

# Privacy Policy

## 1. Introduction

Lutheran Disability Services (LDS) will actively protect the privacy of everyone involved with its functions and services. The Board, CEO and employees will carry out this objective by ensuring that information collected by LDS is shared with others only when:

- the Australian Privacy Principles are met, and
- it is in the interest of the person, and
- only when the appropriate consents are given, and
- only on a 'need to know' basis.

## 2. Purpose

The purpose of this Policy is to document how LDS will comply with:

- The Australian Privacy Principles, as set out in the Privacy Act 1988, and amended by:
  - a. The Privacy Amendment (Private Sector) Act 2000 and
  - b. The Privacy Amendment (Enhancing Privacy Protection) Act 2012.
- The SA Government Information Sharing Guidelines (ISG) Policy
- The NDIS Code of Conduct; Guidance for Service Providers.

## 3. Scope

This Policy applies to all LDS employees – full or part time, contract, casual or volunteers, consultants, people working on our premises and homes.

## 4. Definitions

Access	This involves LDS giving an individual/advocate information about the individual. This may include inspecting personal information held by LDS or providing a copy of the information.
Collection	LDS collects personal information if it gathers, acquires or obtains personal information from any source or by any means. This includes information not requested, or information obtained by accident.
Disclosure	In general terms, information is disclosed when LDS releases information to others. Disclosure does not include giving information to an individual/advocate about the individual – that is Access.
Organisation	An individual, body corporate, partnership, unincorporated association or a trust.
Personal Information	Is information or opinion (including any forming part of a database) relating to an individual, which may be provided to LDS, as part of its support activities, either in material form or not, and whether true or not. Such information may personally identify an individual or make a person's identity apparent.

Purpose	Is the reason for which LDS collects personal information.
Record	A document, database (however kept), photograph or other pictorial representation of a person.
Sensitive Information	Refers to information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual practices, criminal record or health information, including any disability.
Use	Refers to the handling and managing of information within LDS, including use of the information in a publication.

## 5. Policy

It is LDS Policy to follow the Australian Privacy Principles (***Refer to Attachment 1***), as set out in the Privacy Act 1988 (Amended by the Privacy Amendment (Private Sector) Act 2000) and the [Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#).

LDS recognises the importance of protecting personal information, which it may need to collect from its employees, clients, volunteers and those associated with the service and will take all reasonable steps in order to comply with the Privacy Act and protect the privacy of the personal information that it holds.

In addition, it is LDS Policy to follow the *SA Government's Information Sharing Guidelines for promoting safety and wellbeing (ISG)* issued 2013 which outlines conditions under which information can be shared across agencies. See:

<http://www.ombudsman.sa.gov.au/wp-content/uploads/ISG-Guidelines1.pdf>

It is also LDS Policy that:

- before any private information held by LDS is released to a third party by LDS, the written and informed consent of the person must be obtained
- individuals may make a request to access to their own personal information
- if an individual believes that LDS has breached their privacy under any aspect of this Policy they firstly should lodge a complaint by referring to the *Complaints Handling Procedure*
- all employees, contractors and volunteers are required to sign a confidentiality clause which is included in their Employment Contract, prior to commencement of working with LDS.

## **6 Responsibilities**

**The CEO of Lutheran Disability Services** has the ultimate responsibility for:

- implementing this Policy plus ensuring awareness throughout LDS of the SA Government's *Information Sharing Guidelines for promoting safety and wellbeing (ISG)*, issued 2013 and the NDIS Code of Conduct; Guidance for Service Providers.

**The Senior Business Manager** has the responsibility to:

- ensure that there are facilities available for the safe storage of records
- communicate the Policy to office employees and ensure it is followed
- respond quickly to any requests to access their information
- respond quickly, seriously and effectively to any complaints.

**The Senior Client Services Manager** has the responsibility to:

- communicate the Policy to support workers and ensure it is followed
- ensure that this Policy is communicated to clients and their nominees/guardians
- respond quickly to any requests to access their information
- respond quickly, seriously and effectively to any complaints.

**Employees** have a responsibility to:

- be familiar with the Privacy Policy and follow it.

**Attachment 1: Australian Privacy Principles****Australian Privacy Principles**

In 2014, the Australian Privacy Principles (APP) replaced the previous National Privacy Principles, to regulate the handling of personal information by Australian and Norfolk Island Government agencies and some private sector organisations covered by the Privacy Act 1988.

The APPs are legally binding principles, which are the cornerstone of the privacy protection framework in the Privacy Act. The APPs set out standards, rights and obligations in relation to handling, holding, accessing and correcting personal information.

They apply to most Australian Government (and Norfolk Island Government) agencies and some private sector organisations collectively referred to as APP entities and include Lutheran Disability Services.

**APP 1 — Open and transparent management of personal information**

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

**APP 2 — Anonymity and pseudonymity**

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

**APP 3 — Collection of solicited personal information**

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

**APP 4 — Dealing with unsolicited personal information**

Outlines how APP entities must deal with unsolicited personal information.

**APP 5 — Notification of the collection of personal information**

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

**APP 6 — Use or disclosure of personal information**

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

**APP 7 — Direct marketing**

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

**APP 8 — Cross-border disclosure of personal information**

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

**APP 9 — Adoption, use or disclosure of government related identifiers**

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

**APP 10 — Quality of personal information**

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

**APP 11 — Security of personal information**

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

**APP 12 — Access to personal information**

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

**APP 13 — Correction of personal information**

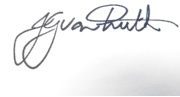
Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.

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## Signer

Email: ceo@ldssa.org.au  
IP Address: 2001:8004:27b8:3e6:54e2:c55c:b50:3a5a

## Signature



Event	User	Time	IP Address
Upload document	vrojas@ldssa.org.au	2/16/22 8:56:00 PM EST	103.151.144.253
Send for signing	vrojas@ldssa.org.au	2/16/22 8:56:10 PM EST	103.151.144.253
Open document	ceo@ldssa.org.au	2/16/22 11:22:46 PM EST	2001:8004:27b8:3e6:54e2:c55c:b50:3a5a
Sign document	ceo@ldssa.org.au	2/16/22 11:23:33 PM EST	2001:8004:27b8:3e6:54e2:c55c:b50:3a5a
Close document	ceo@ldssa.org.au	2/16/22 11:23:33 PM EST	2001:8004:27b8:3e6:54e2:c55c:b50:3a5a