



## Privacy Policy and Procedure

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<b>Applies to:</b> All staff & Board	<b>Version:</b>	1
<b>Specific responsibility:</b> Treasurer, President, Vice-President, Board members, Staff members.	<b>Date approved:</b>	01/03/2022
	<b>Next review date:</b>	01/03/2023

### 1. TITLE

Privacy Policy and Procedure.

### 2. INTRODUCTION

At Tasmanian Refugee Legal Service (TRLS) we are committed to protecting the privacy of the information that we collect about clients during your time with our service, which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.

### 3. PURPOSE

This document outlines TRLS's commitment to privacy.

### 4. SCOPE

This policy and procedure is applicable to all staff, volunteers, Board members and clients who TRLS supports.

### 5. POLICY

#### A. What is personal information?

Personal information means information or an opinion, whether true or not and whether recorded in a material form or not, about an individual who is identified or reasonably identifiable.

#### B. Whose personal information do we collect?

We collect personal information from our staff, clients and their families, volunteers, and supporters of TRLS.

### **C. How does TRLS collect personal information?**

TRLS collects personal information in a number of different ways, for example when clients contact us, through forms, telephone and through our website.

In the course of providing our services, we collect personal information in a number of ways, including:

- in person (for example, at a meeting or function);
- through one of our websites;
- over the telephone (including through voice mail messages left on our telephone system);
- through written correspondence (such as emails, letters and faxes, statements and submissions);
- on hard copy forms
- from third parties, including;
- regulatory authorities; and/or
- from public registers

### **D. Why we collect personal information?**

We collect and handle a range of personal information for the purposes of carrying out our services.

The main purposes for which we collect, hold, use and disclose personal information are to:

- provide our clients with our services;
- obtain goods and services;
- perform research and statistical analysis, including for customer satisfaction and service improvement purposes;
- protect the security of our offices, staff, clients and the property held on our premises;
- answer queries and resolve complaints; and
- recruit staff and contractors.
- We may also collect, hold, use and disclose personal information for other purposes explained at the time of collection or which are:
  - required or authorised by or under law (including, without limitation, privacy legislation); or
  - for which clients have provided consent.

### **E. What personal information does TRLS collect?**

We will only collect information if it is relevant and reasonably necessary for one of our functions or activities, such as giving legal advice. The information will be collected by lawful and fair means.

TRLS will usually collect personal information directly from you and with your consent.

However, we sometimes need to collect information from a third party, such as another service provider case-manager or support person or the department of home affairs.

#### **F. Confidential information**

If, as part of our service provision, personal information is given to us in confidence about an individual who is not receiving our service, we will:

- confirm with the person that the information is to remain confidential and
- record the information only if it is relevant to the provision of our service or the care of the individual
- take reasonable steps to ensure that the information is accurate and not misleading
- take reasonable steps to record that the information is given in confidence and is to remain confidential

#### **G. Collecting of sensitive information**

Sensitive information is a subset of personal information that is generally afforded a higher level of privacy protection. It includes health and genetic information and information about racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices, criminal record and some types of biometric information.

We only collect sensitive information where it is reasonably necessary for our functions or activities and either:

- the individual has consented; or
- we are required or authorised by or under law (including applicable privacy legislation) to do so.

As part of administering our services, we may collect health information. When collecting health information from you, we will obtain your consent to such collection and explain how the information will be used and disclosed.

#### **H. Use and Disclosure**

We will normally use or disclose your personal information only for the purposes that it was given to us, and for purposes that are related to our services.

We may disclose your personal information to external organisations, including:

- Government departments or agencies who are requesting the information such as the department of home affairs;
- Other service providers and health care professionals who assist us to deliver our services; or
- Other regulatory bodies.

Except as set out above, we will not disclose your personal information to a third party unless one of the following applies:

- You (or the individual for whom you are the representative) have consented;

- If we believe you would reasonably expect us to use or disclose the information for another purpose related to the purpose for which it was collected (or in the case of sensitive information, directly related to the purpose for which it was collected);
- If required to do so by law;
- If it will prevent or lessen a serious or imminent threat to somebody's life, health or safety or to public health or safety;
- It is necessary to provide a public health service;
- It is necessary for the management, funding or monitoring of a health service relevant to public health or safety;
- If it is reasonably necessary for the enforcement of a law conducted by an enforcement body; or
- It is reasonably necessary to the conduct of proceedings before a court or tribunal, or for a confidential disputes resolution process.

### **I. Marketing and Communications**

We may collect use information collected to contact you about our activities, and to provide you with our newsletters, reports, invitations and requests for support. We may contact you using a number of different mediums for example by phone, mail, email, social media, SMS etc.

You will be offered the opportunity to 'opt out' if you do not wish to receive this information. You can also contact us on (03) 9416 3401 if you prefer not to receive future communication from us.

### **J. Quality of the Information that we hold**

We take reasonable steps to ensure that the personal information that we collect, use or disclose is relevant, accurate, complete and up to date. If at any time you wish to update your personal information, you can do so by contacting us.  
Security of the Information that we hold.

We take reasonable steps to protect the personal information that we hold from misuse, loss, interference and from unauthorised access, modification and disclosure.

These measures include password protection for accessing our electronic IT systems, securing paper files in locked cabinets and physical access restrictions. Our systems are regularly audited to ensure that only authorised personnel are permitted to access these details.

### **K. Retention and Disposal of Information**

We only keep personal information for as long as is required. Information that is retained will be archived in such a way that facilitates easy retrieval, yet does not compromise security. When personal information is no longer required it is destroyed in a secure manner.

## **L. Trans-border Data Flows**

If we are otherwise required to send information overseas we will take measures to protect your personal information, by either ensuring that the destination country has similar protections in relation to privacy or that we enter into contractual arrangements with the recipient of your personal information that safeguards your privacy.

## **6. PROCEDURE**

### **A. Access and Correction of information that we hold**

If you request access to the personal information we hold about you, or request that we change that personal information, we will allow access or make the changes to your personal information unless we consider there is a sound reason under the Privacy Legislation to withhold the information or not to make the changes.

We will take all reasonable steps to provide access or the requested information within 14 days of your request. In situations where the request is complicated or requires access to a large volume of information, we will take reasonable steps to provide access to the requested information within 30 days.

In general, access will be denied where:

- the request does not relate to the personal information of the person making the request;
- Providing access would pose a serious threat to the life, health or safety of the person making the requests;
- Providing the information would have an unreasonable impact on the privacy of other individuals;
- the request for access is frivolous or vexatious;
- providing access would prejudice negotiations with the individual making the request;
- providing access would be unlawful;
- denying access is required or authorised by law;
- providing access would be likely to prejudice:
  - law enforcement activities;
  - access discloses a commercially sensitive decision-making process or information; or
  - any other reason that is provided for under the Privacy Legislation.

Where an individual is given access to personal information and establishes that the information is not accurate, complete or up to date, TRLS will take reasonable steps to correct the information accordingly. If the individual and TRLS disagree about the content of the information, the individual may request TRLS to add a statement claiming that the information is not accurate, complete or up to date. TRLS will take all reasonable steps to do this.

If TRLS refuses to provide access or make changes, it will provide reasons for doing so to the individual.

Upon request for access to or correction of personal information TRLS will:

- provide access or reasons for denial of access
- correct the personal information or provide reasons for refusal to correct personal information
- provide reasons for the delay in responding as soon as practicable but no later than 30 days after receiving the request.

If we deny access to information we will set our reasons for denying access. Where there is a dispute about your right of access to information or forms of access, this will be dealt with in accordance with the complaints procedure set out below.

## B. Complaints

If you have provided us with personal and sensitive information, or we have collected and hold your personal and sensitive information, you have a right to make a complaint and have it investigated Please see our Complaint Policy and Procedure.

## 7. RESPONSIBILITY

It shall be the responsibility of relevant staff and volunteers to establish and maintain policies and procedures and to bring these procedures into effect.

It shall be the responsibility of the Principal Lawyer to ensure implementation of these policies and procedures.

## 8. DOCUMENTATION

Managing Complaint Policy and Procedure.

Documents related to this Policy	
<b>Related policies</b>	Managing Complaint Policy and Procedure.
<b>Forms, record keeping or other organisational documents</b>	

Reviewing and approving this Policy		
Frequency	Person responsible	Approval
Annual	Staff and Board	Board

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	01 March 2021	Board	01 March 2022
2			
3			

