

Title: Privacy		No: 44300
Policy Owner: Chief Impact Officer		
Policy Operational Delegate: Snr Mgr Clinical Governance & Quality		
Date approved: July 2016 Date Reviewed: January 2023		Suggested Review date: January 2025
Reference or source: Privacy Act 1988 (Cth) Australian Privacy Principles Privacy and Data Protection Act 2014 (Vic) Health Records Act 2001 (Vic) Children, Youth and Families Act 2005 (Vic)		
Purpose: Family Life is committed to protecting the privacy of individuals by responsible handling of personal and sensitive information, consistent with the Australian Privacy Principles and in compliance with the relevant legislation.		
Application Whole Organisation	Type Policy	Policy group Quality Services

1. Background

- 1.1. The following document sets out Family Life's privacy policy in relation to our clients, members, donors, supporters, volunteers, contractors, students placed with us, and employment applicants while not employed by Family Life. Privacy legislation does not specifically apply to employee information.
- 1.2. Family Life's summary Privacy Statement, outlined in Appendix 1, is included in our brochures, publications and on our website. The summary Privacy Statement makes reference to the full policy herein, which is to be made available upon request.
- 1.3. This policy document is available on Family Life's internal policy platform, and is also available on our website, linked from our summary privacy statement.

2. Definitions

- 2.1. **Clients:** Individuals or families receiving services from Family Life. For the purposes of this policy, this includes those who have commenced contact with us and who are prospective clients, as well as those who have ceased receiving services and are former clients.
- 2.2. **Full Fee Paying Clients:** A particular subset of **clients**, who pay for our services, under non-government programs with no government funding contributions. Our privacy policy applies equally to both full fee paying and other

clients, with the exception that full fee paying clients may receive marketing information about our services and activities as described in clauses 8, 10 and 11 of this policy.

- 2.3. **Members:** Individuals who are registered Family Life members, recorded on our membership database.
- 2.4. **Donors:** Individuals or families who have donated funds, goods or services to Family Life and/or who have expressed an interest in donating to Family Life in the future.
- 2.5. **Supporters (including events attendees):** Those identifiable individuals or families who have an interest in the activities of Family Life.
- 2.6. **Volunteers:** Individuals who have worked for Family Life in an unpaid capacity in our organisation.
- 2.7. **Contractors:** Individuals who have provided services to Family Life either individually or on behalf of a business or other entity, on a contractual basis.
- 2.8. **Students Placed With Us:** Individuals who are undertaking a course of study who have attended Family Life for work or observational purposes and who do not otherwise fit the definition of an employee, contractor or volunteer.
- 2.9. **Employment Applicants:** Individuals who have applied for a position with Family Life and were either not successful, or have not yet been employed by Family Life. This includes those who have applied for an advertised position, and those who have provided unsolicited applications.
- 2.10. **Employees:** Those individuals who are employed directly by Family Life on a permanent, contract or casual basis.
- 2.11. **Government Funders:** Government entities that provide funding for Family Life to undertake specific programs or activities. These funders include, but are not limited to, the Department of Families, Fairness and Housing in Victoria (DFFH) and the Commonwealth Department of Social Services (DSS) and the Attorney General's Department (AGD).
- 2.12. **Third Party Service Suppliers:** Entities engaged by us under contract to supply information technology, or digital marketing and digital strategy services.
- 2.13. **External Professionals:** Individuals self-employed or employed by entities other than Family Life whose professional contact details we may store in relation to co-servicing of clients or through other networking with us.

3. Objectives

- 3.1. Family Life recognises the importance of protecting the privacy and the rights of individuals in relation to their personal information. Our privacy policy, as contained herein, sets out how we collect and manage your personal information.
- 3.2. We respect your right to privacy under the Privacy Act 1988 (Cth) (“the Act”) and we comply with all of the Act’s requirements in respect of the collection, management and disclosure of your personal information. We comply with the Health Records Act 2001 (Vic) where we collect health information. For the clients we service under our DFFH funding, we also comply with the Privacy and Data Protection Act 2014 (Vic).

4. What is Your Personal Information? What is Sensitive Information and Health Information?

- 4.1. When used in this Privacy Policy, the term “personal information” has the meaning given to it in the Act. In general terms, it is any information that can be used to personally identify you. This may include your name, address, telephone number, email address and profession or occupation. If the information we collect personally identifies you, or you are reasonably identifiable from it, the information will be considered personal information.
- 4.2. The term “sensitive information” has specific meaning under the Act. This includes:
 - (a) 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, or criminal record, where this is also personal information; or
 - (b) health information about an individual; or
 - (c) genetic information about an individual that is not otherwise health information; or
 - (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
 - (e) biometric templates.
- 4.3. The term “health information” under the Health Records Act 2001 (Vic) refers to:
 - (a) information or an opinion about:
 - (i) the physical, mental or psychological health (at any time) of an individual; or
 - (ii) a disability (at any time) of an individual; or
 - (iii) an individual’s expressed wishes about the future provision of health services to him or her; or
 - (iv) a health service provided, or to be provided, to an individual; that is also personal information; or
 - (b) other personal information collected to provide, or in providing, a health service; or

- (c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
- (d) other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants.

5. What Personal Information Do We Collect and Hold?

5.1. We may collect the following types of personal information:

- Name;
- Mailing or street address;
- Email address;
- Telephone Number;
- Facsimile Number;
- Age or Birth Date;
- Profession, Occupation or Job Title.

5.2. Other types of personal information may also be collected depending on the relationship of the individual to Family Life.

5.2.1. During the course of providing services, we will collect additional information from our clients where this is necessary to deliver our services effectively to you and respond to your needs. Often this will include sensitive information, and in some cases this may involve the collection of relevant health information as defined by the Health Records Act 2001 (Vic).

5.2.2. In relation to employment applicants, we will collect employment history information directly from applicants and from the referees they provide.

5.2.3. We may also collect relevant employment history information from volunteers working with our organisation.

5.2.4. We may collect additional information relating to you that you provide to us voluntarily through completing online forms from our website, or through you sending us an email.

5.2.5. In some cases we may also collect information through the use of cookies. When you access our website, we may send a “cookie” (which is a small summary file containing a unique ID number) to your computer. This enables us to recognise your computer and greet you each time you visit our website without bothering you with a request to register. We also use cookies to measure traffic patterns and to determine which areas of our website have been visited. We use this to research users’ habits so that we can improve our online information and services. Our cookies do

not collect personal information. If you do not wish to receive cookies, you can set your browser so that your computer does not accept them.

- 5.2.6. We may log IP addresses (that is, the electronic addresses of computers connected to the internet) and collect other information about your computer such as your operating system and browser type to analyse trends, administer our website, track user movements, and gather broad demographic information.
- 5.2.7. We may also collect some information that is not personal information because it does not identify you or anyone else. For example, we may collect anonymous answers to surveys or aggregated information about how users use our website.
- 5.2.8. In some circumstances, we may provide services to an individual who wishes to remain anonymous or identify only by a pseudonym, however this is often impracticable in the delivery of our services. Where a pseudonym is used, contact details will often still be required. Also, where we are required or authorised by law or a Court/Tribunal order to provide services, personal identifying information will need to be provided.

6. How Do We Collect Your Personal Information?

- 6.1. We collect your personal information directly from you unless it is unreasonable or impractical to do so.
- 6.2. When collecting personal information from you, we may collect in ways including:
 - 6.2.1. During conversations between you and our staff members, including in person and by telephone;
 - 6.2.2. Through your access and use of our website or online forms;
 - 6.2.3. When you complete an application or other notice provided by us.
- 6.3. We will sometimes collect sensitive or health information. Where this is necessary, staff or volunteers endeavour to collect the information in a manner that is considerate of individual circumstances, cultural issues, and is not unreasonably intrusive.
- 6.4. Whenever we collect personal information, we aim to explain:
 - 6.4.1. Why we collect it.
 - 6.4.2. To whom we disclose it (if applicable).

6.5. We may occasionally collect personal information from third parties including:

- 6.5.1. Other agencies, organisations or individuals that have referred you to services with us, where you have provided consent for the provision of this information.
- 6.5.2. Government or law enforcement entities that have provided us with information relevant to, and required for, the delivery of our services.
- 6.5.3. In the case of applicants for employment, volunteer work or student placement, relevant work history details provided by referees nominated by you.
- 6.5.4. In the case of external professionals, your professional contact details may be provided to us by clients we co-service, or from other individuals, entities or from sources in the public domain in order to contact you in a professional capacity.

7. What Happens If We Can't Collect Your Personal Information?

7.1. If you do not provide us with the personal information described above, some or all of the following may happen:

- 7.1.1. We may not be able to provide the services you request either to the same standard, or at all;
- 7.1.2. We may not be able to provide you with enough information about our services as they are relevant to your situation, in order to help you make an informed decision about whether you wish to undertake services with us;
- 7.1.3. In the case of members, supporters, donors or volunteers, we may not be able to keep you up to date with our current activities, programs, services, social enterprise businesses, partnerships, events, volunteer activities or fundraising;
- 7.1.4. In the case of applicants for employment, volunteer work or student placement, we may not be able to engage you to work with us.

8. For What Purposes Do We Collect, Hold, Use and Disclose Your Personal Information?

8.1. For our clients, our primary purpose for collecting personal information about you is so that we can perform the services or provide the information you request, in accordance with the requirements of our government funders and/or our legislative requirements where applicable, and to provide you with the best

possible quality of service. We are sometimes required to collect personal information by laws such as the Children Youth and Families Act 2005 (Vic).

8.2. We may also collect, hold, use and disclose your personal information for the following purposes:

8.2.1. To provide information on our services to you, send you surveys on service satisfaction, and send information requested by you;

8.2.2. To answer enquiries and provide information or advice about our services;

8.2.3. In the case of full fee paying clients, members, supporters, donors or volunteers, for providing information about our current activities, programs, services, social enterprise businesses, partnerships, events, volunteer activities and fundraising;

8.2.4. To update our records and keep your contact details up to date;

8.2.5. To process and respond to any complaint made by you;

8.2.6. To comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or in cooperation with any governmental authority of Australia;

8.2.7. To comply with legislative requirements and contractual requirements with our government funders, including the storage and retention of records;

8.2.8. In the case of applicants for employment, volunteer work or student placement, in order to assess your suitability for employment or placement with us.

8.2.9. In the case of external professionals, in the course of our work to service our clients.

8.3. Your personal information will not be shared, sold, rented or disclosed other than as described in this privacy policy.

9. To Whom May We Disclose Your Information?

9.1. We may disclose your personal information to our own employees, contractors, volunteers and students placed with us, where this is required in contacting you or providing services to you, including our internal maintenance of our quality services, and our evaluation activities.

9.2. Our employees, contractors and volunteers, and students placed with us, to whom your personal, sensitive or health information is disclosed, are subject to

strict internal requirements, which include the acceptance and signing of our code of ethics, code of conduct, and confidentiality agreements.

- 9.3. We have legal and/or moral obligations to contact authorities such as the DFFH Child Protection or the police when we have concerns for a child's safety, which would require the disclosure of personal, sensitive and health information. Where appropriate and safe to do so concerns will be discussed with parents / carers to empower planned and joint action, consistent with our quality endorsed policies and procedures. Where you are considered at risk of harming yourself or others, we similarly have legal and/or ethical obligations to contact your general practitioner or other relevant persons or authorities as appropriate.
- 9.4. If your information is subpoenaed by a Court, we are obliged to follow legal requirements in providing relevant information.
- 9.5. In the case of clients receiving services from us under programs funded by government funders, de-identified data is reported back to these funders as part of our reporting requirements to demonstrate the value of their investment. In limited circumstances, such as where you make a request under the Freedom of Information Act 1982 ("FOI") to a government funder, or you make a complaint to a government funder about your service, your personal, sensitive or health information may be provided to that government funder in order to meet your request or resolve your complaint.
- 9.6. We may disclose your personal, sensitive or health information to any organisation or individual for any purpose you require, or we require in our provision of services to you, where you have provided your express consent.
- 9.7. In the case of applicants for employment, volunteer work or student placement, we may exchange some or all of your personal information with your referees and recruitment consultants for appropriate purposes relating to considering your application.
- 9.8. We may disclose personal information to third party service suppliers under the limited circumstances described in clause 11 below.

10. Direct Marketing Materials

- 10.1. We do not distribute marketing materials to our clients, with the exception of our full fee paying clients, to whom we may send information and marketing materials concerning other services provided by Family Life.
- 10.2. In the case of our members, supporters, donors and volunteers, we may send you direct marketing communications and information about our current activities, programs, services, social enterprise businesses, partnerships, events, volunteer activities or fundraising that we consider may be of interest to you.

- 10.3. These communications may be sent in various forms, including mail, SMS and email, in accordance with applicable marketing laws, such as the Spam Act 2003 (Cth).
- 10.4. If you indicate a preference for a method of communication, we will endeavour to use that method whenever practical to do so.
- 10.5. At any time you may opt out of receiving marketing communications from us by contacting us, or by using the opt out facilities provided in the marketing communications (including in electronic forms). We will then ensure your name is removed from our mailing list(s).
- 10.6. We do not provide your personal information to other organisations for the purposes of direct marketing, with the exception of those circumstances described in clause 11 below.

11. Third Party Service Suppliers

- 11.1. We engage certain third party service suppliers to maintain our information technology systems and to provide digital marketing and strategy services. We take reasonable steps to ensure that these third party service suppliers are contractually bound by privacy and confidentiality obligations in relation to their access to and use of your personal information, and that they only access or use your personal information for the specific purpose(s) for which we supply it.
- 11.2. In the case of third party service suppliers providing digital marketing and strategy services, we may securely disclose personal information in the circumstances detailed in clause 10 above, and for the purposes described in clause 10 above, in order to receive these services.

12. How Can You Access and Correct Your Personal Information?

- 12.1. You may request access to any personal information we hold about you at any time by contacting us (see the details below).
- 12.2. Where we hold information that you are entitled to access, we will try to provide you with suitable means of accessing it.
- 12.3. We may charge you a fee to cover our administrative and other reasonable costs in providing the information to you. If so, the fee will not exceed the actual cost to us of providing the information, or any maximum that is stipulated in the relevant legislation or guidelines.
- 12.4. We will not charge you for simply making the request, and we will not charge for making any corrections to your personal information.

- 12.5. There may be instances, in accordance with privacy legislation, where we cannot grant you access to the personal information we hold. For example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, we will give you written reasons for any refusal.
- 12.6. We take reasonable steps to ensure that the personal information we collect and hold about you is accurate, current and complete. If you believe that personal information we hold about you is incorrect, incomplete or inaccurate, then you can request us to amend it. We will consider if the information requires amendment. If we do not agree that there are grounds for amendment then we will add a note to the personal information stating that you disagree with it.

13. What is the Process for Complaining about a Breach of Privacy?

- 13.1. If you believe that your privacy has been breached, please contact the Privacy Officer using the contact information below and provide details of the incident so that we can investigate it.
- 13.2. Our Privacy Complaint form is attached as Appendix 2 to this policy and can be used to assist in this process (but is not compulsory).
- 13.3. We aim to resolve complaints within a 14 day time frame. We also aim to regularly update you on our process of investigating and resolving complaints during this process.

14. Do We Disclose Your Personal Information to Anyone Outside Australia?

- 14.1. Family Life uses Google Drive, a cloud based software, to securely store and access personal information. However, we do not *disclose* your personal information to Google or any other overseas entity.

15. Security

- 15.1. We take reasonable steps to ensure your personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. We may hold your information in either electronic or hard copy form.
- 15.2. Personal information is destroyed or de-identified when it is no longer required for its primary collection purpose, in accordance with legislative requirements and in accordance with the requirements of our Government Funders where relevant.
- 15.3. As the internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of information you communicate to us online. We also cannot guarantee that the information you supply will not be

intercepted while being transmitted over the internet. Accordingly, any personal information or other information which you transmit to us online is transmitted at your own risk.

- 15.4. Our website may contain links to other websites operated by third parties. We make no representations or warranties in relation to the privacy practices of any third party website and we are not responsible for the privacy policies or the content of any third party website. Third party websites are responsible for informing you about their own privacy practices.

16. Contacting Us

- 16.1. If you have any questions about this privacy policy, any concerns or a complaint regarding the treatment of your privacy or a possible breach of your privacy, please use the contact link on our website or contact our Privacy Officer using the details set out below.
- 16.2. We will treat your requests or complaints confidentially. Our representative will contact you within a reasonable time after receipt of your complaint to discuss your concerns and outline options regarding how they may be resolved. We will aim to ensure that your complaint is resolved in a timely and appropriate manner.
- 16.3. Please contact our Privacy Officer at:

Privacy Officer
Family Life
197 Bluff Road Sandringham Vic 3191

03 8599 5433

privacyofficer@familylife.com.au

17. Changes To This Privacy Policy

- 17.1. We may change this privacy policy from time to time. Any updated versions of this privacy policy will be posted on our website.
- 17.2. This privacy policy was last updated in January 2023.

APPENDIX ONE: FAMILY LIFE SUMMARY PRIVACY STATEMENT

Family Life is committed to protecting your privacy through responsible handling of personal information.

We will only use or disclose personal information about an individual for purposes necessary to the agency's work, unless otherwise consented to by the individual or required by law.

We will take reasonable steps to ensure that the personal information we collect and hold in respect to individuals is accurate, up-to-date and complete.

We have secure office premises, document storage and information technology arrangements to protect the personal information we hold from unauthorised access, modification or disclosure.

The comprehensive Family Life Privacy Policy may be accessed [here](#).

You can discuss access to your personal information and/or the Family Life Privacy Policy, by contacting the Privacy Officer. Please call Family Life on [03 8599 5433](tel:0385995433).

APPENDIX TWO: PRIVACY COMPLAINT FORM

This form is to assist you in making a complaint about the handling of your information.

You may only complain about the mishandling of your own personal information and not about anyone else's personal information.

Please note that the use of this form is optional. If you choose not to use this form, it is important that you include all the information suggested in the following form in a legible letter.

You may be asked to provide proof of your identity during the complaints process.

If more space is required, please attach additional pages.

Full Name _____

Address _____

Date of Birth _____

Contact daytime phone number _____

Email _____

Who or what are you complaining about?

- Which program are you complaining about? (If known/relevant)

- Which worker are you complaining about? (If known/relevant)

What is your complaint?

- How do you believe that your privacy has been breached? *Please describe the events that you believe were an interference with your privacy. Any details you can provide, such as the circumstance, place, and people involved will be helpful to our investigation.*

- How has this breach in privacy impacted you?

- Please provide copies (not the originals) of any documents that may help us to investigate your complaint.

Have you taken this complaint to any other entity?

- If yes, please provide us with the details.

Signed _____

Date _____

The information provided in this form will be kept in the strictest confidence and only used and disclosed for the purpose of investigating this complaint.

APPENDIX THREE: LEGISLATIVE REQUIREMENTS FOR FAMILY LIFE (INTERNAL DOCUMENT VERSION ONLY)

Legislative Requirements:

[Privacy Act 1988 \(Cth\) & Australian Privacy Principles](#)

Applies to whole of Family Life. Will rank behind State legislation if there is a conflict, but the acts are intended to be congruent.

[Health Records Act 2001 \(Vic\) \("HRA"\)](#)

Applies to Family Life regardless of program, due to application to health records within the state of Victoria. Where we collect health information, the HRA will apply.

Further, where we are considered a health service provider under the HRA, there are particular requirements. Legal advice has indicated that Family Life is a health service provider under the HRA by virtue of providing counselling services.

[Privacy and Data Protection Act 2014 \(Vic\)](#)

Ordinarily only applies to Victorian Government entities. Applies to Family Life by virtue of the Service Contract with DHHS, which requires our compliance with this act. As such, will only apply in regards to DHHS funded programs (and not necessarily all Victorian funded programs).

[DHHS Service Agreement](#)

Stipulates that our client records, for DHHS funded programs, are owned by the DHHS. We are also required to comply with the Public Records Act 1973 (Vic) by virtue of the service agreement, which includes complying with standards issued by the Public Record Office of Victoria (PROS). This act and the PROS impose certain record keeping requirements for DHHS funded programs.

[Freedom Of Information Act 1982 \("FOI"\)](#)

This act does NOT apply directly to Family Life as we are not a Government entity. However, we are required under our agreements with Government Funders to assist them with meeting their requirements under the Freedom of Information Act. This will entail providing to the government funder the client's information that was requested by that client under the FOI. We cannot provide information directly to a client under the FOI. A client may however request information from us directly under the Privacy Act 1988.

[Requests for information or file access](#)

Any requests for information or file access are to be referred to the Family Life Privacy Officer for consultation and assistance.