

PRIVACY POLICY

1 PURPOSE

This policy provides the framework for privacy within the operations of the Central Queensland Community Legal Centre Inc.

2 SCOPE

All staff, volunteers, Management Committee, other agency employees and contractors who are employed or undertake work within the Central Queensland Community Legal Centre.

3 EFFECTIVE DATE

24 August 2015

4 LEGISLATIVE AUTHORITY

[Privacy Act 1988 \(Cth\)](#)
[Information Privacy Act 2009 \(Qld\)](#)

5 POLICY STATEMENT

The Central Queensland Community Legal Centre recognises the importance of, and is committed to protecting and upholding, the privacy and rights of individuals the CQCLC deals with in relation to their personal information.

The CQCLC will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and others
- clients are provided with information about their rights regarding privacy
- clients, staff and others are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature, and
- all staff, Management Committee members and volunteers understand what is required in meeting these obligations.

The policy explains how the CQCLC collects, uses, discloses and otherwise handles personal information. This Policy does not apply to employee records, however still applies to personal information about job applicants, contractors and volunteers or employees of related entities.

The CQCLC is subject to the Australian Privacy Principles under the Privacy Act 1988 (Cth) and applicable State/Territory legislation. The centre is also required to comply with privacy obligations under one or more funding agreements. The centre will follow the guidelines of the Australian Privacy Principles in its information management practices.

5.1 What is personal information?

Personal information in general terms means any information that can be used to personally identify someone. It includes information or an opinion, whether true or not and whether recorded in a material form or not, about an individual who is identified or reasonably identifiable information.

Sensitive information is a subset of personal information and is given a higher level of protection. Sensitive information is defined in the Privacy Act and includes information or an 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; or criminal record.

5.2 What personal information does the CQCLC collect and hold?

The type of information collected will depend on the nature of a person's interaction with the Centre. For example, if you:

- seek legal assistance, we may collect your name, contact details, details of your guardian (if applicable), financial, employment and status details and information about the matter you are seeking assistance with
- provide legal assistance to our clients, we may collect your name, organisation and contact details
- make a donation to the centre, we may collect your name, organisation, contact details, the amount and frequency of your donation and payment details
- attend a professional development or training program or attend another event, we may collect your name, organisation, contact details, payment details (if applicable) and any dietary and accessibility requirements
- participate in a survey, we may collect your name, organisation contact details and your survey responses
- send us an enquiry, we may collect your name, contact details and details of your query
- make a complaint, we may collect your name, contact details, the details of your complaint, information collected in any investigation of the matter and details of the resolution of the complaint
- apply for a role at the centre, we may collect the information you include in your application, including your cover letter, resume, contact details and referee reports.

5.3 How does the centre collect your personal information?

The centre collects personal information directly from an individual unless it is unreasonable or impracticable to do so. This may occur in a range of ways including in person; by letter, fax, email or telephone; on hard copy forms; through the website; from referring or third parties (with consent); and at events or forums.

5.4 Notification of collection of personal information

When the centre collects personal information, or as soon as possible after collection, we will provide individuals with a privacy notice and/or refer individuals to this Privacy Policy.

5.5 What happens if the CQCLC can't collect personal information?

The nature of the centre's work is that, generally, it is not possible to provide services or deal with individuals in an anonymous way. For example, if a client does not provide the CQCLC with the personal information described above the centre may not be able to provide legal services to you, or to provide information about services.

5.6 For what purposes does the CQCLC collect, hold, use and disclose personal information?

The centre collects, holds, uses and discloses personal information for the following purposes:

- to assess whether a client is eligible for assistance
- to provide legal services, referral or arrangement of non-legal assistance to clients
- to answer enquiries and provide information or advice about [Organisation's] services;
- to recruit staff, contractors and volunteers
- for planning, quality control and for the creation of anonymous case studies
- to update records
- for use in monitoring and assessing [Organisation's] services, including as part of peer review of service, and reporting to funding providers
- to process and respond to any complaints, and
- to comply with any law, rule, regulation, lawful and binding determination.

The centre may also collect, hold, use and disclose personal information for other purposes explained at the time of collection or which are required or authorised by or under law for which the individual has provided their consent.

5.7 To whom may the CQCLC disclose your information?

The Centre may disclose your personal information to:

- employees, volunteers, contractors or service providers for the purposes of providing legal services, fulfilling requests by clients, and to otherwise provide services to individuals including professional advisors such as solicitors, barristers and consultants.
- any organisation for any authorised purpose with the individual's express consent
- other third parties where required by law
- In circumstance where the law would probably compel its disclosure or the sole purpose of avoiding probable commission or concealment of a serious

criminal offence,

- The centre does not direct market, or provide personal information to other organisations for the purposes of direct marketing..
- The centre does not disclose personal information to anyone outside Australia.

5.8 Accessing and correcting personal information

An individual may request access to any personal information the CQCLC holds about them at any time by contacting the centre. Where the centre holds information that an individual is entitled to access, we will try to provide the information in the manner requested (for example, photocopies or by viewing a file) and in a timely way.

There may be instances where the centre cannot grant access to the personal information held. For example, the centre may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, the centre will provide written notice outlining the reasons for the decision and available complaint mechanisms.

If an individual believes that personal information the centre holds about them is incorrect, incomplete or inaccurate, then they may request us to amend it. The centre will then consider if the information requires amendment. If it is agreed that it requires amendment reasonable steps will be taken to correct that information. If the centre does not agree that there are grounds for amendment then the individual may request that the centre add a note to the personal information stating that the relevant individual disagrees with the information and the centre will take reasonable steps to do so.

If the centre corrects personal information about an individual and has previously disclosed that information to another agency or organisation that is subject to the Privacy Act, the individual may ask the centre to notify that other entity and the centre will take reasonable steps to do so, unless this would be impracticable or unlawful.

5.9 Client files

In addition to above, in circumstances where a client requests access to personal information held by the centre, the Principal Solicitor will view the file and approve any copies of material to be given to the client prior to client access. A copy of the relevant part of the file will be made available to the client as soon as practicable after this.

5.10 Complaints

If an individual believes that their privacy has been breached, please contact the Principal Solicitor/CEO and/or the centre complaint processes..

The CQCLC treats all complaints confidentially and will try to resolve all complaints in a timely, fair and reasonable way. The process for complaints will be undertaken in accordance with the Managing Complaints Policy and Procedure.

If an individual is not satisfied with the centre's response, a complaint can be made to the Office of the Australian Information Commissioner (by telephone: 1300 363 992, by email enquiries@oaic.gov.au or by post: GPO Box 5218 Sydney NSW 2001), or other regulatory bodies such as [insert jurisdiction specific bodies such as State/Territory Privacy Commissioner].

5.11 Security and integrity of personal information

The CQCLC takes reasonable steps to ensure that personal information we collect, use and disclose is accurate, up-to-date and complete and relevant. [Organisation] also takes reasonable steps to ensure personal information is protected from misuse and loss and from unauthorised access,

6 RESPONSIBILITIES

6.1 Compliance, Monitoring and Review

It is the responsibility of the Management Committee to ensure that the policy and associated procedures are implemented and reviewed.

6.2 Records Management

All records pertaining to this procedure will be retained in accordance with the CQCLC Records Management Policy.

7 DEFINITIONS

“CQCLC” means the Central Queensland Community Legal Centre Inc.

7 RELATED LEGISLATION AND DOCUMENTS

7.1 Related Policy Documents

- Code of Conduct Policy
- Legal Practice Management Policy
- Management Committee Roles & Responsibilities Policy & Procedure
- Volunteers Policy
- Managing Complaints Policy & Procedure

7.2 Related Legislation and Supporting Documents

- Advice & Casework Procedure
- File Management Procedure
- Privacy Procedure
- Client Records Procedure
- Confidentiality Procedure

Approval and Review	Details
Approval Authority	CQCLC Management Committee
Administrator	Secretary, CQCLC Management Committee
Reviewed	April, 2018
Next review date	April, 2020

Approval and Amendment History	Details
Original Approval Authority & Date	CQCLC Management Committee – 24/08/2015
Amendment Authority & Date	CQCLC Management Committee – 30/04/2018