

PRIVACY POLICY

POLICY STATEMENT

CbyC takes the privacy of individuals seriously and is committed to treating personal information in accordance with the *Privacy Act 1988* (Cth), *Information Privacy Act 2009* (Qld) and other key obligations that govern the use of personal information as specific to not-for-profits.

This policy explains the how, what, when and why of the personal and sensitive information (which includes health information) CbyC collects, uses, discloses and stores when clients, service providers, donors and staff interact with the organisation.

CbyC collects and holds personal information about clients (that is, information that can identify a person) that is relevant for CbyC's functions and activities.

The type of personal information collected depends on the relationship dynamic with CbyC.

PURPOSE

CbyC may collect and use personal information about clients, service providers, donors and staff, and share this information in line with this policy and the Privacy Act.

SCOPE

This policy applies to CbyC staff, clients, service providers and donors.

Sensitive information is defined in the Act as personal information that includes information or an opinion about an individual's: racial or ethnic origin, political opinions or associations, religious or philosophical beliefs, trade union membership or associations.

PRIVACY COLLECTION STATEMENT – CHILDREN BY CHOICE

Generally, we collect personal information directly from you, unless we have said otherwise in the tailored information boxes below. There may be occasions where we need to collect additional personal information about you from third parties, and we will notify you about this at that time.

We collect and use your personal information for the purposes of providing information, resources, and services to you or someone else on your behalf, facilitating our internal business operations, and providing you with information about other goods and services that may be of interest to you.

If you choose not to provide us with your personal information, or it's incomplete or inaccurate, we may not be able to provide you with the information, resources, goods and services you are seeking, progress with a complaint, or provide a receipt for a tax deductible donation.

We disclose your personal information to our staff, consultants, related entities, and third parties who assist us in operating our business, third parties to whom you have agreed we may disclose your information, or as otherwise required or authorised by law. We are likely to disclose your personal information overseas to our third-party service providers, such as our telephone providers, CRM providers, social media, and various software for accounting, collecting donations, sending communications etc who are located around the world.

Additional information for clients: we may collect personal information about you from responsible persons or other appointed attorneys for personal matters, approved family members, carers, other approved providers, or health service providers (**approved third parties**). We will ask you or your authorised representative to identify any parties from whom you do not wish personal information

to be collected. We will record this information in your file and will comply with your instructions to the extent permitted by law.

Your personal information may also be disclosed to your approved third parties. We will ask you or your authorised representative to identify any parties to whom you do not wish personal information to be disclosed. We will record this information in your file and will comply with your instructions to the extent permitted by law.

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.

Additional information for staff: 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 CbyC for a period of 7 years. This will only apply to CbyC staff who are employees.

We are likely to collect personal information about staff from referees when they provided references, academic institutions or training and certification providers, providers of licence 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.

The handling of some personal information by CbyC 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 CbyC staff, as not all staff are employees.

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 staff member, 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.

More detailed information is set out below about:

- the types of personal information we collect from you (['Collection'](#) and ['Sensitive Information'](#))
- the way we use and disclose your personal information (['Purpose of collection'](#) and ['Use and Disclosure'](#))
- how we secure your personal information (['Data Quality and Security'](#))
- how you can access and correct that information (['Access and Correction'](#)); and
- how you can make a complaint about a breach of privacy (['Questions and Complaints'](#)).
- If you would like to contact us about anything in this privacy collection statement, our contact details are set out below (['Questions and Complaints'](#)).

PROCEDURE

COLLECTION

For all individuals CbyC deal with, CbyC may collect the individual's name, contact details, and other information relevant to providing information, goods and services sought.

Information collected from clients: CbyC may collect the person's date of birth, gender, income, information on personal issues and experiences and relationships, family background and support, the names and dates of birth of children and any partner or spouse, personal and emergency contact information, health and medical information, bank account details, Health Care Card details, and Centrelink Customer Reference Number. In addition to health information, CbyC may collect and hold other sensitive information obtained in the course of service provision including racial or ethnic background, sexual orientation or practices, political opinions, and religious beliefs or affiliations.

Information collected from and about service providers: CbyC may collect basic information for CbyC educational activities and training, such as name, organisation, role, contact number and email address. There may be occasions when for evaluation or research activities related to educational activities, participants are requested for basic demographic information.

Information collected about donors: Donors may choose to provide CbyC with demographic data, such as their date of birth, gender, income, and areas of interest. CbyC use this information to help understand who engages with the organisation.

Information collected about CbyC staff: CbyC will 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 and recruitment processes, licences and other certificates and qualifications, criminal record and other information provided in a police check, and information included in a passport, birth certificate, visa or other documentation demonstrating an employee's right to work in Australia. For current staff, CbyC 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 staff performance or conduct, information relating to employment, training, disciplining, and resignation/termination, the terms and conditions applicable; and photographs, videos, and other recordings. In addition, CbyC may collect and hold sensitive information that arises during the staff member's engagement with CbyC, including health and medical information, racial or ethnic background, sexual orientation or practices, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union.

CbyC staff, clients, stakeholders or donors may agree to appear in a photograph, video, or other recording for CbyC, including for marketing or promotional purposes. In those circumstances, CbyC will provide all relevant persons with a separate media consent form which applies in addition to this privacy policy.

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

SENSITIVE INFORMATION

Generally, CbyC will only collect sensitive information if a person has consented to the collection of the information and if the information is reasonably necessary for the performance of the organisation's functions or activities. Consent may be implied by the circumstances existing at the time of collection. There may also be circumstances under which CbyC may collect sensitive information without a person's consent, as required or authorised by law.

METHOD OF COLLECTION

CbyC will collect personal information directly from persons through: CbyC forms, event registration, volunteer and employment application and recruitment processes, donation records. Information will

be collected via email or other communications, phone, in person, surveys, website, and social media accounts.

CBYC WEBSITE

CbyC does not purposefully identify or collect personal information from individuals visiting the CbyC website. Individuals however may choose to provide their personal information when completing the online Feedback Form or when making an enquiry via the Contact Us Form.

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

CbyC may collect data about website traffic, including their IP address, domains and browsers. This information will not be used to track or identify individuals.

Links to external websites on the CbyC website are not subject to this Policy nor is CbyC responsible for the content or the privacy practices of these sites.

CbyC may, at times, be obliged by law to allow law enforcement agencies and other government agencies with relevant authority, to inspect CbyC IP logs.

UNSOLICITED PERSONAL INFORMATION

If CbyC receives unsolicited personal information that we did not request and which is not directly related to CbyC functions or activities, we will destroy or de-identify that information, providing it is lawful to do so.

PURPOSE OF COLLECTION

The personal information CbyC collects and hold about persons depends on their interaction with CbyC. Generally, CbyC will collect, use, and hold personal information if it is reasonably necessary for or directly related to the performance of CbyC functions and activities and for the purposes of:

- providing information, goods and services to persons or someone else on their behalf;
- facilitating our internal business operations, including:
- management, funding, service monitoring, planning, evaluation and complaint handling, insurer or legal services;
- the fulfilment of any legal requirements;
- establishing our relationship with persons;
- maintaining and managing our relationship with persons and communicating with them in the ordinary course of that relationship (including responding to feedback or complaints);
- processing donations or purchases and providing receipts, and communicating with persons about how their donation is used;
- maintaining and managing the engagement of a staff member, and terminating that engagement;
- organising and facilitating events;
- analysing our goods and services, client, service provider and staff needs with a view to developing new or improved goods and services or business operations;
- contacting persons to provide a testimonial for us (which may be anonymous); and
- providing persons with information about other goods and services that we or our related entities and other affiliated organisations offer that may be of interest to them.

USE AND DISCLOSURE

CbyC will only use and disclose of personal information for the purpose for which it was collected or as required or permitted by law. CbyC may disclose information about persons to:

- CbyC staff, contractors, consultants, and other parties who require the information to assist with facilitating internal business processes, providing persons with goods and services and information, and with establishing, maintaining, managing, or ending work with persons;
- third party service providers who assist CbyC in operating our business and providing persons with information, goods and services (including health service providers, 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 CbyC privacy policies or processes;
- third-parties to whom persons have agreed CbyC may disclose information or where the information was collected from persons (or from an approved third party, in the case of a client) for the purposes of passing it on to the third party; and
- any other entity as otherwise permitted or required by law, including regulatory bodies such as WorkSafe.

CbyC may expand or reduce business and this may involve the sale and/or transfer of control of all or part of CbyC business. Personal information, where it is relevant to any part of the transfer, may be disclosed to a new controlling entity for their due diligence purposes, and upon completion of a sale or transfer, will be transferred to the new controlling party to be used for the purposes for which it was provided. Additionally, in circumstances of a transfer, CbyC are required under the Fair Work Act to transfer employment records for each employee transferring to the new employer on request by the new employer.

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

MARKETING AND FUNDRAISING

CbyC will not use or disclose personal information about an individual for the purposes of direct marketing, unless the individual has consented to the information being used for direct marketing.

CbyC uses a third-party online donations system which must comply with the Privacy Act and uses secure encryption to protect the transfer of personal and financial information between the user's browser and their server. Each donation is secured and no credit card details are stored at any time (refer also to the *Receipt of Monies Policy*). Where donations are made over the phone or via email directly to the CbyC office, a copy of the donation is retained for tax and audit purposes in a secure location and credit card details destroyed.

ACCESS AND CORRECTION

Requests for access to personal information must be made in writing to the CEO via email ceo@childrenbychoice.org.au. The CEO will respond within a reasonable period after the request is made by either giving access or notifying of their refusal to give access. An individual may be charged a reasonable fee for CbyC providing this information. CbyC will let individuals know the fee on submission of their request.

Unless an exemption applies, CbyC will facilitate access in the manner requested (e.g. mail, phone, in person, hard copy or electronic record) if it is reasonable and practical to do so factoring in the volume of information requested, nature of the information requested and any special needs of the individual requesting the information. Where access is refused in the manner requested by the individual, the CEO will consult the individual to try to satisfy their request and seek alternative means of access (e.g. redacting the personal information about another person, providing a summary of the requested personal information).

Subject to obligations under the Fair Work Act (with respect to current and former employees), CbyC 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 Fair Work Act must be made available to an employee or their representative upon request. These employee records include general employment details as outlined above. Under the *Fair Work Regulations 2009* (Cth), CbyC 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. A copy of the employee record will be provided as soon as practicable, with the aim of 3 – 14 business days, after receiving a request, either at the CbyC premises or by post or email to the employee or former employee.

CbyC aims to retain the most accurate, complete, up-to-date and relevant personal information.

Requests by individuals seeking a correction of any personal information that CbyC holds about them must be made in writing to the CEO via email ceo@childrenbychoice.org.au. There is no charge for requesting the correction of personal information. Where an individual can demonstrate that the personal information is inaccurate, incomplete, out-of-date, irrelevant or misleading, CbyC will take reasonable steps to correct the personal information. This may include, but is not limited to, making appropriate additions, deletions or alterations to a record or declining to correct personal information if it would be unreasonable to take such steps.

Where access or the correction is refused the individual will be provided a written notice advising of the reason for the refusal (except to the extent that it would be unreasonable to do so having regard for the grounds for refusal) and the complaint mechanisms available.

DATA QUALITY AND SECURITY

CbyC holds personal information in a number of ways including electronically and hard copy paper files held at the office. Some CbyC organisational documents and reports are held in historical State or government archives. CbyC takes reasonable steps to ensure that the personal information collected, used and disclosed is accurate, current, complete and relevant. Individuals are encouraged to inform CbyC of any changes in their contact details to ensure information is up to date.

CbyC also takes reasonable steps to ensure personal information is protected from misuse, interference, loss, unauthorised access, modification or disclosure.

Personal information will only be kept while it is required for the purpose for which it was collected, for a permitted secondary purpose or as required by law. When information held is identified as no longer needed, CbyC will ensure it is effectively and securely destroyed or deleted. CbyC utilises secure document destruction services for the disposal of hard copy documents containing personal information.

QUESTIONS AND COMPLAINTS

If individuals have any questions, 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: Suite 3b, Level 3, 49 Sherwood Road, Toowong, Queensland, 4066
Postal address: PO Box 154, Toowong DC, Queensland, 4006, Australia
Email address: ceo@childrenbychoice.org.au
Telephone: 07 3357 9933 or freecall 1800 177 725 (statewide)
Website: www.childrenbychoice.org.au

If, after this process, an individual is still concerned or a matter remains unresolved, a person can make a privacy complaint to: the Office of the Information Commissioner, Queensland.

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 DOCUMENTS

Policy / Procedure / Work Instruction	<ul style="list-style-type: none">• Receipt of Monies Policy• Recruitment and Selection Policy
Forms / Registers	<ul style="list-style-type: none">• CbyC website• Media Consent Form• Incident Register

COMPLIANCE REQUIREMENTS

Legislation and regulatory requirements	<ul style="list-style-type: none">• https://www.legislation.gov.au/Details/C2014C00076 Information Privacy Act 2009 (Qld) Information Privacy Act 2009 (Qld)• Privacy Act 1988 (Cth)• Fair Work Act 2009 (Cth)• Fair Work Regulations 2009 (Cth)
Other (e.g. AS/NZS Standards)	<ul style="list-style-type: none">• WorkSafe• Australian Privacy Principles• Information Privacy Principles• Office of the Information Commissioner Queensland• Office of the Information Commissioner Australia

REFERENCES AND RESOURCES

- [Australian Charities and Not-for-Profits Commission \(ACNC\). \(March 2017\). Managing People's Information and Data.](#)
- [Office of the Australian Information Commissioner's website](#)
 - [Australian Privacy Principles Guidelines \(March 2018\)](#)
 - [Guide to undertaking privacy impact assessments \(PIA\)](#)
 - [Notifiable Data Breach Form](#)
- [Office of the Information Commissioner Queensland website](#)
 - [Undertaking a Privacy Impact Assessment](#)