

# Privacy policy

## About this policy

The *Privacy Act* 1988 requires entities bound by the Australian Privacy Principles (APP) to have a privacy policy. This privacy policy outlines the personal and sensitive information handling practices of Goodwin Aged Care Services Limited (Goodwin). Goodwin employees, or prospective employees should also refer to our *Employee privacy statement*.

This policy is written as simply as possible. The specific legal obligations of Goodwin when collecting and handling your personal information are outlined in the *Privacy Act* 1988 and, in particular, in the APPs found in that Act.

We will review and update this Privacy policy from time to time to ensure that it remains appropriate and complies with all relevant laws and regulations. Goodwin will publish this Privacy policy on our website and a copy can be made available upon request. For the avoidance of any doubt, any information that we collect and hold will be governed by the most current version of this Privacy policy.

## Policy

Goodwin is committed to protecting the privacy of our residents, clients, employees and other persons. We collect, hold, use and disclose information to carry out our purposes as governed by the Goodwin Constitution and relevant legislation, regulations and guidelines, such as, but not limited to the Aged Care Act 1997, the Retirement Villages Act 2012 (ACT) and the Fair Work Act 2009.

Goodwin collects, holds, uses and discloses this information for the following purposes:

- to provide quality services, including care, accommodation, support and assistance for aged people, which will enable them to live with dignity and independence, always mindful of their diverse backgrounds, varying spiritual and cultural needs and financial circumstances
- to consistently meet the needs of residents, clients and their relatives
- to provide a caring environment which will foster pride, integrity and growth for residents, clients and employees
- to be adaptable to and prepared for creative change in the achievement of these purposes
- to fulfil financial and accountability obligations to the Australian Government as required by law, e.g. under the *Aged Care Act 1997*.

This privacy policy details:

- The personal and sensitive information management practices of Goodwin, including the collection, holding, uses, disclosure and correcting of such information.
- How individuals may obtain access to their personal and sensitive information (including health information).
- How individuals may make a complaint about privacy breaches and how Goodwin will handle such a complaint.
- How Goodwin will handle personal or sensitive information security breaches (data breach response plan).

In this policy, a reference to “information” (unless expressly stated otherwise) is a reference to both personal and sensitive information (including health information).

In this policy, a reference to individuals includes residents and clients, their families or nominated / authorised representatives, employees, volunteers, contractors and others who may have provided Goodwin with their information.

In this policy, a reference individuals includes past, present and prospective individuals.

## Collection of information

### Kinds of information collected

We usually collect information directly from individuals and we try to only collect the information we need for the particular function or activity we are carrying out.

We may also collect information from third parties, for example, medical practitioner, authorised representatives, another service provider, previous employers, referring agencies such as ACAT, to enable us to undertake our purpose.

#### COLLECTING THROUGH OUR WEBSITE

We also collect information through our websites - [www.goodwin.org.au](http://www.goodwin.org.au), [www.centralbygoodwin.org.au](http://www.centralbygoodwin.org.au) and [www.goodwinfarrer.org.au](http://www.goodwinfarrer.org.au) – and social networking services such as Facebook and Twitter. We may use this information to respond to queries and feedback or to improve our websites. The information is stored in a secure server located in Australia.

We use a range of tools provided by third parties, including Google, Bing and our web hosting company to collect or view website traffic information. We also use cookies and session tools to improve your experience when accessing our websites. The information collected by these tools may include the IP address of the device you are using and information about referring sites, the pages accessed on our site, the search terms used and date and time of access.

We sometimes collect anonymous information using cookies on our website. Cookies are small data files that a website transfers to your computer or device. Cookies do not identify users personally but they allow the tracking of the use of a website. Most web-browsers are set to accept cookies however, you can configure your web-browser to reject cookies. If you reject cookies you may not be able to use all of our online services.

#### SOCIAL NETWORKING SERVICES

We use social networking services such as Twitter, Facebook, LinkedIn and YouTube to communicate with the public about our work. When you communicate with us using these services we may collect your personal information, but we only use it to help to communicate with you and the public. The social networking services will also handle your personal information for its own purposes. These services have their own privacy policies. You can access them on their websites.

#### EMAIL LISTS

We collect your personal information when you subscribe to our email lists, when registering for our events, or when submitting feedback. We only use this information for the purpose of sending you updates on the activities or events of Goodwin, to respond to your feedback and to administer the email lists.

## Anonymity

Where possible, we will allow you to interact with us anonymously or using a pseudonym. For example, if you contact our enquiries line with a general question you do not need to provide us your name, unless we need it to handle your question.

However, for most of our functions and activities we need your personal and sensitive information to enable us to fairly and efficiently handle your inquiry, request, complaint, application or to provide you with care and services.

## Consent

On application and/or admission, each resident or client is requested to provide express consent by completing a resident or client consent form (refer to relevant admission process for residential, community or retirement living) for the collection, use and disclosure of information for the primary purpose of providing quality accommodation, care and services. Residents or clients have the right to withdraw this consent at any time.

Employees, residential care residents and participants in the Goodwin CHSP Day Club programs are also requested to complete a *Publicity release* for the purpose of using photographs or works of art or craft in various printed and electronic media produced by Goodwin. Goodwin also seeks permission for video footage and interviews to be used in Goodwin publicity activities. Individuals have the option not to consent (opt out) or consent may be withdrawn at any time.

Consent is deemed to be current for the duration of employment or involvement with Goodwin or the resident's or client's agreement for the supply of accommodation, care or services unless:

- There is a request made to alter or withdraw consent.
- There is a significant change (temporary or permanent) in the capacity of the individual to provide consent.

From time to time Goodwin may seek consent for various secondary purposes, such as specialist programs, media campaigns.

By law, Goodwin does not require consent for the collection, use or disclosure of information in the following circumstances:

- The collection or disclosure is required by law.
- A permitted general situation exists.
- A permitted health situation exists.

### INABILITY TO CONSENT

In the cases where an individual does not have the capacity to consent, consent is to be obtained from the legal representative. Evidence of legal representation must be provided.

## Disclosure

We will only use or disclose your information when it relates to the primary purpose for which it was collected.

When Goodwin is required to disclose your information to third parties we engage, e.g. contractors, allied health providers, to perform certain functions on our behalf Goodwin has

contracts or agreements in place including strict requirements of security and confidentiality and that the service provider only use or disclose the information for the purpose of the contract or agreement. However, we cannot be held responsible for any misuse or unauthorised disclose of your information by such third parties.

If you provide us with your information via mobile telephone number, email address, text message, social media or other methods of communication you authorise us to send you information using the same method of communication.

### Overseas disclosure

Goodwin does not make any disclosures of information to overseas recipients.

## Storage and security of information

Protecting your information is important to us and Goodwin is committed to taking all reasonable precautions to protect your information we hold from both internal and external threats by a number of physical and electronic safeguards, including (but not limited to):

- password protection for accessing our electronic IT system
- audit trails of electronic systems, for example, we keep a record (audit trail) of when someone has added, changed or deleted information held in our electronic client management system for residential care
- physical access restrictions to IT systems and storage areas
- physical access restrictions to Goodwin premises
- firewalls and cyber security systems.

When no longer required, Goodwin destroys all information in a secure manner.

Goodwin will also conduct regular internal and external audits to assess the risk of misuse, interference, loss and unauthorised access, modification or disclosure of information (data breaches) and compliance with our safeguarding systems.

## Quality of information

Goodwin will take such steps as are reasonable to ensure that the information collected, used and disclosed is accurate, up to date and complete, for example by way of, consistent assessments / collection methods, regular and timely review and update periods and regularly auditing our contact lists to check accuracy.

Individuals have the right to withhold information for privacy reasons. However, if all or some of the requested information is not provided, or the information provided is inaccurate, Goodwin may not be able to fully provide the services or supports you require.

## Accessing and correcting information

Under the *Privacy Act* 1988 you have the right to ask for access to information that we hold about you, and ask that we correct that information if required. You can ask for access or correction by contacting us and we must respond within 30 days. We may ask you to verify your identity before we give you access to your information, or correct it. If we refuse to give you access to, or correct, your information it will only be in accordance with the *Privacy Act* 1988 and we will notify you in writing setting out the reasons.

Goodwin also has an obligation to take reasonable steps to correct information when satisfied that it is inaccurate, out-of-date, incomplete, irrelevant or misleading when inaccuracies have been identified through normal business proceedings.

## Handling and responding to data breaches

On becoming aware of or suspecting that a data breach may have occurred, Goodwin will act quickly to contain any breach and will undertake a full investigation into the occurrence ensuring appropriate remedial action is taken. Goodwin has a documented *Data breach response plan* that all employees are required to comply with. This plan is the framework which sets out the procedures and clear lines of responsibility for Goodwin employees in the event that Goodwin experiences a data breach (or suspects that a data breach has occurred). It enables Goodwin to contain, assess and respond to data breaches in a timely manner and to help mitigate potential harm to affected individuals.

In the unlikely event that a breach may result in serious harm to yourself, you will be contacted and Goodwin will provide you with the necessary information and assistance to implement any recommendations we may make about steps you can take in response to the breach. This notification will also include details on what we have done to control and / or reduce harm and what proposed future steps are planned to ensure the breach does not reoccur.

## Complaints about a breach of privacy

An individual may complain about how Goodwin has handled their information. If you wish to make a complaint, you should complain in writing and in the first instance to Goodwin.

Goodwin will acknowledge receipt of the complaint within two (2) business days and respond to the complainant (in writing) within a reasonable time (no more than 30 days) in accordance with our *Feedback mechanism* policy.

If the complainant is not happy with the response they may make a complaint to the Information Commissioner.

### How to contact us

You can contact us at:

- directly with your manager
- [feedback@goodwin.org.au](mailto:feedback@goodwin.org.au)
- 02 6175 5100
- 22 Marshall Street, Farrer ACT 2607

## Additional protocols

In assuring Goodwin meets the compliance obligations of the *Privacy Act* 1988, Goodwin will:

- On application/admission provide individuals with a *Privacy statement* that outlines this *Privacy* policy.

- All employees and volunteers have a duty to maintain confidentiality between themselves, the resident or client and their records. All employees and volunteers must sign a confidentiality agreement as part of their contract with Goodwin.
- Employees and volunteers must comply with Goodwin's *Social media* policy and uphold the employee/volunteer code of conduct.
- Assessments, reviews, meetings and discussions will take place in an area which affords privacy and confidentiality.
- Assessments, reviews, meetings and discussions will only be between relevant individuals. Other persons (e.g. allied health practitioner, support person) may be included with the consent of the individual.
- External contractors and service providers are contracted, engaged and managed in accordance with Goodwin's *External services* policy. Information will not be disclosed without consent unless required by law or a permitted general or health situation exists.

## Definitions

Privacy	The right to have personal information (including health information) protected through the control of the collection, storage, use and dissemination of such information, as required by the <i>Australian Privacy Principles</i> .
<i>Australian Privacy Principles</i> (APP)	Thirteen (13) legally binding principles which are the cornerstone of the privacy protection framework in the <i>Privacy Act 1988</i> . The APPs set out standards, rights and obligations in relation to handling, holding, accessing and correcting personal information.
Information	In this policy, a reference to "information" (unless expressly stated otherwise) is a reference to both personal and sensitive information (including health information).
Personal Information	Information or an opinion about an identified individual, or an individual who is reasonably identifiable: <ul style="list-style-type: none"><li>• whether the information or opinion is true or not; and</li><li>• whether the information or opinion is recorded in a material form or not.</li></ul> <p>This means personal information includes information about an individual which, when combined with other information (which may not be controlled by the same entity), identifies an individual or renders the individual reasonably identifiable.</p>
Sensitive Information	Subset of personal information and is information or an opinion about an individual including: <ul style="list-style-type: none"><li>• racial or ethnic origin</li><li>• religious beliefs or affiliations</li><li>• philosophical beliefs</li><li>• sexual orientation or practices</li><li>• health information.</li></ul> <p>This type of information attracts additional privacy protections and exceptions as it is recognised that the inappropriate handling of</p>

sensitive information can have greater adverse consequences. Mishandling of sensitive information may cause humiliation, embarrassment or undermine an individual's dignity.

Health Information

Includes:

- Information or an opinion, that is also personal information, about:
  - The health or disability (at any time) of an individual.
  - An individual's expressed wishes about the future provision of health services to him or her.
  - A health service provided, or to be provided to an individual.
- Other personal information collected to provide, or in providing, a health service (Goodwin is classified as a health service).

Consent

May be express consent or implied consent. The four (4) key elements are:

- The individual is adequately informed before giving consent.
- The individual gives consent voluntarily.
- The consent is current and specific.
- The individual has the capacity to understand and communicate their consent.

Express consent is given explicitly, either orally or in writing. Implied consent arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and the organisation.

Disclosure

Information is disclosed when it is made accessible to others outside Goodwin and the subsequent handling of that information is outside the effective control of Goodwin. The disclosure may be:

- A proactive release, e.g. promotional material.
- In response to a specific request, e.g. from an allied health provider.
- An accidental or unauthorised release by an employee, e.g. provide information to an unauthorised family member, chatter on social media, conversation is overheard at the local coffee shop, computer screen is positioned in such a way that can be read by an unauthorised person.

Holds

- Extends beyond the physical possession of the information to include where an entity has the right or power to deal with the information. For example, an entity holds personal information where:
  - It physically possesses a record containing the personal information and can access that information physically or by use of an electronic device.
  - It has the right or power to deal with the personal information, even if it does not physically possess or own the medium on which the personal information is stored. e.g. iCare data

storage is outsourced but Goodwin retains the right to deal with it, including access and amending the information.

**Permitted General Situation** Exemptions that apply to the collection, use or disclosure of personal or sensitive information, and includes:

- Lessening or preventing a serious threat to the life, health or safety of any individual, or to public health safety.
- Taking appropriate action in relation to suspected unlawful activity or serious misconduct.
- Locating a person reported as missing.

**Permitted Health Situation** Exemptions that apply to the collection, use or disclosure of health information, and includes:

- The collection of health information to provide a health service.
- The collection of health information that is necessary for research relevant to public health or public safety, e.g. during times of influenza outbreak.
- The collection for the management, funding or monitoring of a health service, e.g. Quality agency when assessing the quality of care and services provided by Goodwin.
- The disclosure of health information to a responsible person for an individual. This situation applies when:
  - The organisation provides a health service to the individual.
  - The recipient is a responsible person for the individual, e.g. authorised or legally appointed representative.
  - The individual is either physically or legally incapable of giving consent to the disclosure, or physically cannot communicate consent to the disclosure.
  - The disclosure is necessary for providing appropriate care or treatment to the individual, or for compassionate reasons.
  - The disclosure is not contrary to any wish expressed before the individual became unable to give or communicate consent and the responsible person is aware of the wish (or could be reasonably expected to be aware).

**Authorised Representative** An individual that has been given expressed written consent to act on behalf of the resident or client – this can be either as per the completed consent form or by way of legally binding guardianship or power of attorney documents.

**Legal Representative** An individual that has been given the legal responsibility by way of guardianship or power of attorney to act on behalf of the resident or client. These responsibilities may be limited and Goodwin must check the decision making powers that have been granted.