

Privacy Policy

1. Privacy

Advocare Incorporated (**Advocare**) is strongly committed to protecting individuals' privacy. This privacy policy outlines how we take steps to appropriately use, manage and protect individuals' personal information in accordance with the obligations outlined in the Privacy Act 1988 (Cth) and Australian Privacy Principles.

Advocare collects personal and sensitive information and we take reasonable steps to protect the information we hold from misuse, interference, loss and unauthorised access, modification or disclosure. Advocare will take steps to ensure individuals' personal and sensitive information is accurate and up to date and is archived and/or disposed of securely when no longer required.

2. Definitions

Health information has the meaning provided in the Privacy Act 1988 (Cth) and includes:

- information or an opinion about the health or a disability 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; and
- other personal information collected to provide, or in providing a health service

Personal information has the meaning provided in the Privacy Act 1988 (Cth) which is "information or an opinion (including information or an opinion forming part of a database), whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion." Personal information includes sensitive information and health information.

Privacy Legislation means all privacy legislation which applies to Advocare and includes the Privacy Act 1988 (Cth) and the Australian Privacy Principles contained in Schedule 1 thereof.

Sensitive information has the meaning provided in the Privacy Act 1988 (Cth) which is information or 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 preferences or practices;
- criminal record;
- health information; or
- genetic information.

Website means Advocare's website - www.advocare.org.au.

3. Collection of Personal and Sensitive Information

Advocare respects the privacy of individuals, and is transparent about the way it handles all personal information (including sensitive information and health information) given to the organisation by staff, volunteers, clients and members of the public.

To enable us to deliver our services and carry on our business, we collect the following types of personal information:

Advocare Clients

- Contact details (including name, address, telephone number, email for client and family contacts);
- Personal details (which may include date of birth, gender, nationality, religious affiliations); and
- Health information.

Advocare Staff and Volunteers, Prospective Staff and Volunteers

- Contact details (including name, address, telephone number, email);
- Personal details (including date of birth, country of birth, citizenship, residency and visa details);
- Details of emergency contact persons;
- Information provided by the individual relating to qualifications, skills and experience; languages spoken, driver's license details and traffic infringements;
- Information and opinions from referees for prospective employees and candidates for volunteer work;
- Bank account details;
- Results of a Police Check; and
- Health information (if requested by Advocare in which case the reason for collection of this information will be provided).

4. How Advocare Collects Information

Advocare only collects personal information by lawful and fair means where reasonably necessary for our functions and activities as a not-for-profit organisation that supports and protects the rights of older people in Western Australia through advocacy, information and education.

Where possible, Advocare collects personal information directly from the individual concerned.

We collect personal information which:

- individuals provide directly to us in person via face to face meetings, or via telephone calls, forms or questionnaires provided via online;
- individuals provide to us in the course of applying for employment positions at Advocare;
- individuals provide to us in the course of updating or changing their details;
- is contained in documents or correspondence an individual provides to us; or
- is provided to us by third parties who have disclosed that information to us with an individual's consent (and only if it would be unreasonable or impracticable to collect the information directly from the individual).

In all cases, we will take reasonable steps in the circumstances to tell the individual why we are collecting their personal information and how it will be used at the time of collection.

In situations where we obtain personal information about an individual from a third party, we will take reasonable steps to contact the individual and ensure that he or she is aware of the purpose for which the information was obtained and how the information will or may be disclosed, and consents to that collection. For example, we may collect information from a client's doctor, or from a referee whose details have been provided by a prospective staff member or volunteer.

4.1 Health Information

In providing advocacy services to clients, Advocare may collect Health information. This may include a client's medical history, treatment notes and photographic images.

In most cases, we will collect personal information about an individual directly from that individual. However, there may be some circumstances in which we collect Health information from a third party (for example a doctor, specialist health provider, or legal guardian). We will only do so if:

- we have the individual's consent;
- the collection is authorised or required by law; or
- it is unreasonable or impracticable for us to collect that information from the individual.

Advocare will not use health information beyond the consent provided by the individual unless further consent is obtained; or is in accordance with one of the exceptions under the Privacy Legislation.

If Advocare wishes to use health information provided for research or statistical purposes, this information will be de-identified unless consent is obtained for us to identify the individual.

5. Consent

We will obtain consent before collecting Personal information from our clients unless it is unreasonable or impracticable for us to do so.

We may not be able to obtain consent directly from the client if they are not able to communicate consent to us for reasons which may include, mental incapacity or illness.

If the person is not able to provide consent, the Privacy Legislation allows us to obtain consent from the person's legal guardian who is entitled to act on behalf of the individual.

6. Use and Disclosure of Personal Information

Other than as set out in this Policy, Advocare will only use and disclose personal information for the purpose for which it was collected.

We may also collect, store, use or disclose your personal information:

- in relation to an individual's application for employment;
- to contact an individual should we need to do so;
- to address any enquiries, complaints or feedback we received from an individual; or
- to do anything Advocare is required or authorised by law to do.

We may also disclose collected personal information to external organisations including:

- Government departments and agencies who provide funding for Advocare services;
- external assessment entities and agencies;
- doctors and health care professionals, who Advocare may engage from time to time to carry out, or assist us to deliver, our services;
- other regulatory bodies (for example WorkSafe, the Workplace Gender Equality Agency, Centrelink);

- referees provided by individuals; and
- Advocare's professional advisers, including lawyers, accountants and auditors.

Except as set out above, Advocare will not disclose an individual's personal information to a third party unless:

- the individual has consented to the release;
- the release is authorised or required by law; or
- the use or disclosure is otherwise permitted by the Privacy Legislation.

6.1 Release of Images or Personal Information for Publicity Purposes

Advocare produces publications (including information brochures and a regular newsletter) and from time to time runs promotional campaigns to raise awareness of its services, raise funds and provide information to the public and other stakeholders. Some of these publications include photographs, video footage and sound recordings.

Wherever practicable, we will obtain an individual's consent before using or publishing any image or recording of that individual for marketing purposes using Advocare's [Image Consent Form](#).

7. Cross-border disclosure of personal information

Advocare does not send your personal information to third parties located overseas.

8. Client's Right to Access or Correction of Information

Under the Australian Privacy Principles (subject to some exceptions), individuals have a right to access and copy personal information which we hold about them. It is the right of the individual to ask Advocare to correct personal information which is inaccurate, incomplete or out of date.

We may ask the individual to provide proof of their identity if they request access to or correction of their personal information.

Advocare:

- will deal with requests to correct personal information confidentially and promptly, and in any event, within 30 days;
- correct any inaccurate or out of date information which is brought to our attention; and
- take steps to ensure that any request to access personal information will not affect any commercial or professional relationship which the individual may have with Advocare.

We do not levy a charge in respect of the making of a request for access to personal information held by us. However, we may charge the individual for the reasonable costs incurred by us in providing them with access to the personal information held by us.

Requests for information, access to information, or corrections to personal information should be made in writing to:

CEO
 Advocare Incorporated
 The Perron Centre, 61 Kitchener Avenue
 Victoria Park WA 6100

Advocare may refuse access to information requested in certain circumstances. These include if:

- the request relates to personal information about someone other than the individual that made the request;

- providing access would pose a serious and imminent threat to the life or health of a person;
- providing access would create an unreasonable impact on the privacy of others;
- the request is frivolous or vexatious;
- access would be unlawful;
- denial of access is authorised or required by law;
- access would prejudice law enforcement activities;
- access discloses a 'commercially sensitive' decision making process or information; or
- any other reason that is provided for in the Privacy Legislation.

If we deny access to any information requested, we will provide our written reasons for doing so. If there is a dispute about the individual's right of access to information, this will be addressed via the Advocare complaints process.

9. Security of Personal Information

Advocare places great importance on the security of all information we hold. We will take reasonable steps to ensure the security and protection of personal information held by us, and to protect individuals' data from misuse, interference and loss, and from unauthorised access, modification or disclosure.

Advocare IT systems are password protected and comply with relevant security standards.

Advocare also takes reasonable steps to destroy or permanently de-identify personal information which is no longer needed for the purposes described in this privacy policy.

10. Breach Reporting

A breach is an incident in which information is compromised, disclosed, copied, transmitted, accessed, removed, destroyed, stolen or used by unauthorised individuals, whether accidentally or intentionally.

Data breaches must be dealt with on a case-by-case basis by undertaking an assessment of the risks involved and using that risk assessment to decide the appropriate course of action. It is essential that all parties involved in breach reporting, investigation and rectification act in good faith to obtain a satisfactory outcome. Good faith includes acting sincerely without malice and being truthful.

No blame should be attached to the reporting of accidental breaches or those identifying process errors.

Staff or volunteers committing deliberate or negligent breaches may be subject to Advocare's disciplinary process or regulatory/criminal actions (where applicable and/or appropriate).

11. Monitoring Privacy and Confidentiality Processes

Advocare reserves the right to amend this privacy policy from time to time. Advocare policies are reviewed annually or as required by changes in legislation. Senior Management are responsible for the review and communication of policy updates.

If we make any amendments, the amended privacy policy will be posted as soon as practicable following that amendments on our webpage: <https://www.advocare.org.au/about-us/privacy-policy/>

Privacy and confidentiality processes and systems are regularly reviewed. Staff, volunteers, clients and other stakeholders are encouraged to provide ongoing feedback on issues and areas where improvements can be made (see Continuous Improvement).

12. Complaints, question or further information

If an individual wish to make a complaint about a breach of their privacy by Advocare, he or she may contact us using the contact details provided above.

All complaints will be investigated by an appropriately qualified representative of Advocare. We will endeavour to resolve the complaint as quickly as possible and, in any event, within 30 days. We will notify the individual of the outcome of the investigation, including how we propose to resolve the complaint and what, if any, corrective measures we will implement.

If an individual is not satisfied with our handling of their complaint, they may lodge a complaint with the Office of the Australian Information Commissioner (**OAIC**). For more information about doing so, visit <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.