

ORGANISATIONAL POLICY

Privacy and Confidentiality Policy

Policy statement

The Migrant Resource Centre Tasmania (MRC Tas) respects and is committed to protecting the privacy of its client, volunteers and employees. MRC Tas complies with laws that protect personal information, including the Privacy Act 1988 (Cth) (Privacy Act) and the Tasmanian Privacy and Data Protection Act 2014, as well as funding agreement stipulations.

Purpose

The Privacy and Confidentiality Policy describes how the MRC Tas collects, holds, uses, discloses and otherwise manages clients' personal information. We are committed to protecting the privacy of all personal and sensitive information collected from our service users. If you have any questions about this Privacy and Confidentiality Policy, please contact the MRC Tas Director of Services.

Scope

Due to the nature of the services provided, the MRC Tas collects information that is of a personal or sensitive nature. Clients shall be informed of the use and storage of their information. This information shall be protected by MRC Tas.

The policy applies to all Migrant Resource Centre Tasmania (MRC Tas) employees, volunteers, contractors and members who are engaged in MRC Tas activities. It is the responsibility of these people to ensure they comply with this Policy.

This Privacy and Confidentiality Policy may be reviewed and amended from time to time to reflect our current obligations and activities.

Information Security:

We take steps to protect the personal information we hold against loss, unauthorised access, use, modification or disclosure, and against other misuse. These steps include background checks, password protection for accessing our electronic IT systems, securing paper files in locked cabinets and physical access restrictions. Staff access to information is based on the "need to know" principle. When no longer required and if permissible under legislation, personal information is destroyed or deleted in a secure manner.

Related Documents

MRC Tas Code of Conduct

Duty of Care Policy

Information Management Policy

MRC Privacy Statement

Document Title: Privacy and Confidentiality Policy

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What is personal information?

'Personal information' is any information or opinion about an identified individual or an individual who is reasonably identifiable, regardless of whether the information or opinion is true or not, or whether it is recorded in a material form or not.

'Sensitive information' is a subset of personal information that is given a higher level of protection because of its sensitive nature. It includes health information, as well as personal information that is about an individual's:

- Racial or ethnic origin
- Political opinion
- Membership of a political association, a professional or trade association, or trade union
- Religious beliefs or affiliations
- Philosophical beliefs
- Sexual orientation or practices, or
- Criminal record.

Because of the nature of the MRC Tas and the services it provides, the personal information we collect may include a large amount of sensitive information.

What personal information do we collect?

The personal information we collect about you depends on your relationship with us and the nature of any services that we provide to you. Clients will be informed of the use and storage of their information.

Clients

We offer a wide range of services to our clients, and the information we collect about you will depend on what services we are providing and may include:

- name and contact details, gender and date of birth
- country of birth and languages spoken
- immigration status (including your Immigration number and Boat identification number)
- family circumstances, housing situation and any legal issues
- Medicare and/or Centrelink details
- information about other support services accessed, or other individuals who are providing support.

We may also collect information that clients choose to provide to us at the time of referral or when receiving services from us. This may include personal information that is very sensitive, such as health information, information about past experiences, or ethnic, religious or political background. It may also include information provided to us about family members, friends or other associates.

We will generally collect personal information directly from clients. However, we may also collect personal information from other people such as someone referring a client to us, a family member or friend, another service provider, lawyer or doctor or other worker from another Australian agency or service that is providing support.

External professionals involved in our activities

We collect the name and contact details of external professionals who participate in our activities such as professional and organisational development programs, programs based in schools and workplaces, forums, networks, research projects and other collaborative activities. We may also collect information about a professional's position, employer and/or area of practice, any dietary requirements, and details of an emergency contact.

We may collect this information directly or from a third party such as an employer where they are facilitating participation in a program.

Supporters

We collect the name and contact details of our supporters. We may also collect their position, organisation, and credit card details where they have elected to pay membership fees or make donations using a credit card. For members, we will also collect details of membership with us. We will only collect personal information directly from supporters.

Website users

When people visit our website or download information, we may collect and store assigned IP addresses, the date and time of a visit, the information accessed and the referring page. Information submitted to us in web forms or other means may be stored and used according to this Privacy Policy. We may use the information provided within MRC Tas for the purpose of responding to comments or questions, providing follow-up information about MRC Tas activities, reporting on website use, and to improve our website.

Dealing with us anonymously or using a pseudonym

If it is lawful and practical, you may have the option of not identifying yourself or using a pseudonym when dealing with us. However, because of the nature of the services that we provide, some people may not have this option because of legal requirements or because it would be impracticable, and we would be unable to provide our services. In general:

- if you are an employee, volunteer, student, contractor or job applicant with us, you don't have the option of dealing with us anonymously or pseudonymously
- if you are a supporter or an external professional involved in our activities, you have the option of dealing with us anonymously or pseudonymously
- if you are a client, it depends on what MRC Tas program(s) you access. For example clients may not be able to deal with us anonymously or using a pseudonym if they are Humanitarian Settlement Program clients (due to requirements of the Department of Home Affairs).

How we use and disclose personal information

How we use and disclose personal information also depends on the relationship with us and the nature of any services provided.

Clients

The main purpose for which we use clients' personal information is to provide clients with our services. We may also use clients' personal information for internal quality improvement. Where we are required to do so by our funding agreements, we may also disclose personal information to external agencies. With a client's consent, we may also disclose information to other organisations or professionals who we are dealing with on behalf of a client. We will seek consent from clients prior to using or disclosing

personal information for other purposes such as research, training, public policy advocacy, or preparation of promotional materials.

External professionals involved in our activities

We use the personal information of external professionals to facilitate involvement in our programs and services, and for internal quality improvement purposes. Where we are required to do so by our funding agreements, we may also disclose this personal information to external agencies. We may disclose information to your employer in order to coordinate involvement in our activities. We will seek consent from external professionals prior to using or disclosing their personal information for other purposes such as research, training, public policy advocacy, or preparation of promotional materials.

Supporters

We may use and disclose personal information of supporters for the purposes of promoting MRC Tas and its activities, raising awareness of issues affecting migrants, refugees and asylum seekers, administering our membership processes, and for internal quality improvement. We will not sell or give personal information of supporters to third parties. We will seek consent prior to using or disclosing personal information of supporters for any other purpose.

Website users

We will not sell or give personal information of website users to third parties without explicit consent.

Direct marketing

We may use the personal information of clients or supporters to make contact about our activities and services, opportunities to be involved in our work, and (for members) about membership and associated organisational processes. We may contact clients to let them know about events or opportunities that may be of interest. We may make contact via telephone, SMS, email or mail. Those who no longer wish to receive these communications from us can opt-out at any time by contacting our office.

Disclosures required or authorised by law

Regardless of relationship with us, we may disclose personal information to third parties without consent where we are required to do so by law, or where we believe that the disclosure is necessary to lessen or prevent a serious threat to the health or safety of one or more people.

How we hold personal information and keep it secure

We understand the sensitive nature of the personal information that we hold and we take reasonable steps to protect that personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure. Personal information may be stored in hard copy documents held on our premises or in secure archive facilities, or in electronic format on servers located at MRC Tas or in external datacentres.

We have put in place physical, electronic and procedural safeguards in order to keep information secure. Filing cabinets containing hard copy records are kept locked when unattended. Passwords restrict access to all electronic records. Screen blanking and locking of idle computers helps to prevent unauthorised access to electronic files. User permissions are structured to restrict information sharing within MRC Tas to those with a legitimate need to know the information. Access to archives and backups is tightly controlled. Care is taken to ensure that records are not visible to unauthorised persons,

including when records are transported or transmitted offsite.

Retention and destruction of personal information

Where the information that we hold about you forms part of a health or medical record, that information will be held for a period of at least seven (7) years from the last time we provided you with a service or as required by legislation including records related to young people. Client records will be kept where appropriate recognising that at times clients wish to access these records many years after

completion of service delivery. Human Resources records will be kept in line with MRC Tas policy. For all other personal information, we will destroy or de-identify it when we no longer need or are required to keep it for legal or business purposes.

Accessing your personal information

Generally, you have a right to access the personal information MRC Tas holds about you. If you would like to request access, please contact us.

- If you are an employee, volunteer, student, contractor or job applicant, you may request access by contacting HR .
- if you are an external professional involved in MRC Tas activities, you may request access by contacting the MRC Tas staff member who has been coordinating the activity in which you are involved
- if you are a supporter, or member, you may request access by contacting MRC Tas reception.

We will need to verify your identity before we can provide you with access. Access will be granted, except in certain circumstances which are set out in privacy legislation, such as where providing you with access would unreasonably impact on the privacy of others or where we are required or authorised by law to deny access. If we refuse your request, we will give you written notice of our decision, including our reasons and how to complain if you are not satisfied with our decision.

Quality and correction of personal information

MRC Tas takes reasonable steps to ensure that the personal information it collects about you is accurate, up-to- date and complete, and also when using and disclosing it, that it is relevant for the purposes of the use or disclosure. If we are satisfied that any of the information should be corrected, we will also take reasonable steps to correct that information.

If you believe that the personal information that MRC Tas holds about you is inaccurate, incomplete, out-of-date, irrelevant or misleading, please let us know.

- if you are a client, you may request correction by contacting an MRC Tas worker, Coordinator or Manager
- if you are an employee, volunteer, student, contractor or job applicant, you may request correction by contacting MRC Tas HR.
- if you are an external professional involved in MRC Tas activities, you may request correction by contacting the MRC Tas staff member who has been coordinating the activity in which you are involved
- if you are a supporter or member, you may request correction by contacting the MRC Tas reception.

If we do not agree that your information needs correcting, we will give you written notice of our decision, including our reasons and how to provide feedback if you are not satisfied with our decision. You can also ask us to associate a statement with the personal information which explains that you believe it is incorrect.

Privacy queries and complaints

If you would like to know more about how MRC Tas handles your personal information, or you believe that MRC Tas has not handled your personal information in accordance with this Privacy Policy or with applicable privacy laws, please contact MRC Tas. We welcome your feedback and will use it to improve the way we work. If you are a client:

- you may discuss your concerns with an MRC Tas worker, Coordinator or Manager, who will help you to provide feedback if needed
- we will arrange for an interpreter to assist you to make your complaint if needed.
- We will investigate and respond to your feedback within a reasonable period and generally within 7 days. We may need to request more information from you.
- If you are not satisfied with our response, you can contact the Office of the Australian Information Commissioner (for general privacy complaints)

Scope

Confidential and personal information shall not be disclosed to anyone outside the organisation without client consent, unless:-

- there is a likelihood of serious harm to self or another person;
- a criminal act of a serious nature has occurred, is in progress or may be engaged in; or,
- the disclosure is required by law, for example the protection of children,
- as permitted under the Australian Privacy Principles (Schedule 3 of the Privacy Act 1988)

Procedure

Staff must protect the privacy and confidentiality of service users, examples of this include:

- Ensuring two-factor authentication is used for access to all devices and systems containing private and confidential information
- ensuring care when sending emails that the intended recipients are correct;
- securing electronic or portable storage devices with passwords so that information is not easily accessible;
- securing your computer/lap-top to lock your computer and password protect access when you are away from your desk;
- when meeting at the MRC Tas with a client or other stakeholder to discuss private and/or confidential information, a private meeting space must be secured to ensure conversations and/or sensitive information are not inadvertently shared. Under no circumstances are clients permitted in staff offices.
- do not leave organisational information including client information in MRC Tas or other vehicles or places where others may access the information;

Notifiable Data Breaches

The Notifiable Data Breaches (NDB) scheme under Part III C of the Privacy Act 1988 establishes requirements for entities in responding to data breaches. Entities have data breach notification obligations when a data breach is likely to result in serious harm to any individuals whose personal information is involved in the breach.

Client Personal Information

When a Client is first registered at the MRC Tas it must be made clear to the Client that they are able to access their own files should they wish to do so.

Clients will be informed during initial contact that information may be shared with relevant staff. Clients may request that information not be shared with other staff; this should be noted on their Client File.

If clients request that their information is not to be shared, the client shall be informed that any serious risk issues shall be reported as obliged by law. Disclosures including referrals must be noted on the clients file.

A client file is created and all case notes, correspondence, and any other written information should be kept in the Client file. These are stored in the appropriate program area and kept locked for security purposes. All client files should be closed when services to that client have ceased. When a client file is to be closed ensure that all information is up to date. Closed files should be placed in the relevant closure section. A closure section in hard files is a section where non-active or closed Client files are placed.

Client privacy, general

At all times, client privacy and confidentiality must be maintained. If discussions or client briefs are to occur, they must be conducted respecting the privacy of the individual for example no public "corridor chats" or telephone either with the client or other staff members in public areas such as the reception. It may be necessary for example, to phone a client back from a private room.

Client mandatory reporting

Confidentiality is limited by a duty of care with respect to the likelihood of serious harm to self or another person; a criminal act of a serious nature has occurred, or disclosure is required by law, for example the protection of children.

If there is an identified risk to safety immediately phone the relevant emergency services such as the Police 000. Under such circumstances an incident report must be completed and sent to the Manager and any relevant Government Agency notified as required.

Related Legislation

Privacy Act 1988

Personal Information Protection Act 2004 (Tas)

Migration Act 1958

Aged Care Act 1997

Aged Care Act 2024

Children, Young Persons and Their Families Act 2013 (Tas)

Social Security Act 1991

Social Security (Administration) Act 1999

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