

# Privacy Policy

## INTRODUCTION

The Asthma Foundation of the Northern Territory (AFNT) is bound by the National Privacy Principles as set out in the *Privacy Act 1988* (Privacy Act) and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, as well as other laws and contractual obligations that impose specific responsibilities when handling the personal and health information of individuals. The policy and principles in this document are in accordance with these laws and obligations.

AFNT is committed to protecting the privacy of personal and health information. This policy seeks to balance the Foundation's need to collect information and the right of the individual to privacy. It ensures that AFNT can collect the personal and health information necessary for its services and functions, while recognising the right of individuals to have their information managed in ways that are reasonable and in ways that protect the privacy of that information.

## PURPOSE

The overarching objectives of this policy are to:

- a) Outline how AFNT is compliant with, applies and monitors the implementation of legal and contractual obligations related to the management of personal and health information that directly or indirectly identifies a person; and
- b) Give confidence to service users, clients, sub-contractors and suppliers, researchers, partners and other stakeholders that personal and health information is managed in a manner consistent with the legislative and other obligations of AFNT.

## PRIVACY POLICY AND PRINCIPLES

### Information Collection

Personal and health information is collected and used by AFNT to:

- a) provide personal asthma-related services or to carry out legitimate AFNT functions.
- b) assist AFNT and its employees, volunteers and subcontractors to fulfil its duty of care to service users.
- c) plan, fund, monitor and evaluate services and functions.
- d) comply with Government and other funding body reporting requirements, and,
- e) investigate incidents in relation to service users and/or defend any legal claims against the service or its employees.

In fulfilling these purposes, AFNT undertakes to:

- not collect personal or medical information about a person from anyone else but the person or a responsible carer, unless consent is given.
- only collect information for children and young people from a parent, guardian, responsible carer or directly from the child or young person if that is appropriate.
- not use unlawful or unfair means to obtain information.
- not collect personal information on political opinions, religious beliefs, health, disability or other sensitive information without consent.
- not ask for sensitive information unless there is a compelling reason to suggest it needs to be considered in order to provide the best response to a client's asthma or related needs.
- not include or retain sensitive information, other than health information relating to asthma, on a client record after AFNT has provided a response with regard to that information. AFNT may, however, note that a response was based in part on sensitive information as this will help if the client requires further support or information.

Similarly, in using or disclosing information the AFNT will be guided by the following considerations:

- Statistics may sometimes be generated to assist general understanding of asthma and its management and inform service and resource development. Summary statistics only will be generated, with no individuals to be identified.
- AFNT may contact clients to obtain feedback about services or information that was provided. Clients may be asked about aspects of service delivery or how improvements might be made.
- AFNT will not sell, trade or distribute client contact details to any other person or organisation for the purposes of direct marketing.
- Client information will not be disclosed to a third person or organisation (including doctors) or transferred without client permission. If the client is unable to give consent, AFNT will act on the advice of a responsible person who is caring for the client.
- AFNT will co-operate with requests from statutory or other bodies for client information when the request is authorised by legislation or regulation.

## Minimum Standards For Handling Personal And Health Information

AFNT has adopted the 13 Australian Privacy Principles (APPS) as a minimum standard for handling personal and health information. In summary these are:

- **Open and transparent management of information:** AFNT will document clearly expressed and updated policies on the management of personal and health information and make these policies available to anyone who asks for them.
- **Anonymity and pseudonymity:** When lawful and practicable, individuals will be able to remain anonymous or use a pseudonym in dealing with AFNT. In making this decision, consideration should be given to minimising any negative impact on providing continuity of service or follow up.
- **Collection of solicited information:** AFNT will collect only personal and health information that is necessary to meet its service delivery or related functions. Individuals are to be told why information is required, how it will be used and that they can have access if required.
- **Dealing with unsolicited information:** If AFNT receives unsolicited personal or health information about an individual it must be decided within a reasonable period if that information could have been collected if AFNT had asked for it. If so then the information can be used for AFNT purposes. If not then the information is to be de-identified or destroyed.
- **Notification of the collection of information:** AFNT will take reasonable steps to ensure that all personal or health information collected is made known to the individuals involved, including the purpose and circumstances of the collection. Sensitive information about an individual may be collected with consent when the information relates to the activities of AFNT.
- **Use or disclosure of personal information:** AFNT will only use or disclose personal and health information:
  - For the primary purpose it was collected
  - For a secondary related purpose (which must be a directly related purpose in the case of health or sensitive information) if the person consents and would reasonably expect (i.e. evaluation of a service); or,
  - If otherwise required, permitted or authorised by law.
- **Direct marketing:** AFNT will only use or disclose personal and health information about an individual for direct marketing if the following conditions are met:
  - The information was collected by AFNT
  - The person consented to disclosure

- The person would reasonably expect the information to be used for such purposes; and
- AFNT provides a simple means by which the person can request not to receive direct marketing communications.
- **Cross border disclosure of personal information:** Transfer of personal and health information within or outside of Australia will not occur without consumer consent or consent of a responsible carer. Transfer should only occur if the receiver of the information protects privacy under standards similar to the Australian Privacy Principles.
- **Adoption, use or disclosure of government related identifiers:** A unique identifier is usually a number assigned to an individual for ease of identification and/or facilitating data matching. Data matching, however, can diminish privacy. Privacy laws limit the adoption and sharing of unique numbers. Asthma Foundation NT will limit the use of unique identifiers as required by this policy.
- **Quality of personal information:** AFNT shall take reasonable steps to ensure that any personal and health information collected is accurate, complete and up to date.
- **Security of personal information:** AFNT will take all reasonable steps to protect personal and health information from misuse, loss, unauthorised access, modification and disclosure. Only qualified AFNT staff will have access to private client information and any personal identification will be removed when it is no longer needed. At a consumer's request, AFNT will destroy or remove identification from that person's private file at any time.
- **Access to personal information:** Individuals have a right to request access to their own personal and health information held by AFNT. AFNT shall:
  - Tell an individual, upon request, what information is held, how it was collected and how it will be used.
  - Provide access to the person's information upon request. Access will be subject to proof of identity and will be available at the registered AFNT office.
  - Not provide access to the information from another person without the of that other person or unless an individual can provide reasonable proof that he or she is acting as a responsible carer for that person.
- **Correction of personal information:** Individuals have a right to correct personal and health information held by AFNT. AFNT will change any information a person deems to be incorrect. AFNT will not delete or change records if it has received a request from statutory or other bodies for a person's information.

## **Data For Research And Evaluation**

AFNT will only use or disclose an individual's personal or health information for research or the compilation of statistics for funded programs with the individual's consent. Unless otherwise agreed, information will be de-identified.

When research or the compilation of statistics is in the public interest but cannot occur with de-identified information and it is impractical to seek individual consent, the research or statistical compilation will be carried out in accordance with the *National Statement on Ethical Conduct in Human Research (2007)* as updated by the National Health & Medical Research Council and in accordance with guidelines of the Office of the Information Commissioner Northern Territory.

## **POLICY AND PRINCIPLES IN PRACTICE**

Asthma Foundation NT will:

- a. Ensure consumers are aware of this policy prior to providing information.
- b. Audit this policy and its implementation by staff and sub-contractors on an annual basis.
- c. Report all complaints about privacy to the Board with due consideration given to:
  - A complaint about information privacy involving dissatisfaction with AFNT procedures, staff, subcontractors or quality of service associated with the collection or handling of personal or health information; and
  - Ensuring efficiency and fairness when investigating and responding to information privacy complaints
- d. Communicate and publish this policy via the AFNT website and in other formats as required, including evaluation forms.

