

## SD: 1.13 Confidentiality and Privacy Policy



### Section 1: Service Delivery

**Policy Number: 1.13**

**Date of Issue: April 2018**

**Reviewed: June 2023**

#### **PURPOSE**

Arafmi Limited (ABN 43 336 198 526) and its related bodies corporate (referred to in this document as **Arafmi, we, us** or **our**) recognises that your privacy is very important and we are committed to protecting the personal information we collect from you. The *Privacy Act 1988* (Cth) (**Privacy Act**), and the Australian Privacy Principles (**APPs**) govern the way in which we must manage your personal information and this policy sets out how we collect, use, disclose and otherwise manage personal information about clients, participants, dependents, donors, Arafmi's workers, and members of the public. As a funded provider under the Queensland Community Support Scheme, we must also comply with the Information Privacy Principles of the *Information Privacy Act 2009* (Qld) (**IP Act**) with respect to the provision of services funded by the Department of Communities, Disability Services and Services.

The handling of some personal information by Arafmi is exempt from certain obligations under the Privacy Act where it directly relates to a current or former employment relationship, and an employee record held by us (where 'employee record' means a record of personal information relating to the employee's employment). This will not apply to all Arafmi workers, as not all workers are employees.

#### **COLLECTION**

##### **Types of information collected**

We may collect and hold personal information about you (that is, information that can identify you) that is relevant to our functions and activities. The kinds of information we collect from you depends on our relationship with you.

For identification purposes Arafmi Ltd defines the following titles

- **Clients:** We refer to individuals who receive carers support (including via support groups) and NDIS application support as 'clients'.
- **Participants:** We refer to individuals who participate in workshops and events as 'participants'.
- **Dependents:** We refer to individuals being cared for by carers as 'dependents'.
- **Workers:** We refer to employees, volunteers, candidates for volunteer work, prospective employees, and contractors as 'workers'.

In some circumstances, you may belong to more than one of these groups (for example, when clients or dependents are participants), and multiple sections of this policy will then apply to you.

For each of the above groups, and for individuals who fall outside each of those groups, we may collect your name, contact details, and other information relevant to providing you with the information, goods and services you are, or someone else you know is, seeking.

*If you are a client*, we will also generally collect your health information, information on personal issues and experiences and relationships, and family background and support. In addition to



## Arafmi Service Delivery

### Confidentiality and Privacy Policy

---

your health information, we are likely to collect and hold sensitive information about you in providing you with services, including your racial or ethnic background, or sexual orientation.

*If you are a participant*, we may collect your health information where it is relevant to providing you with services.

*If you are a dependent*, we may collect information about you while we provide services to your carers, including your health information.

*If you are a donor*, you may choose to provide us with demographic data, such as your date of birth, gender, income, and areas of interest. We use this information to help understand who engages with us.

*If you are a worker*, we will also generally collect your date of birth, personal information contained within an application and CV/resume, employment history, personal information derived from a reference, personal information derived from an interview, personal information derived through testing (including psychometric or aptitude testing), licences and other certificates and qualifications, and information included in a passport, birth certificate, visa or other documentation demonstrating a worker's right to work in Australia. If you are a current employee or volunteer, we will also generally collect information during the engagement and on-boarding process, bank account and superannuation fund information, tax file number, wage and entitlement information and other payroll information, drivers licence number, emergency contact information, information relating to your performance or conduct, information relating to your employment, training, disciplining, and resignation/termination, the terms and conditions applicable to you, and photographs, videos, and other recordings. In addition, we may collect and hold sensitive information about you during your employment, including health and medical information, criminal record and other information provided in a police check, membership of a professional or trade association or trade union.

*If you are an employee of Arafmi*, we are required by the *Fair Work Act 2009 (Cth) (FW Act)* to collect certain information about employees, including name, basis of employment, rate of pay, information about deductions and entitlements, superannuation fund details and information about our payments into that fund, and information relating to an employee's termination. This information must be retained by Arafmi for a period of 7 years. This will not apply to all Arafmi workers, as not all workers are employees.

We only collect sensitive information you if you consent to the collection of the information and if the information is reasonably necessary for the performance of our functions and activities. Consent may be implied by the circumstances existing at the time of collection. There may also be circumstances under which we may collect sensitive information without your consent, as required or authorised by law.

We may also collect information through the use of our website and digital platforms, including user preferences, 'cookie' information, and geographical location.

#### **Method of collection**

We will generally collect personal information directly from you through a variety of avenues, including any of our standard forms, our volunteer and employment application process, registration and attendance at our workshops and events, via emails or other communications, via phone, in person, via our surveys (where applicable), via our website (including contact forms), and social media accounts.



## Arafmi Service Delivery

### Confidentiality and Privacy Policy

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There may, however, be some instances where personal information about you will be collected indirectly because it is unreasonable or impractical to collect personal information directly from you. For example, we are likely to collect personal information about dependents from clients,

and we may collect personal information about workers from referees when they provided references, academic institutions or training and certification providers, providers of license and background-checking services, recruiters and other service providers who assist in the engagement process, and other publicly available sources such as social media platforms.

We will usually notify you about instances of collection from third parties in advance, or where that is not possible, as soon as reasonably practicable after the information has been collected.

If we receive unsolicited information about you that we did not request and which is not directly related to our functions or activities, we may be required to destroy or de-identify that information, providing it is lawful and reasonable to do so.

#### **Purpose of collection**

The personal information we collect and hold about you depends on your interaction with us. Generally, we will collect, use, and hold your personal information if it is reasonably necessary for or directly related to the performance of our functions and activities and for the purposes of:

- a) providing information, resources, goods and services to you or someone else you know;
- b) processing your donation or purchase and providing receipts, and communicating with you about how your donation is used;
- c) facilitating our internal business operations, including:
  - i. establishing our relationship with you;
  - ii. the fulfilment of any legal requirements;
  - iii. maintaining and managing our relationship with you and communicating with you in the ordinary course of that relationship (including responding to feedback or complaints);
  - iv. maintaining and managing the engagement of a worker, and terminating that engagement;
  - v. organising and facilitating support groups, workshops and events;
  - vi. analysing our goods and services, client needs, and worker needs with a view to developing new or improved goods and services or business operations;
  - vii. contacting you to provide a testimonial for us; and
- d) providing you with information about other goods and services that we or our related entities and other affiliated organisations offer that may be of interest to you.

Except as otherwise permitted by law, we only collect sensitive information about you if you consent to the collection of the information and if the information is reasonably necessary for the performance of our functions, as set out above.

#### **Anonymity/Pseudonymity and failure to provide information**

If you would like to access any information or any of our goods and services on an anonymous basis or using a pseudonym, please tell us. If this is possible and lawful, we will take all reasonable steps to comply with your request. However, we may not be able to provide the information, resources, or goods and services in question if we are not provided with the personal information requested.



## Arafmi Service Delivery

### Confidentiality and Privacy Policy

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If you are an applicant for a volunteer or employment position, refusal to provide personal information may mean we are unable to process your job application. If you are a worker, refusal to provide personal information or consent to sensitive information being collected or held for the purposes set out in this privacy policy and any privacy collection statement may adversely affect our ability to comply with our legal obligations and our ability to continue our relationship with you.

#### Internet users

If you access our website, we may collect additional personal information about you in the form of your IP address, browser type, and date and time of visit.

Our website may contain links to other websites. We are not responsible for the privacy practices of linked websites and linked websites are not subject to our privacy policies and procedures.

Our website uses cookies. The main purpose of cookies is to identify users and to prepare customised web pages for them. Cookies do not identify you personally, but they may link back to a database record about you. We use cookies to monitor usage of our website and to create a personal record of when you visit our website and what pages you view so that we may serve you more effectively.

#### Use and disclosure

Generally, we only use or disclose personal information about you for the purposes for which it was collected (as set out above). We may disclose personal information about you to:

- a) our workers, consultants, and other parties who require the information to assist us with facilitating our internal business processes, providing you with information, resources, goods and services, and with establishing, maintaining, managing, or ending our relationship with you;
- b) our related entities to facilitate ours and their internal business processes;
- c) *if you are a client*: government departments and agencies, such as NDIS Quality & Safeguards Commission, the Queensland Department of Communities, Disability Services and Seniors, the Offices of the Public Guardian (Qld) who provide funding and other assistance in operating our business;
- d) *if you are a worker*: government departments and agencies, such as the Australian Taxation Office;
- e) third party service providers who assist us in operating our business and providing you with information, resources, goods and services (including payment processors, payroll processors, insurers, superannuation funds, IT and technology service providers, event organisers, and professional advisers such as lawyers, accountants, and auditors) and these service providers may not be required to comply with our privacy policy;
- f) third parties to whom you have agreed we may disclose your information or where the information was collected from you (or from an authorised discloser) for the purposes of passing it on to the third party; and
- g) any other entity as otherwise permitted or required by law, including regulatory bodies such as WorkSafe.



## **Arafmi Service Delivery**

### Confidentiality and Privacy Policy

---

*If you are a client or participant*, you may choose to disclose your information to other individuals when participating in support groups, workshops, and events. While we request that all individuals respect the privacy of others and not disclose information received during those activities, individuals who are not our workers are not bound to comply with our privacy policy.

*If you are a client*, we may use and disclose personal stories you have provided to us as 'case studies', where those case studies have been appropriately de-identified, unless you have provided your express written consent that we may use and/or disclose your personal story as a case study without de-identification.

We may expand or reduce its business and this may involve the sale and/or transfer of control of all or part of our business. Personal information, where it is relevant to any part of the business for sale and/or transfer, may be disclosed to a proposed new owner or newly controlling entity for their due diligence purposes, and upon completion of a sale or transfer, will be transferred to the new owner or newly controlling party to be used for the purposes for which it was provided. Additionally, in circumstances of a business sale, we are required under the FW Act to transfer employment records for each employee transferring to the new employer on request by the new employer. This will not apply to all Arafmi workers, as not all workers are employees.

Sensitive information (including health or medical information) is only used and disclosed for the purposes for which it was collected, unless your further consent is obtained, or otherwise as permitted or required by law. If we use your health information for internal research or statistical purposes, we will de-identify the information first.

#### **Disclosure of personal information overseas**

We are assisted by a variety of external services providers to operate its business, some of whom may be located overseas. These third parties are too numerous to list, and they change from time to time. Some examples of the types of third parties including technology service providers who may be located in the United States of America, such as Google Analytics and Microsoft Office 365.

You consent to this overseas disclosure and agree that by providing consent, APP 8.1 under the Privacy Act no longer applies, and we are not required to take reasonable steps to ensure that the overseas recipient does not breach the APPs in relation to that information.

#### **Direct marketing**

We will never knowingly send you unsolicited commercial electronic messages. More information on the *Spam Act 2003* (Cth) is available from the regulator's website: [www.acma.gov.au/spam](http://www.acma.gov.au/spam).

If you subscribe to a mailing list offered by us, we may use or disclose your personal information (excluding sensitive information) for direct marketing purposes. We will obtain your specific consent to disclose sensitive information for the purposes of direct marketing our services. We may include third party offers in marketing materials we send to you.



You will be able to opt-out of direct marketing at any time with no charge to you, or request us to provide you with our source of information, by email to [info@arafmi.com.au](mailto:info@arafmi.com.au), or through the unsubscribe link found in all marketing emails we send. We will then ensure that your name is removed from our mailing list.

If you receive communications from us that you believe have been sent to you other than in accordance with this policy, or in breach of any law, please contact us using the details provided below.

### **Security**

We store your personal information in different ways, including in paper and in electronic form. The security of your personal information is important to us. We take all reasonable measures to ensure that your personal information is stored safely to protect it from interference, misuse, loss, unauthorised access, modification or disclosure, including electronic and physical security measures.

Personal information collected is hosted on third party data servers located within Australia. We take reasonable steps to ensure any third party data storage suppliers we partner with have appropriate cyber and physical security controls in place.

Where personal information held is no longer necessary for our operations, Arafmi deletes information or permanently de-identifies it, subject to specific laws in respect of data retention.

### **Access and correction**

You may access the personal information we hold about you, upon making a written request. We will respond to your request within a reasonable period. We may charge you a reasonable fee for processing your request (but not for making the request for access). For security reasons, you will be required to put your request in writing and provide proof of your identity. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is not undermined. We may require you to fill in a *Permission to Obtain and Release Information Form* or *DSQ Consent Form for Information Disclosure* for this purpose.

Subject to our obligations under the FW Act (with respect to current and former employees), we may decline a request for access to personal information in circumstances prescribed by the Privacy Act, and if we do, we will give you a written notice that sets out the reasons for the refusal (unless it would be unreasonable to provide those reasons), including details of the mechanisms available to you to make a complaint.

Employee records prescribed by the FW Act must be made available to an employee or their representative upon request. These employee records include general employment details, pay records, records relating to leave entitlements, records relating to superannuation contributions, records relating to individual flexibility arrangements, records relating to



guarantees of annual earnings and termination of employment records. Under the *Fair Work Regulations 2009* (Cth), we must make a copy of an employee record available in a legible form for inspection and copying on request by an employee or former employee to whom the record relates. If the employee record is kept at the premises at which the employee works or the former employee worked, we will make a copy available at the premises within 3 business days after receiving a request, or will post a copy of the employee record within 14 days after receiving a request.

If the employee record is not kept at the premises, we will, as soon as practicable after receiving a request, make a copy available at the premises or post a copy of the employee record to the employee or former employee. This paragraph will not apply to all Arafmi workers, as not all workers are employees.

It is essential that the information contained in our records is accurate, complete, and up to date. If, upon receiving access to your personal information or at any other time, you believe the personal information we hold about you is inaccurate, incomplete or out of date, please notify us immediately. We will take reasonable steps to correct the information so that it is accurate, complete and up to date. We may require you to fill in our Change of Details Request Form to ensure that personal information is corrected only by instruction from the appropriate individual.

If we refuse to correct your personal information, we will give you a written notice that sets out our reasons for our refusal (unless it would be unreasonable to provide those reasons), including details of the mechanisms available to you to make a complaint.

### **Complaints and feedback**

If you have any queries or concerns about our privacy policy or the way we handle your personal information, or you wish to make a complaint about a breach of the Privacy Act, the IP Act, the APPs, the IPPs, or a privacy code that applies to us please contact us using the details below and we will take reasonable steps to investigate the complaint and respond to you.

Address: Arafmi Ltd, PO Box 248, New Farm, QLD, 4005  
Email address: [info@arafmi.com.au](mailto:info@arafmi.com.au)  
Telephone: (07) 3254 1881  
1800 351 881 (Regional Qld)  
1300 554 660  
Website [www.arafmi.com.au](http://www.arafmi.com.au)

Calls to our telephone number can be made for a local call cost from fixed residential landlines anywhere in Australia, but calls from mobile and pay phones may incur higher charges. Check with your service provider for costings from mobile and pay phones.

For more information about privacy in general, you can visit the Office of the Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au).

If after this process you are not satisfied with our response, you can submit a complaint to:



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- the Office of the Information Commissioner, Queensland. To lodge a complaint, visit the 'Privacy complaints' section of the Queensland Information Commissioner's website, located at <https://www.oic.qld.gov.au/about/privacy/privacy-complaints>, to obtain the relevant complaint forms, or contact the Queensland Information Commissioner's office; or
  - the Office of the Information Commissioner, Australia. To lodge a complaint, visit the 'Complaints' section of the Information Commissioner's website, located at <http://www.oaic.gov.au/privacy/privacy-complaints>, to obtain the relevant complaint forms, or contact the Information Commissioner's office.

### **Data Breaches and Reporting Requirements**

In the event of a notifiable data breach, we are required to report the breach to the Office of the Australian Information Commissioner (OAIC), notify all parties involved in the breach, and act immediately to mitigate associated risks. Notifiable breaches are those which identify an individual and are determined as likely to cause 'serious harm' to an individual (including physical, psychological, financial or reputational harm).

In accordance with current Service Agreements, Arafmi Ltd must also report identifiable data breaches to the Department of Communities, Disability Services and Seniors as soon as is practicable. Where breaches involve service user who are covered by the Child Protection Act 1999 or the Youth Justice Act 1992, the breach must additionally be reported to the Department of Communities, Disability Services and Seniors immediately.

### **Changes and updates**

We reserve the right to review, amend and/or update this policy from time to time. If further privacy legislation and/or self-regulatory codes are introduced or our privacy policy is updated, we will summarise any substantial modifications or enhancements in this section.

### **Related policies**

- 1.13.1 Website Privacy Policy
- 1.2 Service Responsibilities Policy
- 1.3 Principles of Practice Policy
- 1.15 Permission to Obtain and Release Information Policy