

BIZLINK POLICY

1.1 PRIVACY

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Compiled By	Tara Doyle	Reference	NSDS 1
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Background Statement

BIZLINK is a not-for-profit Disability Employment Service funded under the Disability Services Act 1986 (Cth). BIZLINK is governed by a Board and is incorporated under the Associations Incorporation Act 2015 (WA). BIZLINK was established to assist people with a disability to secure and maintain paid open employment in occupations that meet their individual needs and choice. Work practices focus on assisting people with a disability to secure and maintain employment. The development, implementation and monitoring of work practices is achieved through consultation with employees, clients, support networks, employers and other key stakeholders. Ultimately, service delivery is dependent on funding from external sources, primarily the Australian Government.

Purpose and Scope

The purpose of this policy is to establish standards of privacy and confidentiality as regards BIZLINK services to prospective, current and past clients. This policy references Standard 1 – Rights of the National Standards for Disability Services and the Australian Privacy Principles (APP) as per the Privacy Act 1988 (Cth).

This policy applies to all BIZLINK services.

Policy Statement

The core objective of BIZLINK is to secure and maintain open employment for people with disabilities. The collection and use of personal information assists our employees to achieve this objective for the client's registered or applying to register with our service. We respect the privacy of the personal information we collect and are committed to managing that information in a responsible manner.

As a provider of services funded by the Department of Social Services, our employees aim to comply with the Australian Privacy Principles under the Privacy Act 1988 (Cth). You may obtain a copy of the Privacy Act 1988 (Cth) from www.comlaw.gov.au and further information on privacy from www.oaic.gov.au. An employee can also provide any additional information you request. This policy aims to detail how our employees uphold the Australian Privacy Principles.

Key Definitions

For the purpose of this policy key definitions are:

The Australian Privacy Principles (APPs):

1. *Open and transparent management of personal information.*
2. *Anonymity and pseudonymity.*
3. *Collection of solicited personal information.*

4. *Dealing with unsolicited personal information.*
5. *Notification of the collection of personal information.*
6. *Use or disclosure of personal information.*
7. *Direct marketing.*
8. *Cross-border disclosure of personal information*
9. *Adoption, use or disclosure of government related identifiers*
10. *Quality of personal information*
11. *Security of personal information*
12. *Access to personal information*
13. *Correction of personal information*

Personal information

Personal information is information or an opinion about an individual whether or not the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not. The APPs apply only to information about individuals.

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 orientation or practices; criminal record; health information; genetic information.

Strategies

The following strategies ensure that each client's right to privacy and confidentiality is upheld and employees comply with the Australian Privacy Principles.

OPEN AND TRANSPARENT MANAGEMENT OF PERSONAL INFORMATION

BIZLINK policies on our management of personal information, including as set out in this policy, are available to anyone who asks for them. Employees will take reasonable steps to respond to any general request with respect to the type of personal information we hold, for what purposes, and how we collect, hold, use and disclose that information.

COLLECTING YOUR INFORMATION

Employees only collect personal information that is necessary for the proper conduct of BIZLINK operations e.g. assisting you to prepare for, find or maintain employment. The level of personal information collected varies and depends on the purposes for which it is required.

Employees collect your personal information when providing a service or when you apply for a service. Generally, employees will tell you why personal information is collected and how it is intended to be used or these things will be obvious when the information is collected. You will be advised of the purpose for its collection and that you have the right to access any information held about you.

Personal information will include your contact details and some background information that may include who referred you, your work history, work skills, interests and any barriers to employment. If sensitive information is needed, for example, your health or medical history, it will be to provide appropriate levels of support and assistance and you will be asked to give your permission for this information to be collected.

Anonymity and pseudonymity

Whilst APP 2 requires that individuals must have the option of not identifying themselves, or of using a pseudonym (false name), due to the nature of our services it is impracticable for us to deal with individuals who have not identified themselves or who have used a pseudonym. Except in the instance of a general enquiry, in order to register for services or continue receiving services from BIZLINK, we will require you to identify yourself and provide specific personal details.

With many of the services BIZLINK provides, you may choose not to provide particular personal information. However, we do have operational and legal obligations to collect personal information for some types of services and activities. If you do not provide the required personal information, you may not be able to participate in, and enjoy the benefits of these activities.

Making an enquiry about eligibility for a service with BIZLINK:

When you make an enquiry about registering with our service, we will need to collect information that will assist in determining your eligibility for assistance. With your consent the employee you talk to will start taking your information on a “Registration Details” form, they will tell you what information they are writing down. This information may include:

Surname and Given Name(s); Job Seeker Identification Number JSID (if known); Customer Reference Number CRN (if applicable/known); Residential and Postal Address; Contact Phone Number(s); Email; Gender; Date of Birth; Country of Birth; Australian Citizenship or Residency; Identification as an Aboriginal, Australian South Sea Islander or Torres Strait Islander (you can choose not to answer this question); Preferred language; Whether an interpreter is required and for which language including Auslan; Disability and health conditions.

If you are working, additional details may include: Tax File Number; Salary information e.g. pay and hours; name, address and contact details of your employer.

The information that you give us is needed as our funding agreement with the Department of Social Services (DSS) requires that all our clients meet specific eligibility requirements. This information may also be entered onto our computer system for administration purposes and to assist with applying for funding as necessary.

If you choose not to give us your personal information, we may be unable to determine your eligibility and will then be unable to provide a service.

When you are registered for a service as a job seeker or worker:

Once your eligibility has been confirmed and you decide to register with BIZLINK, in addition to the information collected to determine your eligibility, we will collect more information about you, with your consent, for work preparation, job-matching and job support purposes.

Personal information is collected where necessary for effective service delivery and to meet any duty of care responsibilities. Employees will advise you of the purpose of collecting the information. Your personal information is used to provide you with an employment support service, including to:

- Look at what work, education or training you have done before, and what work skills you have to develop your Job Plan with you.
- Talk with prospective employers to match your skills to their needs.
- Provide you with help that may include training, work experience or services to help you overcome any issues that are making it difficult for you to find and keep a job.

- Help you to access other support services you may need.
- Help you to write a résumé, complete job applications and attend interviews.
- Access an interpreter if you need one.
- Check that work is suitable to your individual needs and choices with consideration of your age, gender, culture, heritage, language, faith, sexual identity, relationship status, disability or other relevant factors.
- Provide on-the-job training and ongoing support appropriate to your needs.
- Assist you with any reporting requirements to the Department of Human Services (Centrelink), with your consent, regarding your service or employment e.g. pay and hours; name, address and contact details of your employer.
- Record and keep up-to-date information about your employment e.g. Tax File Number; Salary information e.g. pay and hours; name, address and contact details of your employer. We may share this information with the Department of Social Services as part of our funding arrangements and your eligibility for a service.
- Provide information, support and training for your employer and/or co-workers.
- Help to resolve any problems you may have at work.
- Apply for and purchase modifications or specialised technology for your job if needed.
- Access financial help for other services if needed, using the Employment Assistance Fund.
- Liaising with your support network (family, friends, carers and advocates), if involved and with your consent, about your Job Plan and your service.
- Contacting other services or education/training providers you have used or may like to access, with your consent, about ways to work effectively with you.
- Contacting Doctors or other health care services, with your consent, about your disability or health and ways to work effectively with you.
- Conduct surveys for voluntary feedback that informs the strategic direction and Quality Management System of BIZLINK to help us improve our service.
- Manage, review, develop and improve our systems and operational processes following audits of personal information including individual outcomes, feedback and file notes.
- Resolve any complaint or issues.
- Meet legal and contractual requirements of our funding by the Department of Social Services and as per the National Standards for Disability Services and the Disability Services Act.
- Administer and audit claims for funding from the Department of Social Services.
- Prevent, detect and follow up any fraudulent or invalid claims related to your service fees, ongoing support fees or payable outcomes from the Department of Social Services to BIZLINK.

USE AND DISCLOSURE OF PERSONAL INFORMATION

Employees will only use your personal information for the purpose that it was collected for or for a related purpose where you would reasonably expect the information to be used, such

as for promotions. In some instances, information will be used only for the primary purpose and for no other purpose. You have the right to request that your information not be used for related purposes.

Accordingly, with promotional material e.g. Bizzybodies Newsletter, Newspapers, Website, Facebook, Brochures, Annual Report and other media you and the public have access to, you will have the opportunity to give your permission for employees to use your personal information, usually a photograph and article. You can also advise us if you no longer wish to receive any type of promotional material from us, e.g. Bizzybodies Newsletter.

While we will not use personal information for any other purpose without your consent, we reserve the right to use the information in circumstances relating to the public interest. These circumstances may include: a legal demand for the information from a law enforcement service; a public or individual health and safety issue; or the protection of BIZLINK rights and property, and operational integrity.

Employees will not share your personal information with other people, organizations or departments outside of BIZLINK, except where it has contractual arrangements for the provision of services, such as with the Department of Social Services (DSS) and the Department of Human Services (Centrelink). These organizations or departments also adhere to the Australian Privacy Principles and the Privacy Act and to strict conditions governing how your personal information may be used.

Employees will preserve your right to privacy and will ensure that an appropriate Authority to Seek or Release Information form is completed as required at any time that your personal information is released to or from other people or organisations.

DIRECT MARKETING

Employees will not give or sell your personal information to third parties for marketing purposes.

QUALITY OF PERSONAL INFORMATION

BIZLINK policies and procedures aim to ensure your personal information is accurate, complete and up-to-date. In most instances, we rely on the correctness of information you provide. You are encouraged to advise us of any changes to your information.

SECURITY OF PERSONAL INFORMATION

Employees will take reasonable steps to protect the personal information BIZLINK holds from misuse, loss and unauthorised access. We will destroy personal information we no longer require, unless a law or contractual obligation to the Department of Social Services requires us to keep it.

Employees are obligated not to disclose any information about BIZLINK business (including the personal information it collects) to third parties without appropriate authorisation.

Employees will:

- Take reasonable steps to protect personal information from misuse and loss and from unauthorised access, modification or disclosure.
- Limit access to personal information to appropriate employees e.g. password, virus and firewall protection on computer systems.

- Store personal information securely.
- Routinely back-up electronic data.
- Not leave personal information on public view.
- Not discuss or disclose personal information in any manner that could identify an individual in public places.
- Not discuss or disclose personal information in any manner with persons or other organisations that do not have the client's authority to do so.
- Not discuss or disclose personal information in any manner with employees unless there is a relevant service need and it is appropriate to share that information.

DISPOSAL OF PERSONAL INFORMATION

Personal information is held by BIZLINK as long as it remains relevant to the delivery of effective services and any duty of care obligations and where it conforms to current privacy laws.

When your personal information is no longer required for service purposes employees will:

- Promptly dispose of all non-essential personal information by secure means.
- Ensure that retention, storage and destruction of hard-copy records or permanent removal of identifiable personal information from electronic storage, is undertaken in a manner consistent with contractual obligations with the Department of Social Services guidelines regarding Records Management Instructions (RMI) and our Quality Procedure 3 - Control of Documented Information.
- Ensure that secure destruction of client files or de-identification from the database is done by, or with the express knowledge of, the Quality Manager.
- In accordance with the RMI, for the 2010 - 2013 Deed and the 2013 - 2018 Deed:
 - Records may only be destroyed after they have reached the minimum retention period of 6 years after last action. However, Providers need to ensure that records relevant to legal proceedings, or where legal action or litigation can reasonably be expected, are not destroyed, even where minimum retention periods are met.
 - Retention of Juvenile Records - If the client was under 18 years of age at any time during their registration then the record is to be retained indefinitely and must not be destroyed or altered.

ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

Withholding the release of personal information:

You may request access to all personal information that we may hold about you. However, while we will accommodate these requests, we reserve the right to withhold this information under certain circumstances, such as, if:

- Providing access would pose a serious or imminent threat to the life or health of any individual;
- Providing access would have an unreasonable impact upon the privacy of other individuals;
- The request for access is frivolous or vexatious; or

- Providing access would be unlawful, would prejudice any legal investigations, or would compromise the integrity of the operation of BIZLINK.

In addition to the above, employees can refer to APP 12 and 13 to determine if other relevant circumstances exist to withhold the release of personal information.

Accessing and correcting your personal information:

Under the Privacy Act (APPs 12 and 13) you have the right to ask for access to personal information that we hold about you, and ask that we correct that personal information. You can ask for access or correction by contacting us and we must respond within 30 days. If you ask, we must give you access to your personal information, and take reasonable steps to correct it if we consider it is incorrect, unless there is a law that allows or requires us not to.

We will ask you to verify your identity before we give you access to your information or correct it, and we will try to make the process as simple as possible. If we refuse to give you access to, or correct, your personal information, we must notify you in writing setting out the reasons. If we make a correction and we have disclosed the incorrect information to others, you can ask us to tell them about the correction. We must do so unless there is a valid reason not to.

If we refuse to correct your personal information, you can ask us to associate with it (for example, attach or link) a statement that you believe the information is incorrect and why.

- You can request access to any of the personal information held by BIZLINK by making contact with any employee.
- The employee will notify the Managing Director of your request.
- Your request should be specific, that is, detailing what information you need. You, an advocate or employee should provide written notice.
- You are not required to advise of the purpose of the request, but this can assist the employee to locate and prepare the appropriate information.
- An employee, usually your Coordinator, will make an appointment at the appropriate BIZLINK site at a time that is mutually convenient.
- An employee will require you to identify yourself; this may include the provision of suitable identification if not known to that employee, to protect the security and privacy of your personal information.
- Where a family member or advocate is present, you must sign an Authority to Release Information form consenting to that person having access to your personal information.
- The employee is only required to provide information as per the initial request. If during the appointment you request additional information, the employee has the right to schedule another appointment to enable adequate time to prepare the information and ensure that this additional information is appropriate to release as per the withholding release reasons in this policy.
- Where information is held electronically, it should be printed off in hard-copy. Viewing electronic information can be granted only with the presence of an employee who will navigate to the information and limit access to the information requested.
- An employee will ensure you are able to study the information in an appropriate environment with a reasonable amount of time to review.

- An employee will be present and available to assist at all times during the appointment.
- Your personal information must remain at BIZLINK. An employee may photocopy documents as requested.
- Release or transfer of your personal information must be recorded on a Client Specific Authority to Seek or Release Information form and signed by you or a legal advocate.

IDENTIFIERS

An identifier is a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations.

Whilst the BIZLINK database will include identifiers like your Job Seeker ID (JSID) and Customer Reference Number (CRN), employees will not adopt, use or disclose an identifier assigned by a Commonwealth government service except in circumstances directly related to those departments. For instance, when communicating with the Department of Social Services (DSS) about a specific participant the JSID may be used instead of a name.

CROSS-BORDER (OVERSEAS) DISCLOSURE OF PERSONAL INFORMATION

BIZLINK does not disclose personal information to any person or organisation in a foreign country, if that country does not have a comparable information privacy scheme, except in circumstances where you consent to such disclosure.

SENSITIVE INFORMATION

BIZLINK does not collect sensitive information such as details about religion or ethnic origin, unless: you have consented; or it is required by law; or it relates to the provision of a health service; or it relates to individual or public health or safety.

WEBSITE VIEWING AND "COOKIES"

When you visit our website, www.bizlink.asn.au our web server host may use an Internet browser feature called a "cookie". A cookie is a small data file that may be placed on the computer of a web user (usually in the browser software folder) the first time a computer visits a website that operates cookies. Cookies by themselves cannot identify you personally. They only identify your computer when you visit our website. The information that we gain by using cookies provides us with statistics to analyse and improve our website. If you do not wish to receive any cookies you can set your browser to refuse cookies. However, this may mean you are not able to take full advantage of our website features.

EMAIL COMMUNICATION

Where our website allows you to make comments or give feedback we collect your email address and other contact details provided by you. We may use your email address to respond to your feedback. We store this personal information on servers located in Australia.

We will also use email to correspond with you if you say that is one of the ways or a preferred way to communicate and provide information to you.

There are risks when transmitting information over the internet, including via email. We will consider these risks before we make an informed decision based on all the circumstances to correspond with you via email.

You should also be aware of these risks when sending personal information to us via email. If this is a concern to you, then you should use other methods of communication such as post, phone or face-to-face.

HOW TO MAKE A PRIVACY-RELATED COMPLAINT

If you wish to complain to us about how we have handled your personal information, please refer to our Policy on Feedback and Complaints.

We will assess and handle complaints using our Policy on Employee Code of Conduct, Policy on Rights and Policy on Feedback and Complaints and other BIZLINK policies as appropriate to the specifics of your complaint. We will tell you promptly that we have received your complaint and then respond to the complaint in accordance with our Policy on Feedback and Complaints.

If you are not satisfied with our response you may ask for a review by our Managing Director or a member of the Board of Directors (if that has not already happened) or you can complain to the Complaints Resolution and Referral Service or Department of Social Services. For further information, see our Policy on Feedback and Complaints or contact a manager for assistance in how to lodge your complaint.

How to make a complaint to the Office of the Australian Information Commissioner (OAIC)

If you are not happy with the way we handled your privacy complaint, you may contact the - OAIC. You may also make a complaint directly to the OAIC before contacting us. However, they will generally recommend that you try to resolve your complaint by contacting us in the first instance and giving us 30 days to respond.

For Further Information on Privacy or to Lodge a Complaint:

	BIZLINK	Office of the Australian Information Commissioner (OAIC)
Telephone	1300 780 789	1300 363 992
Email	bizlink@bizlink.asn.au	enquiries@oaic.gov.au
Web	www.bizlink.asn.au	www.oaic.gov.au
Post	The Managing Director BIZLINK PO Box 284 Joondalup WA 6919	The Office of the Australian Information Commissioner GPO Box 5218 Sydney NSW 2001

Indicators of Practice

The following indicators of practice will provide evidence as to whether the strategies detailed in this policy are achieving the policy objective:

- The Policy on Privacy and all BIZLINK policies related to the National Standards for Disability Services are readily available to employees, clients and other interested parties in a format that meets their individual needs.
- Additional information regarding the management of personal information is available on request e.g. privacy fact sheet outlining the Australian Privacy Principles.
- Clients demonstrate an appropriate level of understanding regarding the collection, use, disclosure, storage and destruction of their personal information.
- There is evidence that appropriate Authority to Seek or Release Information forms are used and these are signed by clients and held on their file.

- Clients can report that they understood the purpose for their personal information being collected and/or disclosed and that they willingly signed Authority forms.
- The client database is appropriately backed-up and has password, virus and firewall systems in place to protect the security of client data from misuse, loss or corruption.
- Client files are stored in secure filing cabinets in the appropriate office and are returned as soon as no longer required by the employee.
- Client names or other personal identifying information is not displayed or discussed in public places, within the office or externally.
- Photographic, video or other identifying images or information on display or in publications have appropriate client Authority.
- Meeting rooms are at BIZLINK offices and where meetings occur in the community, employees are aware that sensitive or personal information is not discussed in public.
- Disposal is completed in accordance with Quality Procedure 3 – Control of Documented Information and any relevant guidelines from the Department of Social Services.
- Clients and their support network, where involved with the client's consent, have access to information about the Complaints Resolution and Referral Service, the Abuse and Neglect Hotline and other appropriate government departments or external services that may assist with advocacy or support at any time that the client may require, need or request such assistance.

Review

This policy will ordinarily be reviewed every three years, however, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly. Clients are notified of such changes via the Bizzybodies Newsletter, and/or are provided with an updated version through the post, email or hand delivered by their Coordinator. Any BIZLINK policy can be obtained by request and the Policy Summary Manual is publicly available from www.bizlink.asn.au.