend it.

Where a person seeks to amend her/his information held by Mercy Services the person's request must be on the appropriate form (Attachment 5).

Mercy Services will respond to a request to amend a record within 21 days after receiving the request. In response to a request for amendment, Mercy Services may amend (by way of corrections, deletions or additions) the person's information to ensure:

- the information is accurate; and
- the information is relevant, up to date, complete and not misleading, taking into account the purpose for which the information is collected and used.

For legal and medical reasons, Mercy Services will generally not permanently delete information from a person's record.

Mercy Services may refuse to amend the person's health information if it is satisfied that the health information is not incomplete, incorrect, irrelevant, out of date or misleading.

If Mercy Services is not prepared to make the amendment requested, it will give the person in writing:

1. the reason for the refusal;
2. the complaint mechanism; and
3. any other matter prescribed by the Australian Privacy Principles regulations .

If a request to amend information is refused the person can ask Mercy Services to add a notation to the health information specifying their claim that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading. Mercy Services will then take reasonable steps to ensure the statement is apparent to those who access the information.

With the client's consent Mercy Services will inform third parties about amended client information provided by, or relied upon by, that third party.

#### **4.13 You can complain about a breach of privacy**

We encourage you, in the first instance, to raise your issue with your immediate Coordinator or Manager to try and resolve the issue. If you are still not satisfied with the response to your concern or complaint please contact our Complaints Officer, who is also our Chief Executive Officer, by:

- Calling: 02 4944 1944
- E-mailing: [complaints@mercyservices.org.au](mailto:complaints@mercyservices.org.au)
- Writing: Complaints Officer  
Mercy Services, 13 Brooks Street, West Wallsend NSW 2286

Once received we will review your concern or complaint and commit to providing a response within 21 working days, the Complaints Officer will be independent of the original complaint and will have the authority to fully investigate and resolve

the complaint. If your concern still remains unresolved to your satisfaction we will assist you in directing your issue to: NSW Information and Privacy Commission on 1300 363 992 <http://www.ipc.nsw.gov.au/>.

At any stage you can involve a support person or advocate. Agencies that may help in this area are:

- The Disability Advocacy Service Phone (02) 4927 0111; or
- The Aged Care Rights Service (TARS). Phone toll free: 1800 424 079.

#### 4.14 Contacting us

If you have any questions about this privacy policy or a request of information please contact our Privacy Officer, Lawrie Hallinan via:

Post: Privacy Officer, Mercy Services 32 Union St, Tighes Hill NSW 2297  
 Tel: 02 4961 2686  
 Email: [privacy@mercyservices.org.au](mailto:privacy@mercyservices.org.au)

#### 4.15 Changes to our privacy policy

We may change this privacy policy from time to time. Any updated versions of this privacy policy will be posted on our website.

#### 4.16 Compliance

Compliance with this policy is being measured by:

- a) Quarterly file audit by Manager showing that client consent is obtained for communication with others (see C.4 Program Performance and Monitoring Policy).

#### 4.17 Evaluation

The performance indicators for the evaluation of this policy are:

- a) at least 90% positive ratings from Mercy Services clients in the biennial Satisfaction Survey; and
- b) 90% satisfaction with the quality and completeness of client files found in quarterly file audits over a year.

## 5.0 REFERENCES

<b>1. Australian Standards</b>	a) Nil
<b>2. Legislation</b>	a) Privacy Act, 1988 (Cth) b) Health Records and Information Privacy Act, 2002 (NSW) c) Privacy and Personal Information Protection Act, 1998 (NSW) d) Workplace Surveillance Act, 2005 (NSW) e) Surveillance Devices Act, 2007 (NSW) f) Telecommunications (Interception and Access) Act, 1979 (Cth)
<b>3. Professional guidelines</b>	a) Nil
<b>4. Codes of Practice</b>	a) Privacy NSW (2004) "Handbook to Health Privacy" <a href="http://www.ipc.nsw.gov.au/sites/default/files/file_manager/hripa_health_handbook.pdf">http://www.ipc.nsw.gov.au/sites/default/files/file_manager/hripa_health_handbook.pdf</a>
<b>5. Codes of Ethics</b>	a) Nil
<b>6. Evidence</b>	a) Australian Government: Office of the Australian Information Commissioner "Privacy Fact Sheet 17 – Australian Privacy Principles"

	<a href="http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles_2.pdf">http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles_2.pdf</a>
<b>7. Mercy Services Values</b>	a) Justice, Respect, Care, Unity, Service

**6.0 OTHER RELATED POLICIES AND PROCEDURES**

- A.1 Mission and Values
- A.3 Code of Conduct
- C.01 Management Roles and Responsibilities
- C.04 Program Performance and Monitoring
- C.05 Quality Improvement
- C.06 Risk Management
- D.14 Document Management
- E.1. Service Guarantee
- E.3 Meeting Individual Needs
- E.4 Client fees
- E.5 Client Participation, Decision Making & Advocacy
- E.8. Complaints
- E.9 Client Records
- E.11. Coordination with Other Services
- E.12 Client Exit from programs
- E.13. Cultural Awareness
- E.14. Duty of Care
- G.01 WHS Policy
- G.05 Risk Management
- G.06 Safe Home Visiting
- G.07 Anti Aggression, Harassment & Bullying
- G.12 Stress Management
- G.13 Post-Traumatic Incident
- G.15 First Aid
- G.17 Incident Investigation

**7.0 RELATIONSHIP WITH STANDARDS**

<b><i>Aged Care Accreditation Standards</i></b>	<b><i>Home Care Standards</i></b>	<b><i>Disability Standards</i></b>	<b><i>EQiP Standards</i></b>
1.2, 1.3, 1.4, 1.8, 1.9, 2.2, 2.3, 3.2, 3.3, 3.5, 3.6, 3.9, 4.2, 4.3, 4.5, 4.6, 4.7	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 3.3, 3.4, 3.5	1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 2.1, 2.2, 2.5, 3.1, 3.5, 4.1, 4.2, 5.2, 6.2	1.1.8, 1.2.1, 2.1.2, 2.2.1, 2.2.4, 2.3.1, 2.3.2, 2.3.3, 3.1.5,

**8.0 DOCUMENT CHANGES RECORD**

<b><i>Dates of change</i></b>	<b><i>Section altered</i></b>	<b><i>Natures of changes made</i></b>
01/10/2007	all	Policy created - <i>Replacing Policy Section 5 Service Delivery – Privacy &amp; Confidentiality, and Freedom of Information</i>
01/05/2009	all	Transferred existing Policy to new format
18/09/2009	a) 1.0 Introduction b) 4.1 Collection c) 5.0 References d) 7.0 Relationship with Standards	a) Expanded info previously in procedure section - <i>What personal information does Mercy Services collect and why does it need it?</i> b) Replace the word people with applicable persons (defined in 3.0 Policy Statement)

		<ul style="list-style-type: none"> <li>c) Added more Laws, Codes of Practice, Evidence</li> <li>d) Added reference to EQulP Standards</li> </ul>
21/09/2010	<ul style="list-style-type: none"> <li>a) 1.0 Introduction</li> <li>b) Appendix Two</li> </ul>	<ul style="list-style-type: none"> <li>a) Include student placements in same category as staff an volunteers</li> <li>b) Include student placements in same category as volunteers</li> </ul>
22/03/2011	<ul style="list-style-type: none"> <li>a) 7.0 Relationship with Standards</li> <li>b) Appendix 1 and 2</li> </ul>	<ul style="list-style-type: none"> <li>a) Updated Community Care Common Standards and EQulP5 Standards</li> <li>b) Corrected Policy reference</li> </ul>
27/09/2012	All sections	Update organisation name to Mercy Services
26/11/2012	<ul style="list-style-type: none"> <li>a) 1.0 Introduction</li> <li>b) 4.01 Collection</li> <li>c) 4.04 Use and Disclosure</li> <li>d) 4.08 Compliance and 4.09 Evaluation</li> <li>e) Appendix three</li> </ul>	<ul style="list-style-type: none"> <li>a) Inclusion of definitions of Health Information, Personal Information, and Sensitive Information</li> <li>b) Delete reference to informing people that they can decline to be a contact person for a client. <i>(Mercy does not ask them if they are happy to be a contact person – this is the client's role. If people contact Mercy declining to be a contact person this request will be respected).</i></li> <li>c) Add funding Department representatives and quality assurance surveyors as people who can access client records.</li> <li>d) New sections</li> <li>e) Clarify that funding department and quality assurance people can access client information.</li> </ul>
09/10/2014	<ul style="list-style-type: none"> <li>a) 4.1 Collection and Appendix 3</li> <li>b) 4.4 Use and Disclosure and Appendix 3</li> <li>c) 4.4 Use and Disclosure and Appendix 3</li> <li>d) 7.0 Relationship to Standards</li> </ul>	<ul style="list-style-type: none"> <li>a) Reworded as: "In services where fees are charged if you withhold information about your income fees may be charged at the highest rate."</li> <li>b) Delete that client approval will be sort before secondary use of their data. Add that marketing material is only from Mercy Services and client details not passed on to other parties.</li> <li>c) Add that a person can name people from whom they want their information withheld.</li> <li>d) Added Aged Care Accreditation Standards and updated Disability Standards</li> </ul>
13/08/2015	<ul style="list-style-type: none"> <li>a) Various sections</li> <li>b) 1.0 Introduction</li> <li>c) 4.1 Collection</li> <li>d) 4.3 Access &amp; Accuracy</li> <li>e) 4.4 Use and disclose</li> <li>f) 4.5 Identifiers &amp; Anonymity</li> <li>g) 4.7 Complaint procedure</li> <li>h) 5.0 References – Evidence</li> <li>i) Appendix 3 Client Summary</li> </ul>	<ul style="list-style-type: none"> <li>a) Minor typo.s corrected. Reduce all response times to request for access to 21 days.</li> <li>b) Make explicit requirement to comply with Australian Privacy Principles and delete types of information collected</li> <li>c) Add in types of information collected, list persons instead of phrase "applicable persons". Add intention to provide policy in requested form. Change to "are normally" rather than "should be" the restricted list of people at an assessment/review. Change "signature" to "consent" re. disclosure to next of kin. Person given privacy explanation "on the occasion" rather than "before" information is collected. Add that referring agencies provide client information.</li> <li>d) Expand information given when amendment request is refused. Make</li> </ul>

		<p>explicit there is no fee for requesting access but may be for copying. Add to update third parties of amend information. Add more detail on statement from person that their information is inaccurate etc.</p> <p>e) Add section on overseas entities. Add that volunteers may also have access to a person's personal information. Delete reference to local abuse protocol has expired. Change HACC to community aged care.</p> <p>f) Change example to tax file number</p> <p>g) Replace Aged and Community Care Information Line with TARS</p> <p>h) Replace NPP with APP</p> <p>i) Updated as per changes above.</p>
15/11/2016	4.4 USE and DISCLOSURE: Examples of uses and disclosures that may not need your further consent	Top three dot points added from Client Agreement
14/03/2017	<p>a) All sections (except 2.0 scope, Compliance, Evaluation, 5.0 References, 6.0 Related policies, 7.0 Relationship to standards))</p> <p>b) 4.13 You can complain about a breach of privacy</p> <p>c) 4.14 contacting us</p>	<p>a) Major re-write</p> <p>b) Change complaints process</p> <p>c) Add Privacy Officer</p>
Review due 14/03/2020		

## EMPLOYEE CONFIDENTIALITY STATEMENT

*"Information" for the purpose of this statement shall mean:*

*Any information, however communicated or obtained, related to or connected with the organisation's operations and/or the private details of clients and/or employees/volunteers.*

During the course of your employment you may become aware of information and material relating to the affairs and operations of the organisation, including other staff and volunteers which is confidential and which you must not disclose to anyone without the permission of Mercy Services or the person concerned.

You will also find out the identity of Mercy Services clients and some details about their lives and issues. This is information you gained through your employment and it must not be disclosed to people who have no need to know – including some staff/volunteers at Mercy Services.

It is a requirement of your employment, which continues after termination, that you will keep such information from those who are not entitled to it. You will use such information only in the course of carrying out your duties and not for your personal benefit or to the benefit of any person not entitled to the information.

If you are uncertain about what information should be kept confidential or disclosed, please see your Coordinator or our Privacy Officer and refer to the Policies and Procedures Manual (E.15 Privacy).

I acknowledge and agree to the above statement and agree to the terms set out.

Name: .....

Address: .....

Signature: ..... Date:.....

**VOLUNTEER or STUDENT PLACEMENT CONFIDENTIALITY STATEMENT**

*"Information" for the purpose of this statement shall mean:*

*Any information, however communicated or obtained,  
related to or connected with the organisation's operations and/or  
the private details of clients and/or employees/volunteers.*

During the course of your voluntary work or student placement you may become aware of information and material relating to the affairs and operations of the organisation, including staff, volunteers and/or other students on placements which is confidential and which you must not disclose to anyone without the permission of Mercy Services or the person concerned.

You may also find out the identity of Mercy Services clients and some details about their lives and issues. This is information you gained through your voluntary work or student placement and it must not be disclosed to people who have no need to know – including some staff/volunteers at Mercy Services.

It is a requirement of your voluntary work or student placement, which continues after termination, that you will keep such information from those who are not entitled to it. You will use such information only in the course of carrying out your duties and not for your personal benefit or to the benefit of any person not entitled to the information.

If you are uncertain about what information should be kept confidential or disclosed, please see your Coordinator or our Privacy Officer and refer to the Policies and Procedures Manual (E.15 Privacy).

I acknowledge and agree to the above statement and agree to the terms set out.

Name: .....

Address: .....

Signature: ..... Date:.....

## Mercy Services Privacy Policy: Client Summary

*Mercy Services is committed to protecting your privacy. We start from a belief that you should control who has information about you and what they do with your information.*

### What personal information do we collect and why do we need it?

To enable us to fulfil our responsibilities as a provider of health and support programs we may need to collect your: name; contact details; demographic background; photograph; health status; level of risk; your personal goals/care preferences and other relevant information.

We may use this information to: provide you with the most appropriate service for your needs; provide you with information about us/our programs/our fundraising activities; conduct research on program performance; and to provide Government funding departments with information on programs.

We will also use this information to send you details of our other products and services that may be of interest to you. Your details will never be given to other or overseas agencies for marketing purposes. If you no longer wish to receive our marketing material let us know and we will remove your details.

### What will happen if I don't provide some information?

You have the right to withhold information from us. In services where fees are charged, if you withhold information about your income, fees may be charged at the highest rate. Mercy Services may also decide not to provide a service or may change the type or location of the service if information regarding safety is not provided.

### How do we collect the personal information?

You are our primary source of information. Wherever practicable, we will ask you for the information directly. However, we may need to contact others such as: your doctor, your family, agencies that assist you and referees. We will only collect information about you from other people/agencies when you have given your permission for this to happen.

We collect the information in person, in writing, by telephone, by fax and by email. We collect this information through our staff, information you supply, through our contracted agents and from other service providers.

### Who will see or have access to your personal information?

Your information will usually only be seen or used by persons working in, or for, Mercy Services. These people may include our paid staff/volunteers and those checking that we are providing a quality service as per our funding agreement (*representatives of the department that funds your services & our external quality assurance agency*). These people have all signed a confidentiality agreement and are fully aware of the need to treat your information with respect and confidentiality. Access to your information is restricted to those who need to use the information to provide you with a service and to those who complete the administration for the service. You can provide the names of particular individuals from whom you want your information, or parts of your information, to be withheld.

There may be circumstances when we have to disclose information without your consent. Such as:

1. you do not have decision making capacity (*and your Enduring Guardian has authorised the disclosure*);
2. the law requires us to consult with the Police Service or the child protection agencies regarding children perceived to be at risk of abuse or neglect;
3. the law requires us to act upon serious concerns for the health or safety of a client or another person;
4. the law requires us to report incidences of serious criminal offence; and/or
5. A court of law may subpoena a client/staff file and Mercy Services is required by law to provide the file.

In the event that any of the situations described above should occur, we will make reasonable efforts to discuss the matter with you as soon as possible.

When we have information provided by a third party, such as a government department, we will only use and retain this information for the time and purposes agreed with this party.

If access to your information is requested by another party we will ensure we have your permission before access is granted or refused where appropriate.

We make all reasonable efforts to ensure our information systems and files (electronic and paper) are kept secured from unauthorised access. Information that is no longer current will be isolated and eventually destroyed after the legal time for storing has passed (7 years after your last service or if you were a child when we provided a service, we keep records until you turn 25).

We will only use photographs, recordings or other personally identifying information of you in reports or promotions if we have your consent.

### How can I view or change my file?

You can request information from, or access to, your Mercy Services file. You must make this request in writing and can use the form available from us. Mercy Services will provide you with a response to your request within 21 days of receipt of your letter.

If the Coordinator does not believe it is appropriate to meet the exact nature of the request she/he must consult with the Chief Executive Officer before responding. If any factors prevent us from meeting your exact request we will discuss with you the next best options. There is no fee charge for requesting to access your information. If you want a copy of your information exceeding ten pages or if it requires detailed searching of our records, we may charge you an administration fee of \$1 per page.

If you believe there are errors in our records about you, please let us know and we will be happy to investigate and correct any inaccuracies. Where the suggested corrections relate to a difference of opinion we will keep both opinions on file.

### Complaint procedure

If you believe that your privacy has been breached, please contact us using the contact information below and provide details of the incident so that we can investigate it.

We encourage you, in the first instance, to raise this with your immediate Coordinator or Manager to try and resolve the issue. If you are still not satisfied with the response to your concern or complaint please contact our Complaints Officer who is also our Chief Executive Officer by:

- Calling: 02 4944 1944
- Emailing: [complaints@mercyservices.org.au](mailto:complaints@mercyservices.org.au)
- Writing: Complaints Officer, Mercy Services, 13 Brooks St., West Wallsend NSW 2286

Once received we will review your concern or complaint and commit to providing a response within 21 working days, the Complaints Officer will be independent of the original complainant and will have the authority to fully investigate and resolve the complaint. If your concern still remains unresolved to your satisfaction we will assist you in directing your issue to: NSW Information and Privacy Commission on 1300 363 992.

At any stage you can involve a support person or advocate. Agencies that may help in this area are:

- The Disability Advocacy Service Phone (02) 4927 0111; or
- The Aged Care Rights Service (TARS). Phone toll Free: 1800 424 079.

If you would like a full copy of Mercy Services Privacy Policy or have any questions about privacy at Mercy Service please contact our Privacy Officer, Lawrie Hallinan or 02 4961 2686 or [privacy@mercyservices.org.au](mailto:privacy@mercyservices.org.au).

The Mercy Services Privacy Policy complies with the Australian Privacy Principles as required by the amendments to the Privacy Act (1988) and complies with the Health Privacy Principles as required by the Health Records and Information Privacy Act 2002 (NSW).

### Request for Access to Personal Information

Name .....

Address .....

Phone ..... Date of Birth.....

My involvement with Mercy Services is as a:

- Client (program).....
- Employee
- Volunteer
- Donor
- Supporter
- Other .....

I want to know: .....

.....  
.....  
.....

I would like this information provided:

- by giving me a reasonable opportunity to inspect and make notes from my Mercy Services file; or
- by a Mercy Services staff person showing me the contents of my file and explaining these to me; or
- in a written summary (*you must collect this from our office or pay for it to be sent by registered mail*); or
- photocopy of all of my file (*you must collect this from our office or pay for it to be sent by registered mail*); or
- other (*please signify*) .....
- I authorise another person to have access to my information instead of it being sent/given to me. The person I want to access this information is:

Their name: .....

Their address:.....

Signed ..... Date.....

*Mercy Services aims to be open and accountable but there are some reasons why we may be unable to provide the information you want or in the way you want - please read the next page for a list of these reasons.*

**Mercy Services will provide the information requested  
in the way requested unless:**

- providing access would pose a serious threat to the life or health of any person (*for example where there is a risk that the information may cause the person significant distress, so as to result in them harming themselves or another*);
- providing access would have an unreasonable impact on the privacy of other people (*where a person's record contains information about someone else, Mercy Services will prevent an unreasonable impact on that other person's privacy by removing that other person's identifying details before releasing the information*);;
- the information relates to legal proceedings (existing or anticipated) between Mercy Services and the person, and the information is subject to legal professional privilege;
- providing access would reveal Mercy Services intentions in relation to negotiations with the person in such a way as to expose Mercy Services to disadvantage (*for example, regarding the settlement of a negligence claim*);
- providing access would be unlawful;
- denying access is required or authorised under another law;
- providing access would be likely to prejudice an investigation of possible unlawful activity;
- Mercy Services has been asked by a law enforcement agency performing a lawful security function not to provide access, as it would likely cause damage to the security of Australia;
- the request for access is one that has been made unsuccessfully on at least one previous occasion and there are no reasonable grounds for making the request again;
- the person has been provided with access to their information already and is making an unreasonable repeated request for access to the same information in the same manner;
- providing access would be detrimental to the preservation of the information or (having regard to the physical form in which the information is contained) would otherwise not be appropriate; or
- would involve an infringement of copyright subsisting in matter contained in the information.

If any of these factors prevent us from meeting your exact request we will discuss with you other options.

Send this request to our Privacy Officer, Lawrie Hallinan via:

Post: Privacy Officer, Mercy Services 32 Union St, Tighes Hill NSW 2297  
or  
Email: [privacy@mercyservices.org.au](mailto:privacy@mercyservices.org.au)



# Mercy Services

## Request to communicate with others

I, ..... (name) ..... (date of birth)

of .....(address)

give Mercy Services permission to:

- use a photo of me (describe photo.....);
- use a recording of my voice (describe recording.....);
- seek and disclose information about me;
- other .....

to

- the general public (via Mercy Services website, newsletter or other information/promotional material);
- My doctor (s) .....
- Specific organisation (s).....  
.....  
.....
- Funding body (de-identified information for statistical purposes)
- Authorised people checking the accuracy and quality of files
- Specific person (s).....  
.....

for the purpose of

- Enabling quality and co-ordinating service to me
- Providing information on Mercy Services
- Other .....

Do not leave any lines blank -please cross out the items that don't apply

until (date permission expires - no longer than 3 years) .....

**Signed:** ..... **Date:** .....