



PRIVACY AND CONFIDENTIALITY POLICY

Summary	NUAA's Privacy and Confidentiality Policy outlines what happens to personal information collected by NUAA, how it is used, and how you can find out what information NUAA holds about you.
Applies to	Whole of Organisation
Policy Status	APPROVED by BoG

Policy Review		
Frequency	Responsible Officer	Authorisation
3 years	CEO	Board of Governance
Version tracking		
Review	Date Authorised	Next Review Due
1	10 08 2022	August 2025
2		
3		

Policy context	
Legislation, clinical guidelines, or other requirements	<ul style="list-style-type: none"> • Privacy and Personal Information Protection Act 1998 (NSW) • Health Records and Information Privacy Act 2002 (NSW) • Privacy and Personal Information Protection Regulation 2014 (NSW) • Privacy Code of Practice (General) 2003 (NSW) • Health Records and Information Privacy Regulation 2012 (NSW) (HRIP Regulation) • Health Records and Information Privacy Code of Practice 2005 (NSW) • Privacy Act 1988 (Cth)
Contractual obligations	<ul style="list-style-type: none"> • as per current contracts
Supporting documents	<ul style="list-style-type: none"> • Code of Conduct • Service User Policy • NUAA Constitution • Complaints, Disputes & Grievance Policy

PURPOSE

The NSW Users and AIDS Association (NUAA) is committed to protecting the privacy and confidentiality of the Board of Governance, Service Users, NUAA Employees, Volunteers and Associates in the way information is collected, stored and used.

This policy provides guidance on NUAA’s legal obligations and ethical expectations in relation to privacy and confidentiality.

SCOPE

This policy applies to the whole organisation including the Board of Directors, NUAA Employees, Volunteers, and Associates.

DEFINITIONS

Personal information- Personal information means information about an individual. It may include, but is not limited to, such things as your full name, date of birth, gender identity, address and other contact details.

Sensitive information - is a subset of personal information and includes information about your health (e.g., serostatus, drug use, health care access points, or disability) and information about your racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual preferences or practices, familial and relationship information, or criminal record. It may also include information from health services, affiliated health services and other services-based information collected on your behalf.

Consent - Means voluntary agreement to some act, practice, or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement

ROLES AND RESPONSIBILITIES

Position	Responsibility
NUAA Board of Governance	<ul style="list-style-type: none">• Endorse this policy as being broadly in line with organisational aims and operational objectives.• Comply with this policy and be informed of its purpose and application.
NUAA Executive	<ul style="list-style-type: none">• Comply with this policy and be informed of its purpose and application.• Undertake reasonable measures to empower all NUAA Employees and Volunteers to comply with this policy.
NUAA Policy Committee	<ul style="list-style-type: none">• Ensure that this policy is maintained and reviewed.
NUAA Leads	<ul style="list-style-type: none">• Comply with this policy and be informed of its purpose and application.

	<ul style="list-style-type: none"> • Undertake reasonable measures to empower all reporting NUAA Employees to comply with this policy/procedure. • Ensure new Employees and Volunteers are oriented to all policy and procedure at their induction
NUAA Employees	<ul style="list-style-type: none"> • Comply with this policy and be informed of its purpose and application. • Contribute to the dissemination of this policy to all relevant personnel and connected individuals • Provide feedback on the policy as required
NUAA Volunteers	<ul style="list-style-type: none"> • Comply with this policy on instruction from NUAA Employees
NUAA Associates/Stakeholders	<ul style="list-style-type: none"> • Comply with this policy as directed by conditions of contract

POLICY DETAILS

Principles

NUAA is committed to ensuring that all personal and organisational information is used in an ethical and responsible manner.

NUAA recognises the need to be consistent, cautious, and thorough in the way that information about the Board of Governance, Service Users, NUAA Employees, Volunteers and Associates is recorded, stored and managed.

All individuals including the Board of Governance, Service Users, NUAA Employees, Volunteers and Associates have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), the Board of Governance and NUAA Employees act in accordance with the relevant policy and/or legal framework.

The Board of Governance, NUAA Employees, Volunteers and Associates are to have an appropriate level of understanding about how to meet the organisation's legal and ethical obligations to ensure privacy and confidentiality.

Collecting Information

Personal information collected by NUAA is only for purposes which are directly related to the services of the organisation. NUAA will collect personal information from individuals, including members of the community all Board of Governance members, NUAA Staff, Volunteers and Associates, only where the information is necessary for the provision of NUAA Services. Personal information will only be collected by fair and lawful means.

NUAA will:

- Collect only information which the organisation requires for its primary services;
- Ensure that individuals are informed as to why we collect the information and how we administer the information gathered;
- Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- Store personal information securely, protecting it from unauthorised access; and
- Provide individuals with access to their own information, and the right to seek its correction.

NUAA will only obtain personal information once consent has been given. Information about another individual will not be collected from a third party or secondary contact unless consent has been obtained from the individual themselves.

NUAA will take reasonable steps to ensure that any individual about to disclose personal information is aware of:

- NUAA and its services
- The purpose for which the information is collected and where such information may reasonably be disclosed (for instance in order to provide service continuity).
- How any personal information disclosed will be used and recorded
- NUAA will inform what the personal information will be used for, including if the information will be shared with a third party, and who that party is
- Their ability to request and obtain a copy of that information.

NUAA will use or disclose personal information only for the agreed purpose of collection. Use of information for secondary or subsequent purposes requires NUAA to obtain separate consent.

Using and disclosing information

NUAA will only use or disclose personal information for the agreed purpose of collection unless there is a reason to believe that the use or disclosure of information is necessary to lessen or prevent a serious and imminent threat to you or another individual's life, health or safety, or to comply with a lawful request.

NUAA will keep all collected personal information confidential. NUAA ensures all required mechanisms are in place to demonstrate that all collection, use and disclosure relating to personal information comply with federal and state laws.

Once the purpose for which personal information is collected expires such information will be securely discarded in line with the relevant state and federal laws.

Data quality

NUAA will take reasonable steps to make sure that the personal information it collects is accurate, complete and up-to-date.

Data security

NUAA takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable physical safeguards may include but are not limited to:

- Locking filing cabinets and unattended storage areas
- Physically securing the areas in which the personal information is stored
- Not storing personal information in public areas
- Positioning computer terminals so that they cannot be seen or accessed by unauthorised people or members of the public.

Reasonable technical safeguards may include but are not limited to:

- Using passwords to restrict computer access, and requiring regular changes to passwords
- Using 2-Factor-Authentication to access email accounts and other cloud-based software
- Establishing different access levels so that not all staff can view all information

- Ensuring information is transferred securely (for example, not transmitting health information via non-secure email)
- Using electronic audit trails
- Installing virus protections and firewalls

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance but also training to ensure the Board of Governance, NUAA Employees and Volunteers are competent in this area.

NUAA will destroy or permanently de-identify personal information when it is no longer needed for any purpose for which the information may be used or disclosed in accordance with relevant state and federal laws.

Access to your information

Privacy information is available on NUAA's website: www.nuaa.org.au. This policy is displayed in NUAA's offices and copies are available on request.

Upon request, NUAA will provide a statement of personal information kept by NUAA.

Anyone who feels that their data and personal information has not been handled appropriately can instigate NUAA's Complaints, Disputes and Grievance Policy, which can be obtained through contacting the organisation directly.

Access and correction

NUAA staff and volunteers may require access to your information in order to fulfil their duties.

An individual can access, obtain copies of, correct, and withdraw their sensitive personal information held by NUAA by contacting the organisation directly. NUAA is responsible for responding to queries and requests for access/amendment to personal information.

Organisational Information

Board of Governance Members, NUAA Employees and Volunteers agree to adhere to NUAA's Code of Conduct when commencing employment or involvement. The Code of Conduct outlines the responsibilities to the organisation related to the use of information obtained through their employment and participation with the organisation.

Stakeholder Information

NUAA works with a variety of stakeholders including private consultants. The organisation may collect confidential or sensitive information about its stakeholders as part of a working relationship. Board of Governance Members, NUAA Employees and Volunteers will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.

The manner in which NUAA Employees manage stakeholder information will be clearly articulated in any contractual agreements that the organisation enters into with a third party.

Breach of Privacy or Confidentiality

If a breach of privacy and confidentiality of information occurs, the matter should be raised directly with a member of the Executive Team. NUAA Employees and Volunteers who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

If a Service User or stakeholder is dissatisfied with the conduct of a Board of Governance member, NUAA Employees or Volunteers, a complaint should be raised as per the Complaints, Disputes and Grievance Policy. Information on making a complaint will be made available to Service Users, stakeholders and will be found on the NUAA website. Additionally, a complaint can be taken over the phone by any NUAA Employee.

If a data breach is likely to result in grievous harm to the individual whose personal information is involved in the breach, the individual and the Office of the Australian Information Commissioner will be notified.

OUTCOMES

NUAA provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative requirements and ethical obligations.

The Board of Governance, NUAA Employees and Volunteers understand their privacy and confidentiality responsibilities in relation to personal information and organisational information about NUAA, its Service Users, NUAA Employees, Volunteers and Associates. This understanding is demonstrated in all work practices.