# *Privacy*

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| Policy Reference # | FOP028: Privacy |
| Policy Statement | The Royal Flying Doctor Service of Australia (RFDS) strives to ensure that all information collected from any worker, stakeholder or member of the public is managed confidentially and with sensitivity, and complies with the Australian Privacy Principles. |
| Policy Purpose | To establish a framework for how the RFDS will handle personal and sensitive information and ensure the management of an individual’s personal and sensitive information consistently complies with the Australian Privacy Principles. |
| Related RFDS Policies, Forms & Support Materials | * Employee Files Policy (FOP001)
* Code of Conduct (FOP002)
* Media, Social Media & Political Advocacy Policy (FOP008)
* IT Usage & Security Policy (FOP031)
* Management of Access to RFDS Data Policy (FOP035)
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| Related Legislation & Standards | * [Privacy Act 1988](https://www.legislation.gov.au/Details/C2022C00199)
* [Australian Privacy Principles](https://www.oaic.gov.au/privacy/australian-privacy-principles)
* [Office of the Australian Information Commissioner](https://www.oaic.gov.au/)
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| Approval | Federation Board Chair | Tracey Hayes | Date:  |

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1. Introduction

We are committed to meeting our legal requirements under the Privacy Act 1988 (the Act) and Australian Privacy Principles (the Principles). We take all reasonable efforts to safeguard all personal information, including ensuring appropriate IT usage and security measures are in place in accordance with the *IT Usage and Security* Policy (FOP031).

In general we:

* Ensure fair, open and transparent management of information;
* Collect information lawfully and through fair means;
* Collect, use and disclose only the information we need for its intended purpose or to comply with the law;
* Take reasonable steps to ensure accuracy of information;
* Collect information about a patient from them direct (although we may also need to collect from a representative, referee or other agency like a hospital or medical service, if the patient is unable to give us the information, or has given consent for someone else to do this for them);
* Regulate access and correction;
* Ensure appropriate storage and security;
* Destroy or de-identify information not needed for the intended purpose as soon as we can;
* Ensure all of our staff are aware of privacy expectations
* Acknowledge that people with vision or hearing impairments, and culturally and linguistically diverse people, may require special consideration.
1. Scope

This Code of Conduct applies to all workers; including RFDS employees, the Board, contractors, volunteers, consultants, suppliers and any other persons who undertake duties for, or who otherwise represent, the RFDS.

1.
2. RFDS Values

All workers are to endeavour to understand and promote the guiding values of the RFDS when undertaking duties for, or on behalf of, the RFDS.

* 1. Values
* Care
* Collaboration
* Innovation
* Integrity
* Effectiveness
1. Principles of the Code of Conduct

This policy is underpinned by the principles of appropriate behaviour outlined in the *Code of Conduct* (FOP002) of which all workers must adhere to at all times.

* 1. Principles of appropriate behaviour
* Behave fairly and equitably
* Act in the public interest
* Refuse improper rewards or gifts
* Avoid conflicts of interest
* Observe the law
* Act responsively and responsibly
* Treat people with respect and proper courtesy
* Observe the principles of equity, diversity and inclusion
* Exercise caution when making public comment
* Protect personal and confidential information
* Work diligently and efficiently
1. Authorised Persons
	1. Privacy Officer

The RFDS is committed to privacy protection in line with the Privacy Act 1988 and the Australian Privacy Principles and as outlined in the policy. If anyone has questions or concerns about how the RFDS is handling personal information, would like to lodge a complaint, would like to update their details or would like further information about this policy, they may do so by contacting the RFDS Privacy Officer via the following:

* Phone: 02 6269 5500
* Email: enquiries@rfds.org.au.
* Post: PO Box 4350

Kingston ACT 2604

The Federation Executive Director is the sole RFDS Privacy Officer and may choose to delegate action to other workers where required.

1. Definitions
* ‘Functions or activities of the organisation’ - (for which it may collect personal information) are limited to those in which it may lawfully engage, and include the following:
	+ current functions or activities of the organisation
	+ proposed functions or activities the organisation has decided to carry out and for which it has established plans
	+ activities the organisation carries out in support of its other functions and activities, such as human resource, corporate administration, property management and public relations activities
* ‘Solicited information’ – information that is collected by lawful and fair means from the individual concerned, and only for the purpose of being reasonably necessary for, or directly related to, the organisation’s functions or activities.
* ‘Unsolicited information’ – information that is obtained without the consent of the individual concerned, and should not be used by the organisation, regardless if it is for the purpose of being reasonably necessary for, or directly related to, the organisation’s functions or activities.
* ‘Personal information’ – is any information or opinion about a particular individual or a person who could be easily identified and includes:
	+ name;
	+ address;
	+ phone number;
	+ date of birth;
	+ signature;
	+ email address; and
	+ bank account details.
* ‘Sensitive information’ – is a type of personal information that may result in discrimination or harm if it is mishandled and includes any information or opinion about an individual’s:
	+ race or ethnic origin;
	+ political opinions or membership of a political organisation;
	+ religious beliefs and affiliations;
	+ philosophical beliefs;
	+ membership of a professional association or trade union;
	+ sexual preferences and orientation;
	+ criminal record;
	+ health information;
	+ genetic information; or
	+ biometric information.
* ‘identifiable information’ – is information that can be used on its own or with other information to distinguish or trace an individual or to identify an individual in context and includes such information as:
	+ Name;
	+ Home address;
	+ Email address;
	+ Phone numbers;
	+ passport number;
	+ driver’s licence number;
	+ tax file number;
	+ medicare number;
* ‘non-identifiable information’ – is information that cannot be used on its own to distinguish or trace an individual or to identify an individual in context and includes such information as:
	+ Desensitised data used for research / reporting and statistical purposes;
	+ Business phone numbers and addresses
	+ Position descriptions and position titles
1. Consideration of personal information privacy
	1. Open and Transparent Management of Personal Information

The RFDS Federation Office is committed to complying with Australian Privacy Principal 1 to ensure that information collected about its employees and other workers will be accessible by its employees and other workers in an open and transparent way under appropriate circumstances *(refer Section 7.1).*

This policy is to be made available to any individual or organisation via the RFDS website, or in such a form as requested by any individual or organisation.

* 1. Anonymity and Pseudonymity

In line with Australian Privacy Principle 2, except for employees as provided under the *Fair Work Act 2009*, an individual wherever it is lawful and practicable, can exercise the option not to identify him or herself in dealing with the RFDS. An individual may remain anonymous regarding certain matters. However, it may be necessary for the RFDS to collect personal or sensitive information if the RFDS is required or authorised to do so under an Australian law, or by a court or tribunal.

1. Collection of personal information
	1. Collection of Solicited Personal Information

The RFDS collects personal and sensitive information only if an individual has consented to the information being collected, if the information is reasonably necessary for one or more of our functions or activities, or if one of the other exceptions applies under the Australian Privacy Principles.

The RFDS will only collect information by lawful and fair means and may collect information in different ways, including:

* forms, such as the employment forms
* electronically, via email or website
* phone calls
* member and stakeholder lists
* organised meetings or conferences
* mailing lists
* direct personal contact.

The RFDS will always collect personal information directly from an individual unless it is unreasonable or impractical for the RFDS to do so.

* + 1. Employees

If the individual is an employee, the RFDS will collect personal information such as name, contact details (address, email, phone number), date of birth, citizenship or residency status, and details of an emergency contact person. We also collect sensitive information about an employee such as bank details for direct credit of salary, tax file number, superannuation and reimbursement of work related expenses.

If the individual is a candidate seeking employment with the RFDS we will collect information including name, contact details, employment history, references, résumé and qualifications. If the candidate is unsuccessful in gaining employment with the RFDS, we will destroy any personal information we have received through the recruitment process.

* + 1. Board Directors and Committee Members

To fulfil RFDS reporting requirements as a charity registered with the ACNC, the RFDS will collect personal information of Board Directors or Board Committee members such as name (and previous name/s), contact details (address, email, phone number), signature, qualifications, other directorships, director ID, contact details of an Executive Assistant (if applicable), airline memberships and additional information related to event logistics may be collected such as travel and any special needs or dietary requirements.

We may also collect sensitive information such as date of birth, place of birth, bank details, tax file number, and details of an emergency contact person.

* + 1. Delegates of Member Organisations

The RFDS may collect personal information of member delegates including name, contact details and signature for the purpose of the RFDS Annual General Meeting and other related activities. If the delegate attends RFDS functions or activities, additional information related to event logistics may be collected such as travel and any special needs or dietary requirements.

* + 1. Contractors, Consultants, Sponsors, Partners and Suppliers

The RFDS may collect information including name, contact details, ABN, business records, relevant insurance policies, billing information and information about goods and services supplied.

* + 1. Donations and Bequests

The RFDS may be required to collect personal information from organisations or members of the public should they wish to make a donation or bequest to the RFDS. Such information includes organisation name, contact person or individual’s name, contact details and bank or credit/debit card details. Organisations and members of the public are also entitled to make donation or bequest payments direct to the RFDS should they prefer to do so via cash, cheque or EFT. All personal and sensitive information is encrypted using SSL technology.

* 1. Sensitive information

In addition, and in accordance with Australian Privacy Principal 3.4(e) this policy sets out the following additional requirements for the collection of sensitive information for a non-profit organisation:

1. The information relates to the activities of the organisation
2. The information relates solely to the workers or members of the organisation, or to individuals who have regular contact with the organisation in connection with its activities.
	1. Dealing with Unsolicited Personal Information

If the RFDS receives personal information about an individual that was not requested and the information was not by the means set out in 4.1 above, the RFDS will destroy or de-identify the information (i.e. any information that could reasonably identify an individual is removed) as soon as practicable. This will apply except where the information is required by law or a court or tribunal order to retain the information.

* 1. Notification of the Collection of Personal Information

The RFDS will take reasonable steps when seeking personal information to either to notify the individual of certain matters or to ensure the individual is aware of those matters.

The matters include:

* the RFDS’ identity and contact details;
* the fact and circumstances of collection;
* whether the collection is required or authorised by law;
* the purposes of collection;
* the consequences if personal information is not collected;
* information about the RFDS’ Privacy Policy; and
* whether the RFDS is likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located

The RFDS will take reasonable steps, before, or at the time it collects personal information. If this is not practicable, reasonable steps must be taken as soon as practicable after collection.

Examples of where the RFDS collects personal information is as follows:

* Conducting stakeholder surveys where some or all of the responses cannot be anonymous for the purpose of being reasonably necessary for, or directly related to, the organisation’s functions or activities.
* Employee pre-employment reference, health and security checks
* managing donations and bequests
	1. Cookies

Cookies are pieces of information that a website can transfer to an individual’s computer when accessing information on that site. Cookies can make websites easier to use by storing information about an individual’s preferences on a particular website. This information remains on the individual’s computer after they close their browser. Some pages on the RFDS website may use cookies to collect anonymous traffic data. This data does not collect personal information.

Where non-personal information is collected the Australian Privacy Principles do not apply.

* 1. Online videoconferencing and chat data

In response to the national footprint of the RFDS and its association with many geographically diverse stakeholders, the RFDS may use a range of platforms to hold videoconference meetings and online ‘chat’ forums.

Administrators can identify individuals and their comments by the name the attendee joins the event with. This means if an attendee nominates their name and/or permits video to be used, the administrator would be able to attribute any comment made by that person either verbally or in the ‘chat’ function.

The RFDS only utilises verbal and written comments to inform its policy and advocacy positions and will not pass on comments as attributable to any individual.

The RFDS seeks explicit agreement with video/webinar presenters and attendees if it is going to record and or/publicise any video, or any section of video, from its webinars with members and stakeholders.

1. Dealing with personal information
	1. Use or Disclosure of Personal Information

The RFDS will only use personal and sensitive information (including photographs and other images) for purposes which are directly related to the reason provided to an individual and where an individual would reasonably expect the RFDS to use the information, including for public health and research purposes.

The RFDS will not use personal information for another purpose unless an individual has given consent or one of the exceptions under the Privacy Act applies. For example, if the use of information is authorised by Australian law or is necessary for law enforcement by an enforcement body, such as the Australian Federal Police.

When an individual employee provides the RFDS with their personal and sensitive information through the induction process, the RFDS will seek the consent of the individual to disclose the information for the purpose of administering payroll.

The RFDS will only disclose personal and sensitive information for purposes which are directly related to the reason provided to the individual with the personal information in the first place and where an individual would reasonably expect us to disclose the information. For example, information related to payroll data will be provided to the Australian Taxation Office, and superannuation companies chosen by the individual.

The RFDS will take all reasonable steps to ensure personal details remain confidential at all times. The RFDS keeps an internal employee contact list which is regularly updated. Individual employees who have provided permission for mobile phone numbers to be disclosed outside the organisation are clearly marked. All other contact information is kept confidential. This also applies to the information provided by stakeholders working with the RFDS. All external parties (such as contractors and consultants) who receive any personal information sign the RFDS Confidentiality / Non-Disclosure Agreement that requires them to comply with the Privacy Act and our Privacy Policy.

* 1. Direct Marketing and Information Materials

The RFDS on occasion receives requests from government research bodies to assist them to gather statistical data. The RFDS conforms to all research requests on specific criteria, such as aggregate and anonymised but not individual personal information. Any personal information such as names, addresses and phone numbers are not divulged by the RFDS as the information is given anonymously.

From time to time, the RFDS may send out information materials for the purposes of its business. If an individual does not wish to receive these communications they can contact the RFDS to unsubscribe by calling 02 6269 5500 or emailing enquiries@rfds.org.au. Personal information may also be used by the RFDS to provide an individual with details of our services and events where permitted by the Privacy Act or where an individual has consented to the use or disclosure of personal information for direct communications and promotional materials.

1. Integrity of Personal Information
	1. Quality of personal information

The RFDS will take reasonable steps to ensure all personal information collected, used or disclosed is accurate, up-to-date, complete, relevant, and not misleading.

The RFDS will correct any personal information it believes to be incorrect, incomplete, irrelevant, or misleading. This includes taking reasonable steps to notify the correction to any organisation or Government agency to which information was disclosed. An individual may request access to or correct their personal information at any time by contacting the RFDS. The RFDS will provide access to the information unless one of the exceptions under the Privacy Act applies. For example, if providing access would be unlawful or denying access is authorised by law.

If a request to access or correct personal information is made, the RFDS will respond within 30-days[[1]](#footnote-1)

* 1. Security of personal information

The RFDS will take appropriate steps to protect personal and sensitive information from misuse, interference, unauthorised access, modification, loss, or disclosure. This includes during storage, collection, processing, transfer, and destruction of the information.

The RFDS complies with the best practice security principles to ensure access of confidential information and data is restricted to authorised persons only, and that all workers are able to lock computers, devices and filing cabinets when leaving desks, and appropriate options for the secure and confidential disposal of hard copy documents is provided.

The RFDS will take steps to ensure the security of the organisation’s website and does not ask for personal or sensitive details about an individual over the website. All personal and sensitive information collected via the website (eg online donations) is encrypted using SSL technology. All RFDS workers must comply with the RFDS Cyber Security and Data Governance Frameworks and adhere to the procedures within, providing an extra level of protection and accountability for the security of confidential and personal information.

When the RFDS no longer requires personal and/or sensitive information for any purpose it will take reasonable steps to destroy or archive the information. This will apply except where the information is part of a Commonwealth record, or we are required by law or a court or tribunal order to retain the information.

* + 1. Archiving of personal information

The following types of information are required by law, to be kept (archived) by the RFDS:

* Work health and safety records for 5 years and includes;
	+ Work health and safety audits and inspections reports;
* Business / Financial records for 5 years and includes;
	+ receipts and other evidence of all sales and purchases you made for your business;
	+ tax invoices, wage and salary records;
	+ all documents about GST;
	+ records of the purchase, sale and other costs of any business assets, such as land, buildings or office equipment; or
	+ all records relating to tax returns, activity statements, fringe benefits tax (FBT) returns, and contributions to employee super.
* Employee records for 7 years and includes;
	+ Employee contracts and details about pay, leave and hours of work;
	+ Workers compensation and return to work
	+ Probation and annual reviews
	+ Performance management
	+ Work related expenses and reimbursements
	+ Health information
1. Access to personal and confidential information
	1. Access to personal information

The RFDS will provide an individual access to their personal information upon written request and at a time to suit both parties.

* 1. Correction of personal information

The RFDS will seek to correct any personal information if it is inaccurate, out of date, incomplete, irrelevant, or misleading or if requested the RFDS will amend any information that is incorrect. The RFDS will advise the individual as soon as practicable of the corrections.

* 1. Access to RFDS Data for research students

The RFDS may provide access to RFDS data for research students for the purpose of being reasonably necessary for, or directly related to, the organisation’s functions or activities. In accordance with the *Management of Access to RFDS Data* Policy (FOP035), the RFDS will ensure that all personal information is desensitised before allowing research students access to such data.

1. Compliance

All workers of the RFDS are required to comply with this policy

Breaches of standards or obligations in this policy will not be tolerated and may lead to disciplinary action, which can involve the possibility of performance management, dismissal, demotion or suspension.

1. Documentation and reviews

This policy is to be reviewed every two years commencing from the date of the last review, unless there are any changes to applicable laws or organisational practices that require amendment prior to the review period.

All versions of this policy must be kept for documentation and auditing purposes and the latest version must be clearly identifiable to prevent confusion and use of an expired policy.

1. As determined ‘reasonable’ by the Office of the Australian Information Commissioner [↑](#footnote-ref-1)