



# PRIVACY POLICY

Policy Number	G015	Version	001
Responsible person	CEO	Approved by CEO	March 2020
Reviewed by	CIQAC	Scheduled review date	March 2021

## INTRODUCTION

Bravehearts is committed to protecting the privacy of all people associated with Bravehearts including staff, volunteers, students, Board Members, clients, contractors, members of the public, donors, benefactors, business partners, and online users.

It is Bravehearts policy to comply with Federal or State privacy legislation and principles, as applicable.

It is the responsibility of the Chief Executive Officer (CEO) or delegated authority to administer this policy.

## PURPOSE

The purpose of this policy is to:

- Communicate Braveheart's practices for handling personal and sensitive information including for collection, use and storage;

Ensure that Bravehearts uses and manages all personal information according to the *Privacy Act 1988* (Cth), the 13 Australian Privacy Principles ('APP') and in accordance with the Mandatory Notification of Data Breaches ('NDB') Scheme.

## DEFINITIONS

**Benefactors:** a person who leaves funds to Bravehearts as a bequest

**Business Partners:** a commercial entity which has partnered with Bravehearts.

**Bravehearts' National Board:** means the Board Directors and Relevant Officers of the organisation.

**Client:** The clients of Bravehearts services are predominately children and adolescents who have experienced or have been identified to be at specific risk of experiencing child sexual assault and exploitation, however included are adult survivors of child sexual assault and exploitation. Survivors' non-offending adult familial support base and partners are also supported by Bravehearts.

**Contractor:** a person, or company contracted by Bravehearts to undertake a piece of work/ function with contract agreement.

**Data Breach:** is an unauthorised access or disclosure of personal information, or loss of personal information.

**Donors:** those who give money or goods to an organisation.

**Members of the Public:** Any person who is not a client and who is representing themselves, a community organisation or company. Member of the community includes volunteers and donors.

**Online Users:** people who utilise Bravehearts website or engage with our social media platforms.

**Personal information:** information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.

**Privacy Officer:** The Privacy Officer is the first point of contact for advice on privacy matters in this organisation and coordinates a range of functions to help Bravehearts comply with the Privacy Act.

**Sensitive Information:** includes information or opinion about an individuals':

- 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; and
- criminal record.

It may also include, depending on the circumstances and applicable legislation, health and genetic information as well as biometric information or biometric templates.

**Staff:** people employed under a current Employment Agreement as casual, part-time or full-time officers of the organisation.

**Students:** Tertiary students formally completing an internship or placement with Bravehearts.

**Subpoena:** to order someone to go to a court of law to answer questions, or to order the appearance of documents in a court of law.

**Volunteer:** people who are registered as volunteers with Bravehearts' Volunteer Coordinator.

## POLICY

Bravehearts is a contracted service provider, delivering a range of services funded under separate contracts with the Federal and State and Territory governments. Bravehearts is bound by the Australian Privacy Principles ('APP') contained in the *Privacy Act 1988* (Cth) and the Mandatory Notification of Data Breaches Scheme (2018).

Bravehearts also complies with State or Territory privacy laws, and other relevant contractual and legal requirements in dealing with personal information.

## COLLECTION

### Types of information collected

Bravehearts may collect and hold personal information about an individual client, that is, information that can identify them, that is relevant to providing them with the services they seek.

Bravehearts may also collect and hold sensitive information about individuals, including information about their health and information provided via Bravehearts' alternative reporting schemes (Sexual Assault Disclosure Scheme ('SADS') and Join the Dots ('JTD')).

The type and degree of information that Bravehearts collects depends on the type of dealings it has with them.

## **Method**

Bravehearts collects personal information through a variety of methods including electronic, telephone or face to face interactions; interaction with our website; and provisions of services. We collect personal information directly from individuals; through referrals and other service providers; donations; and from Bravehearts' alternative reporting schemes (Sexual Assault Disclosure Scheme ('SADS') and Join the Dots ('JTD')).

## **Purpose of Collection**

The type of personal information that is collected and retained depends on the type of dealings the individual has with Bravehearts. Generally, Bravehearts collect, hold, use and disclose personal information for a number of purposes including:

- to verify identity;
- to report to government and other funding bodies;
- to provide programs and services to an individual or someone else the individual may know, including but not limited to counselling and case management;
- promoting other Bravehearts services that may be of interest to an individual;
- to manage relationships with individuals including responding to requests, queries, feedback or complaints;
- to meet regulatory and industrial obligations;
- to update records and contact details; and
- to conduct surveys and research.

For further information on how Bravehearts manages personal data obtained from surveys and research, please refer to Bravehearts Research Policy.

## **Clients wishing to remain anonymous and/or using a pseudonym**

Clients have the choice to withhold personal information or use an alias when engaging with Bravehearts. In the majority of situations, this may result in a reduced capacity for Bravehearts to provide services.

In other situations, such as when making general enquiries or providing feedback, providing information via Bravehearts' alternative reporting schemes (Sexual Assault Disclosure Scheme (SADS) and Join the Dots (JTD)), completing surveys and evaluating forms, it is reasonable to remain anonymous.

## **Internet Users**

The Bravehearts website collects and analyses information from users.

Bravehearts records visits and log information for statistical purposes including email addresses, date and time of the visit, pages accessed and documents downloaded.

This information may be analysed to determine the sites usage statistics and help improve services.

Information collected through the 'Contact Us' page, or through any of the forms available on this site will be stored on Bravehearts' Incorporated databases. Information may be disclosed to a third party in order to provide the individual with the full services from Bravehearts.

### **Bravehearts Social Media**

All Bravehearts Social Media needs to comply with the Social Media and Media Relations Policy, as well as the requirements of the Bravehearts Communications and Style Manual stated under the Writing for Social Media section.

Bravehearts social media presence includes Facebook, Workplace, Instagram, YouTube, LinkedIn and Twitter, and is focused on providing a positive forum for sharing information about its work with staff, survivors, families and supporters in the community. Although individuals with specific questions, concerns or matters that they wish to discuss are encouraged to contact Bravehearts through the information and support phone line or online form, individuals may post information on Bravehearts pages.

## **USE AND DISCLOSURE**

Bravehearts will only use and disclose personal information about an individual for the purpose for which it was collected (as described above) and also for purposes related to our activities or functions or as required by law.

### **Duty of Care**

In certain circumstances, if communication with Bravehearts raises safety concerns, staff will attempt follow-up contact with the individual to check that they and/or others are safe. If necessary, Bravehearts may need to provide contact information (if it has been supplied) to authorities who can help protect the individual and/or others, such as police or child protection agencies.

Where possible, Bravehearts will work with individuals openly, letting them know if there are concerns and that it may be necessary to involve other services.

Bravehearts is obliged to try to protect individuals and/or others if the information provided informs:

- any disclosures or concerns that child has been harmed, including sexual assault, physical, emotional abuse and/or neglect;
- that a child is in need of protection;
- that an individual has acted or said something that may be interpreted as sexual or harmful;
- if an individual indicates a risk of harm to themselves or others;
- if an individual discloses information pertaining to criminal activity

## **Reporting requirements**

Bravehearts receives funding from various government sources and some of the obligations of that funding require Bravehearts to provide reports to government agencies. Those reports contain de-identified personal information.

## **SECURITY OF PERSONAL INFORMATION**

Bravehearts takes all reasonable steps to ensure that an individuals' personal information is stored safely to protect it from unauthorized use, misuse, loss, interference, modification or disclosure.

Regular risk assessment and audits are conducted to ensure the appropriate availability and confidentiality of personal information managed through Bravehearts' systems and programs.

Individuals who wish to have their personal information destroyed can apply to do so in writing. Compliance with this request will be subject to legislative and lawful requirements.

## **ACCESS TO PERSONAL INFORMATION**

An individual may request access to personal information via written request.

There may be some instances where Bravehearts is unable to grant access to personal information held, such as:

- the request does not relate to the personal information of the person making the request;
- providing access would pose a serious threat to the life, health or safety of a person;
- providing access would create an unreasonable impact on the privacy of others;
- access would be unlawful; or
- denial of access is required or authorised by law.

If access to information is denied, Bravehearts will inform the individual making the query with an explanation as to why.

## **CORRECTION OF PERSONAL INFORMATION**

Individuals are asked to identify any personal information which is incomplete or out of date and notify Bravehearts immediately. Bravehearts takes reasonable steps to correct information so that it is accurate, complete and up to date.

## **PRIVACY COMPLAINTS**

Where a breach of Bravehearts Privacy Policy is suspected or reported, the supervisor must be notified of the suspected or reported breach as soon as practicable by the individual who has identified the breach or potential breach in line with the Data Breach Response Plan.

## **INTERNAL RELATED DOCUMENTS**

- Appendix A – Timeframes for responding to Privacy complaints
- Client Rights and Access to Information Policy
- Code of Conduct Policy
- Compliments Complaints and Feedback Policy
- Data Breach Response Plan
- Personal Information – Data Breach Procedure
- Research Policy
- Subpoena Process

## **EXTERNAL REFERENCES**

*Privacy Act 1988*

## **AUTHORISATION**



Alison Geale  
CEO  
March 2020

# PRIVACY POLICY PROCEDURE

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## RESPONSIBILITIES

It is the responsibility of all Bravehearts staff, students, Board Members and volunteers to understand the Privacy Policy and Procedures. It is the responsibility of Bravehearts staff to ensure that clients and members of the community are informed of the Privacy Policy and Procedure.

### **Bravehearts' Members of the Senior Executive are responsible for:**

- Ensuring that Supervisors, Bravehearts staff and Managers are implementing the Privacy Policy and Procedures within their teams.
- Ensuring that requests for access to personal information retained by Bravehearts are handled promptly in line with the outlined procedures.
- Ensuring that complaints regarding breaches of privacy are handled promptly and confidentially in line with the outlined procedures.

### **Bravehearts' Supervisors and Managers are responsible for:**

- Ensuring their teams are aware of the Privacy Policy and Procedures.
- Ensuring that requests for access to personal information retained by Bravehearts are handled promptly in line with the outlined procedures.
- Ensuring that complaints regarding breaches of privacy are handled promptly and confidentially in line with the outlined procedures.

### **The Bravehearts Staff are responsible for:**

- Ensuring they are aware of the Privacy Policy and Procedures.
- Ensuring that all clients and those in contact with the Information and Support Line are made aware of the Privacy Policy and where it is located.
- Ensuring that all clients and those in contact with the Information and Support Line are made aware of the limits of confidentiality should Bravehearts hold concerns about the safety and wellbeing of themselves or others.
- Ensuring that requests for access to personal information retained by Bravehearts are handled promptly in line with the outlined procedures.
- Ensuring complaints regarding breaches of privacy are handled promptly and confidentially in line with the outlined procedures.

## PROCEDURES

Bravehearts will acknowledge enquiries promptly and will provide those enquiring with an answer to their enquiries as soon as possible including advising of any action which will be taken, if any.

Bravehearts will acknowledge complaints promptly. It will take complaints seriously and will seek a quick and fair resolution to them.

Complaints will be handled by someone other than the person who made the decision or took the action that the client is complaining about.

Bravehearts will advise clients in writing of its response to the complaint and of any action it proposes to take in relation to it within a reasonable time.

### **Collection of Information**

The type of information typically collected include:

- name;
- identified gender;
- date of birth;
- country of birth and language spoken at home;
- Indigenous status;
- address;
- telephone number;
- email;
- family details and background;
- information about support networks;
- information about personal issues including details of any sexual assaults, presenting issues, reports made to child protection agencies, police and court orders;
- information about health, wellness and medical history (including but not limited to counselling history and previous and current treating practitioners);
- current work and income details;
- emergency contacts;
- any school details relating to children utilising Bravehearts services;
- government related identifiers (including but not limited to Medicare number and Health Care Card details); and
- bank account details.

The collection of sensitive information, such as health information, gender or racial origin, is only performed with consent, where information is provided voluntarily or where otherwise authorised by law.

Withdrawal of consent for Bravehearts to actively retain this information can occur at any time using the associated forms. However, Bravehearts will not delete the information, but archive it.

### **Method of Collection**

Personal information will generally be collected directly from an individual through various methods, such as:

- telephone intake screening;

- consent and information forms;
- online media and forms;
- via Sexual Assault Disclosure and Join the Dots online forms;
- via letters, email, facsimiles, text messaging; or
- through a telephone conversation with the individual.

Bravehearts may also collect personal information about an individual from third parties (for instance, external agencies, or medical professionals). In these cases, reasonable steps are taken to notify the individual in advance, or where that is not possible, as soon as reasonably practicable after the information has been collected.

### **Social Media**

Individuals who post questions, concerns or matters that they wish to discuss on Bravehearts public pages, are encouraged to contact the service directly. Where an individual may identify a child victim or an alleged offender, Bravehearts will remove the post as soon as it comes to its attention and if possible alert the user to the reason why the post was removed.

The terms of Bravehearts social media sites are in place to ensure the privacy and safety of individuals. For example, our Facebook page states:

*"We kindly ask you to adhere to the following community guidelines, remembering that while everyone's experience and opinion is different, we want to behave respectfully and politely.*

- *Be respectful. Please do not post any content containing profanity, personal attacks, hateful language (this includes sexist, racist and homophobic) antagonising, inflammatory or frivolous and vexatious.*
- *Protect your personal information. You participate at your own risk, so please be careful not to publicly share your personal information or the personal information of others.*
- *Follow the law. Discussions about making allegations, naming alleged offenders, violations, stalking and other criminal activity must not be seen to be perverting the course of justice or breaking Facebook's Community Guidelines <https://www.facebook.com/communitystandards>*
- *No spam. Comments that are off topic, have unrelated links to third party websites or posting the same content more than once from one person or multiple people.*
- *Value all members of our discussion. Treat all people fairly and equally.*

*The Bravehearts team practice comment moderation, and reserve the right to delete any comments and posts, as well as block/ban any users at our discretion. As this moderation is subjective, we are making these guideline clear and easily available.*

In line with the Social Media and Media Relations Policy, Bravehearts' social media sites collect information from users as an aggregate, including city, State, Territory and Country, gender, and language. No information is collected on individuals. This information may be used to determine usage statistics and help us improve our social media presence.

Images posted on Bravehearts social media sites will only be used with the authorisation of the people involved.

## **Use and Disclosure**

Bravehearts will never use and/or disclose personal or sensitive information without an individual's consent. However, there may be instances where there is a requirement for Bravehearts to share information of varying levels, depending on the individual legal requirements, to:

- As required by a request (subpoena) from Court, which must be followed using the Bravehearts Subpoena Process;
- The necessary authorities for the purpose of protecting a child from the risk of sexual, physical or emotional/psychological harm or neglect;
- Prevent or lessen a serious or imminent threat to life, health or property or a person;
- Relevant authorities if matters have been disclosed relating to serious criminal activity that is likely or has occurred;
- Government Inquiries, such as a Royal Commission;
- Federal and state departments/agencies due to the reporting required because of the provision of funding for Bravehearts' services/programs;
- Quality assurance body for the purpose of monitoring service delivery standards;
- Health and allied health professionals who provide specialist information to support the delivery of services to clients; and
- Third party service providers, who assist Bravehearts in operating its business (including information technology service providers). (Note: this is not applicable to Clients and non-offending Family Members)

With the exception of the last point above, Bravehearts is not likely to disclose personal information overseas. Please note that in cases where information is required to be disclosed overseas to fulfill activities or functions in order to provide services to individuals, Bravehearts will take all reasonable steps to ensure that the third party uses personal information in accordance with the *Privacy Act 1988* and this policy.

## **Security of Personal Information Procedure**

Bravehearts stores personal information via different methods, dependent on the type of information collected (i.e. including paper and/or electronic form). Some of the security measures that Bravehearts utilises include:

- locked storage of paper records;
- use of document shredding and security bins;
- authentication and password protection for electronic records; and
- use of managed devices and services (for example laptops, emails) for transfer of personal information.

SRS is never to be used outside of the Bravehearts Server without written permission from the Director of Therapeutic and Support Services.

If an individual would like Bravehearts to destroy their personal information, the request must be provided in writing to the Director of Therapeutic and Support Services. That request will be actioned - subject to legislative and lawful requirements.

Risk assessments will be undertaken on a regular basis to ensure the integrity of the security methods.

### **Access to Personal Information Procedure**

In general, clients have a right under the *Privacy Act 1988* to access their personal information, although there are some exceptions to this right. The exceptions are:

- the request does not relate to the personal information of the person making the request;
- providing access would pose a serious threat to the life, health or safety of a person;
- providing access would create an unreasonable impact on the privacy of others;
- access would be unlawful;
- denial of access is required or authorised by law.

If a request is received, Bravehearts staff are required to:

- ensure that the request is in writing (either by email or hard copy) and accompanied by proof of identity;
- notify their supervisor that a request to access personal information has been received;
- notify the client that a request for information has been received; and
- record the request in a client file within Bravehearts SRS system.

Access to records will incur a fee to cover costs.

If one of the exceptions applies, Bravehearts staff are required to:

- inform the client in writing, giving reasons for its decision;
- advise clients about how they can complain about the decision; and
- record the reasons in a client file in Bravehearts SRS system.

### **Correction of Personal Information Procedure**

Clients have a right under the *Privacy Act 1988* to also request corrections to any personal information that Bravehearts holds that they think is inaccurate, out-of-date, incomplete, irrelevant or misleading.

When Bravehearts receives such a request it will take all reasonable steps in the circumstances to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.

If a request to correct personal information is received, Bravehearts staff are to:

- ensure that the request is in writing;
- inform their supervisor that a request to correct personal information has been received;
- record the request in a client file in Bravehearts SRS system; and
- update the relevant information in the relevant locations.

If Bravehearts is unable to, or determines that it should not make the correction the client requests, it will inform the client of this in writing, giving reasons for its decisions and advising the client about how they can complain about the decision.

### **Complaints about a refusal to provide access to and correction of personal information**

If a client chooses to complain about a refusal to provide access to and correction of personal information, they can contact Department Manager or Department Director.

Their complaint will be handled by someone who was not involved in the decision about which they are complaining.

Bravehearts must respond to their complaint within 20 days.

### **Privacy Complaints**

If an individual believes that Bravehearts has not dealt with their personal information in accordance with the *Privacy Act 1988* or this policy, they may make a complaint. A complaint can be made via our online Feedback and Complaints Form or in writing to the Privacy and Data Protection Officer ('Privacy Officer') or referred to that officer if received by another department within Bravehearts.

Primary responsibility for investigating and responding to the complaint will rest with the head of the Department concerned, with advice from the Privacy Officer as required. Bravehearts objective in responding to privacy complaints is to provide an outcome which is acceptable to the complainant and which addresses any broader or systemic privacy issues which may arise.

If a complainant does not agree with Bravehearts response, an internal review process is available or a complainant may refer the matter for independent mediation by the Office of the Information Commissioner (please see <https://www.oic.qld.gov.au/about/privacy/privacy-complaint-form>) or to Federal Information Commissioner (please see <https://www.oaic.gov.au/>).

The timeframes for responding to Privacy complaints are at appendix A.

### **Privacy breach management**

Bravehearts staff must report any privacy breaches to the Privacy Officer as soon as practical.

Management of a privacy breach will include steps to:

- contain the breach;
- evaluate the associated risks;
- consider notifying the affected individuals; and
- prevention of any further privacy breach.

The CEO must be informed of serious breaches of this policy and any actions arising out of any investigations into a breach.

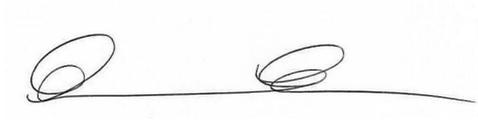
For a Notifiable Breach, Bravehearts is obligated to inform the Australian Information Commissioner and particular individuals about eligible data breaches in accordance with Personal Information – Data Breach Procedure.

Bravehearts is also required to inform our funding body, the Department of Child Safety, Youth and Women of any breach as this would be regarded as a serious incident.

## **INTERNAL RELATED DOCUMENTS**

- Authorisation to Use Image form
- Clients Rights Policy and Procedures
- Communications and Style Guide (Brand Policy)
- Code of Conduct
- Crisis Management Plan and Procedures Guide.
- Critical Incident Policy
- Delegation of Authority Policy
- Privacy Policy and Procedures
- Social Media and Media Relations Policy
- Staff Performance and Support Policy
- Workplace Health and Safety Policy

## **AUTHORISATION**

A handwritten signature in black ink, consisting of two distinct loops followed by a horizontal line extending to the right.

Alison Geale  
CEO  
March 2020