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Privacy Policy

Effective Date: May 2024

This policy applies to:

All permanent and casual employees and volunteers of Guide Dogs Victoria

1. General

This privacy policy outlines the practices adopted by Guide Dogs Victoria (GDV) for the management of personal and health information. This policy is designed to give an understanding of how Guide Dogs Victoria collects, uses and discloses and otherwise handles the personal information of clients, donors, volunteers and employees. GDV is committed to protecting the privacy of all clients, donors, volunteers and employees, in accordance with applicable Australian privacy laws.

Guide Dogs Victoria has a firm commitment to privacy and endorses fair information handling practices and respects the trust placed by individuals when providing personal details. Guide Dogs Victoria is also a member of the Australian Direct Marketing Association (ADMA) and agrees to abide by the ADMA Code of Practice.

Guide Dogs Victoria is required to make this policy freely available and in an appropriate form, and accordingly it is able to be accessed on the public website. Individuals who would like to request a copy of this policy in an alternate or accessible form, or individuals from a non-English speaking background, may do so by contacting the Privacy Officer, and reasonable steps must be taken to provide the policy in an appropriate form.

2. Purpose

The purpose of this policy is to define

1. What kind of personal information is held by Guide Dogs Victoria
2. How this personal information is collected
3. How the information is stored and its' purpose
4. The disclosure of, and access to, the information
5. How individuals can access, request or correct their personal information, held by Guide Dogs Victoria,
6. How to make a complaint about a breach of privacy, and how complaints will be handled.

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It sets out GDV policies and practices in relation to the way personal information is collected and handled, consistent with the Privacy Act 1988 (Commonwealth), the Privacy Amendment (Enhancing Privacy Protection) Act 2012, *Health Records Act 2001* (Vic) and other Victorian Government legislation and regulation.

3. Definitions

Clients are the recipients of services provided by Guide Dogs Victoria

Donor means an individual that makes a contribution of value to Guide Dogs Victoria for the purpose of furthering Guide Dogs Victoria's mission. A donor includes prospective donors and an individual that has previously made a donation. It does not include an individual that engages Guide Dogs Victoria for trade

Employees includes all permanent and casual employees, labour hire and contractors.

Health information means

- information or opinion about the physical or mental health, or disability, of an individual
- an individual's expressed preferences about the future provision of health, disability or aged care services to him or her
- the nature of health, disability or aged care services that have been, or are to be, provided to an individual
- information originally collected in the course of providing a health, disability or aged care service to an individual
- genetic information that is or could be predictive of the health of an individual or their descendants.

Personal information broadly means information or an opinion about an individual, whether true or not, which could reasonably lead to the identification of the individual in the particular circumstances. Personal information, as defined by the Office of the Australian Information Commissioner, can include

- an individual's name, signature, address, phone number or date of birth
- sensitive information
- credit information
- employee record information
- photographs
- internet protocol (IP) addresses
- voice print and facial recognition biometrics (because they collect characteristics that make an individual's voice or face unique)
- location information from a mobile device (because it can reveal user activity patterns and habits).

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An individual's name does not have to be included in information for it to constitute personal information. The test is whether the information considered as a whole would enable the individual to be identified.

Privacy Act 1988 (Cth) Guide Dogs Victoria is required to meet certain obligations under the Commonwealth Privacy Act 1988 (the Act) and is bound by the Australian Privacy Principles (the APPs). The Act governs how Guide Dogs Victoria collects, uses, stores and discloses the personal information of individuals, and how they may access or correct their information.

Sensitive information refers to a special category of personal information and can include:

- racial or ethnic origin
- political opinions or associations
- religious or philosophical beliefs
- trade union membership or associations
- sexual orientation or practices
- criminal record
- health information
- some aspects of biometric information.

Generally, sensitive information has a higher level of privacy protection than other personal information as there are additional obligations for the management of sensitive information required by the Act.

Victorian Health Records Act 2001 is a framework to protect the privacy of individuals' health information. It regulates the collection and handling of health information, giving individuals a legally enforceable right of access to health information about them and establishes Health Privacy Principles (HPPs) that apply to health information collected and handled in Victoria.

Volunteers includes all Directors of the Board and members of the Consumer Engagement Council.

4. Types of personal information collected and stored

Guide Dogs Victoria collects the personal information of clients, their representatives and next of kin, employees, donors, suppliers, contractors and service providers. The personal information collected will depend on the nature of the individual's relationship or interaction with Guide Dogs Victoria and its employees. Guide Dogs Victoria will only collect personal information where it is reasonably necessary for, or directly related to, one or more of its functions or activities.

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Personal and business details of suppliers and contractors are also collected.

4.1. Clients

Guide Dogs Victoria will seek consent to collect personal information of clients, their representatives, next of kin and the referrer.

Personal information collected can include names, photographs, dates of birth, gender details, address, contact details and NDIS numbers. GDV may also collect information about clients' funding status e.g. NDIS funding.

Sensitive information is only collected when reasonably necessary to deliver a quality service to a client giving consideration towards the client's social, emotional and medical wellbeing and when it is required or authorised by or under law to do so.

4.2. Employees

Additional personal and sensitive information collected concerning employees which can include job applications, work histories, curricula vitae, educational qualifications, training records, competency assessments, details of salary and wages, training records, performance assessments, counselling details and personnel records. Sensitive information is sometimes collected when appropriate, such as criminal record check details and relevant medical histories for employment purposes.

4.3. Donors

Personal information is collected to process donations, issue tax receipts, and to send donors updates on projects, program development and impact of donor support. For these purposes, information may be shared with trusted third parties and service providers (and their directors, servants and agents) in Australia. Failure to provide personal information may result in Guide Dogs Victoria being unable to provide donors with certain information and offers.

5. How personal information is collected

5.1. Clients

Personal information is collected about clients following consent to do so, in the following ways:

- Directly from the client and/or their representatives or next of kin in person, via the phone or via correspondence such as letters and emails.
- From third parties such as health professionals, Support Coordinator's, Department of Education, NDIS Aged Care Assessors, other services providers
- Through the GDV website online referral form.

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5.2. Employees and service providers

Information about employees is collected:

- Directly from the employees
- Through general background check processes such as criminal history checks
- From other sources such as referees and employment agencies.

Information about suppliers, contractors and service providers and their employees is collected directly from our service providers.

5.3. Donors

Personal information about donors is collected following consent to do so, in the following ways:

- Directly from the donor in person, via the phone, website or via correspondence such as letters and emails.
- Through the GDV website online donation and or newsletter forms.

When personal information is collected, Guide Dogs Victoria takes reasonable steps in the circumstances to notify the individual (either at or before the time of collection, or as soon as practicable thereafter) or make them aware of certain matters. These "collection statements" are included on all forms that Guide Dogs Victoria uses to collect personal information, displayed on the website at the point of collection, or relayed via telephone or in person when individuals provide their personal information.

Guide Dogs Victoria must notify individuals of its identity and contact details where and in what circumstances personal information may be collected from another source, whether the collection is required or authorised by law or a Court/Tribunal order, the purposes for which it is collected, the main consequences if some or all of the information is not collected, and to whom the personal information is usually disclosed.

5.4. Cookies

GDV uses cookies for various purposes, including but not limited to improving website performance, analysing user behaviour, and providing personalised content. By using the website, users consent to the use of cookies. Cookie preferences can be managed through your browser settings.

The right to withdraw consent for the use of cookies can be completed at any time by adjusting browser settings or using the opt-out options provided. GDV may also use third-party cookies for analytics and advertising purposes. These cookies are subject to the privacy policies of the respective third-party providers.

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6. How personal information is stored

Guide Dogs Victoria stores information securely and electronically. Authorised employees and service providers to clients have access to personal and health information electronically.

Guide Dogs Victoria is required to take reasonable steps to ensure that the personal information it collects, holds, uses and discloses is accurate, up to date and complete, with reference to the purpose for which it is collected, used or disclosed. Information held by Guide Dogs Victoria is subject to regular reviews and audits for this purpose. Where it is determined that stored personal information is no longer necessary for the purpose it was provided or legally required for Guide Dogs Victoria to hold, reasonable steps are taken to de-identify, archive or destroy the information.

Guide Dogs Victoria stores information using a secure electronic document management system, for personnel and invoicing related records. Security and access protocols are maintained in order to implement reasonable steps to ensure that personal information is protected from misuse, interference, loss, unauthorised access, modification and disclosure. Internal access controls and protocols ensure that only authorised employees can access personal information in circumstances where they are required to do so in the performance of their duties. IT systems allow electronic file access to be tracked and audited to ensure only authorised access to personal information has occurred.

Guide Dogs Victoria uses a number of measures to protect personal information from misuse, loss, unauthorised access, modification or improper disclosure. This includes a network system firewall designed to protect information held within the computer network by preventing unauthorised access. Data management systems and procedures ensure personal information is handled in a way that is consistent with this policy.

Governance mechanisms employed by Guide Dogs Victoria to ensure the appropriate management of personal information include maintaining a designated privacy officer role, our internal policies and procedures, audit programs, employee communications and training programs. Guide Dogs Victoria is committed to conducting a Privacy Impact Assessment for any new project where personal information will be handled, or where a significant change to information handling procedures is proposed.

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7. Reasons personal information is collected, stored, used and disclosed

7.1. Collection of Information

GDV provides Guide Dog and specialist support services to enrich the quality of life of people in the Victorian community with blindness or low vision. GDV relies on donations to fulfil its purpose.

Some examples of why personal information is collected include:

- To send information that has been requested by support recipients
- To offer and arrange the provision of a service in line with the GDV mission
- To manage staff, volunteers, and the provision of services
- To seek additional support to help fund the services provided for people with blindness or low vision.

GDV may collect information for statistical purposes about services provided and demographic data (optional), to tailor the information provided to supporters.

Financial information (such as credit card information) is collected to receive payment for donations and/or orders for Guide Dog products.

Statistical information may be provided to sponsors without identifying any individuals.

Information may be collected about potential supporters, sponsors or members from information that is publicly available to help develop donor, sponsorship and membership programs.

Personal information is collected from a variety of sources, such as when individuals:

- make an application to receive a service
- receive a service or follow-up training
- attend a fundraising event or activity
- respond to our mailing program
- respond to a telemarketing call
- voluntarily provide us with personal information
- make a donation to us
- join a supporter's group such as the Guide Dog Club
- become staff members or volunteers of Guide Dogs Victoria

7.2. Anonymity

If individuals wish to remain anonymous or use a pseudonym in dealings with GDV, all attempts will be made to fulfil the request.

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7.3. Use of information

When Guide Dogs Victoria holds personal information, it can only be used for the particular purpose for which it was collected (known as the "primary purpose"), unless certain exceptions apply.

Personal information can be used for secondary or other purposes

- where consent has been obtained,
- where it is reasonably expected to be used for a related purpose,
- where required or authorised by law or a Court/Tribunal order,
- where reasonably necessary for enforcement purposes conducted by or on behalf of an enforcement body, or
- where certain "permitted general situations" or "permitted health situations" exist.

7.4. Permitted General Situations

Permitted general situations are where circumstances exist involving serious threats to life, health or safety of any individual, or to public health or safety, suspected unlawful activity or serious misconduct, missing persons, legal or equitable claims and alternative dispute resolution processes.

7.5. Permitted Health Situations

Permitted health situations are where a range of specific circumstances apply in relation to the collection, use and disclosure of health information. They will exist where the information is necessary to provide a health service to the individual, and either the collection is required or authorised by or under an Australian law (other than the Privacy Act), or the information is collected in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which govern activities of the organisation.

A permitted health situation will also exist where the collection is necessary for research relevant to public health or public safety, the compilation or analysis of statistics relevant to public health or public safety, or the management, funding or monitoring of a health service, and:

- those purposes cannot be served by collecting de-identified information,
- it is impracticable to obtain the individual's consent, and
- the collection is either required by or under an Australian law (other than the Privacy Act), in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation, or in accordance with approved guidelines.

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Permitted health situations arise in relation to genetic information about individuals if:

- the organisation has obtained the information in the course of providing a health service to the individual,
- the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life,
- health or safety of another individual who is a genetic relative of the individual,
- the use or disclosure is conducted in accordance with approved guidelines, and
- in the case of disclosure – the recipient of the information is a genetic relative of the individual.

Finally, a permitted health situation will arise when the organisation provides a health service to the individual, and:

- the recipient of the information is a responsible person for the individual,
- the individual is either physically or legally incapable of giving consent to the disclosure, or physically cannot communicate consent to the disclosure,
- another individual providing the health service (the 'carer') is satisfied that either the disclosure is necessary to provide appropriate care or treatment of the individual, or the disclosure is made for compassionate reasons,
- the disclosure is not contrary to any wish expressed by the individual before the individual became unable to give or communicate consent of which the carer is aware or of which the carer could reasonably be expected to be aware, and
- the disclosure is limited to the extent reasonable and necessary for providing appropriate care or fulfilling compassionate reasons.

Personal information collected from individuals is always treated as confidential information. There will be no disclosure to a third party except where it is necessary for consultants or contractors performing services for Guide Dogs Victoria, and then only if the third party provides defined assurances as to the safety of the data:

Guide Dogs Victoria may provide statistical information on clients to government departments without identifying any individuals. Guide Dogs Victoria will not transfer personal information overseas unless reasonable steps have been taken to ensure that the information will not be held, used or disclosed by the recipient of the information inconsistent with the Australian Privacy Principles.

Guide Dogs Victoria may use third party service providers to conduct surveys and facilitate information collection and event registration. Some of these service providers conduct all or part of their business overseas. Guide Dogs Victoria must conduct a due diligence process before entering into an agreement with these service providers and must take all reasonable steps to ensure information is not used in a manner inconsistent with the Australian Privacy Principles.

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8. Disclosure of, or Access to, Information

Guide Dogs Victoria employees are to respect the confidentiality of clients, volunteers, donors and employee's personal information and the privacy of individuals. In most circumstances, Guide Dogs Victoria is restricted in how it may disclose personal information. Personal information can only be disclosed for the particular purpose for which it was collected (known as the "primary purpose"), unless certain exceptions apply. Personal information can be disclosed for secondary or other purposes if:

- the information is health information – for example, the use or disclosure is necessary for research or the compilation or analysis of statistics relevant to public health or safety.
- you would reasonably expect us to so use or disclose such information.
- you have given us specific consent to do so.
- we are required to do so by law.
- it is necessary to prevent a serious and imminent threat to the life or health of a person.
- it is a necessary part of an investigation of unlawful activity or
- where "permitted general situations" or "permitted health situations" as described above exist.

Circumstances where personal information may be disclosed broadly include compliance with statutory obligations, arranging for insurance, progressing insurance claims and meeting occupational health and safety obligations. Guide Dogs Victoria may disclose personal information of members of the public, clients, suppliers, contractors and service providers which is provided for the purposes of fulfilling client requests, providing personalised services, maintaining accounts and records, statistical analysis, conducting market research and marketing, and assessing and evaluating the use of the website.

Personal information may be given to State and Commonwealth government agencies and other individuals/organisations including loss adjusters, security companies, insurance companies and health service providers. It will only be disclosed to third parties where permitted by the Act, and only disclosed to Guide Dogs Victoria employees where necessary for the performance of their duties and with the relevant authorisation.

8.1. Clients

Where permissible, clients' relevant personal information is disclosed to other persons/organisations who are involved in providing health services and other care and services to the client. This can include the client's doctor and allied health service providers. For home care clients, it can also include people such as personal care

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workers, cleaners, gardeners and maintenance personnel contracted to provide services to the client in their home.

Clients' information may also be collected, held and used for the following purposes:

- client funding from government agencies.
- compliance with legal obligations under the Aged Care Act 1997 and other laws.
- improvement of services through quality improvement activities such as audits, surveys and other quality improvement activities for direct marketing for the purposes of obtaining professional advice.

Individuals have an enforceable right of access to their health information under the *Victorian Health Records Act 2001*, unless:

- providing access would pose a serious threat to the life or health of any person.
- providing access would have an unreasonable impact on the privacy of other individuals.
- the information relates to existing legal proceedings between GDV and the individual and the information would not be accessible by the process of discovery in those proceedings or is subject to legal professional privilege or client legal privilege.
- providing access would reveal the intentions of GDV in relation to negotiations, other than about the provision of a health service, with the individual in such a way as to expose GDV unreasonably to disadvantage.
- the information is subject to confidentiality under the act.
- providing access would be unlawful.
- denying access is required or authorised by or under law.
- providing access would be likely to prejudice an investigation of possible unlawful activity.
- providing access would be likely to prejudice a law enforcement function by or on behalf of a law enforcement agency.
- a law enforcement agency performing a lawful security function asks GDV not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- the request for access is of a kind that has been made unsuccessfully on at least one previous occasion and there are no reasonable grounds for making the request again.
- the individual has been provided with access to the health information and is making an unreasonable, repeated request for access to the same information in the same way.

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8.2. Employees and Service Providers

Information is collected, held, used and disclosed about our employees and services providers for following purposes:

- to administer employment arrangements, personnel development and management responsibilities
- to provide care and services to our clients
- for quality improvement and marketing purposes
- to meet legal obligations such as the requirement to obtain criminal record checks for employees involved in providing care to our clients and workplace laws obligations.

8.3. Direct Marketing

Guide Dogs Victoria may use or disclose personal information (other than sensitive information) for direct marketing purposes where it has collected the information directly from the individual and the individual, when given the opportunity, has chosen not to opt out.

Guide Dogs Victoria can use sensitive information for direct marketing communications where consent to do so has been obtained. When Guide Dogs Victoria uses personal information for direct marketing purposes or to facilitate direct marketing by another organisation, the individual may request not to:

- receive marketing communications,
- request that Guide Dogs Victoria not use or disclose their personal information to facilitate direct marketing by another organisation, and
- request that Guide Dogs Victoria inform the individual of the source of their personal information where practicable or reasonable (or inform the individual that it cannot do so).

Guide Dogs Victoria cannot charge an individual for dealing with a request:

- not to receive direct marketing communication,
- that their information not to be disclosed to another marketing organisation, or
- to provide its source of information.

It must deal with these requests within a reasonable period of time.

9. Accessing Personal Information

GDV will take all reasonable steps to ensure personal information is, accurate, complete, and up to date

Requests made by individuals to access or correct their personal information held by Guide Dogs Victoria can occur via the Customer Service Team and /or the Privacy Officer. The client's identity will be verified and if the request is from a third party, then

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consent will be sought. Verification of what information is required will be confirmed. There may be occasions where access to information is denied. Such circumstances include when the release of information has the potential to have an unreasonable impact on the privacy of the client or others.

Guide Dogs Victoria may require that a reasonable fee be paid for the cost associated with verifying an application, locating, retrieving, reviewing and copying any material in the format requested.

If Guide Dogs Victoria holds personal information about an individual, and is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading (having regard to the purpose for which it is held), or the individual requests that Guide Dogs Victoria correct the information then Guide Dogs Victoria will take reasonable steps to correct the information.

10. Managing complaints regarding a breach of the APPs

All complaints concerning breaches of the Act and APPs will be examined, and unless they are considered frivolous or vexatious, will be investigated by the Guide Dogs Victoria Privacy Officer. Complaints should be submitted in writing directly to the Privacy Officer and Guide Dogs Victoria will follow dedicated procedures for identifying and reporting privacy breaches, and receiving and responding to complaints.

Guide Dogs Victoria Quality Manager must maintain a Feedback Register and will investigate complaints concerning the mishandling of personal information, security breaches, and allegations of breaches of the Act and the APPs, and any matters which are referred from the Office of the Australian Information Commissioner (OAIC). Complaints will be promptly acknowledged and will be dealt with within a reasonable amount of time depending on the complexity of the matter.

If the complainant is not satisfied with the investigation or the outcome, they may make a further complaint to the Office of the Australian Information Commissioner or the Aged Care Complaints Scheme.

11. Review of this Policy

This Policy will be reviewed every 3 years and updated to take account of new legislation and technology, changes to Guide Dogs Victoria's operations and practices and to ensure for the changing Guide Dogs Victoria environment.

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12. Related Documents

- Code of Conduct
- Fair Work Act (Cth) 2009
- Grievance and Dispute Resolution Policy
- How to Request Access to Your Information Work Instruction.
- Privacy Act 1988 (Commonwealth),
- Privacy Amendment (Enhancing Privacy Protection) Act 2012,
- Victorian Health Records Act 2001

ⁱSch. 1 HPP 6.1(c): See also section 96.