

ECHO

PRIVACY OF INFORMATION POLICY

Policy No: 005
Date Created: 2 April 2000
Revision Level: 3
Date Revised: 27 January 2015

Purpose

This policy serves to outline ECHO privacy principles for existing records of personal information of which ECHO has control.

Scope

This policy applies to all employees and ECHO as a whole.

Definition

In this policy 'Personal information' means:

Information or an opinion about a person whom ECHO is providing, or has provided, a service in respect of which Commonwealth funding has been received, or is payable, or an individual who is reasonably identifiable:

- A) Whether the information or opinion is true or not; and
- B) Whether the information or opinion is recorded in a material form or not.

Policy

Manner and purpose of collection of personal information

1. Personal information shall not be collected by ECHO for inclusion in a record or in a generally available publication unless:
 - the information is collected for a purpose that is a lawful purpose directly related to a function or activity of ECHO; and
 - the collection of the information is necessary for or directly related to that purpose.
2. ECHO Australia Inc will only collect personal information by fair and lawful means and not in an unreasonable intrusive manner.

Solicitation of personal information from individual concerned

Where:

- ECHO collects personal information for inclusion in a record or in a generally available publication; and
- the information is solicited by ECHO for the individual concerned;

ECHO shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon after the information is collected, the individual concerned is generally aware of:

- the purpose for which the information is being collected;
- if the collection of the information is authorised or required by or under law
- the fact that the collection of the information is so authorised or required; and any person to whom, or any body or agency to which, it is ECHO's usual practice to disclose personal information of the kind so collected, and (if known by ECHO) any person to whom, or any body or agency to which, it is usual practice of that first-mentioned person, body or agency to pass on that information.

Solicitation of personal information generally

Where:

- ECHO collects personal information for inclusion in a record or in a generally available publication; and
- the information is solicited by ECHO;

ECHO shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:

- the information collected is relevant to that purpose and is up to date and complete; and
- the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Storage and security of personal information

ECHO, when in possession or control of a record that contains personal information shall ensure:

- that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- that if it is necessary for the record to be given to a person in connection with the provision of a service to ECHO, everything reasonably within the power of ECHO is done to Prevent unauthorised use or disclosure of information contained in the record.

Information relating to records kept by ECHO

1. ECHO, when in possession or control of records that contain personal information shall, subject to clause 2 of this Principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:
 - whether ECHO has possession or control of a record that contains such information;
 - the nature of that information;
 - the main purposes for which that information is used; and
 - the steps that the persons should take if the person wishes to obtain access to the record.
2. ECHO is not required under clause 1 of this Principle to give personal information if a Commonwealth agency would be required or authorised to refuse to give that information to the person under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.
3. ECHO shall maintain a record setting out:
 - The nature of the records of personal information kept by or on behalf of ECHO;
 - The purpose for which each type of record is kept;
 - The classes of individuals about whom records are kept;
 - The period for which each type of record is kept;
 - The persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
 - The steps that should be taken by persons wishing to obtain access to that information.

Access to and Correction of records containing personal information

1. You will be provided with the opportunity to access the personal information we hold on you and, where appropriate, you may be able to correct that information if you determine that it is incorrect.
2. ECHO will allow any person on whom records are maintained to have access to those records unless legislation (e.g. the Freedom of Information Act) requires or authorises the refusal of access.
3. To obtain access to your personal information please make a request at your closest office. Before giving access to information, ECHO will require that you provide proof of identification and this along with your details of request will be recorded on your file.

Alteration of records containing personal information

1. ECHO when in possession or control of a record that contains personal information shall take such steps) if any), by way of making appropriate corrections, deletions and additions are, in the circumstances, reasonable to ensure that the record:
 - is accurate; and
 - is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant up to date complete and not misleading.
2. The obligation imposed on ECHO by clause 1 is subject to any limitation that would be applicable to a Commonwealth agency in a law of the Commonwealth that provides a right to require the correction or amendment of documents.
3. Where ECHO is not willing to amend a record containing personal information, by making a correction, deletion or addition, in accordance with a request by the individual concerned, ECHO must give the individual a written notice that sets out:
 - (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
 - (b) the mechanisms available to complain about the refusal; and
 - (c) any other matter prescribed by the regulations.

ECHO to check accuracy etc. of personal information before use

1. ECHO will take reasonable steps to ensure that your personal information is accurate, complete and up-to-date. You are encouraged to help us keep your personal information accurate, complete and up-to-date by contacting your consultant or this organisation and informing us of any changes to your details. You can contact us on 9210 2100.
2. ECHO will review, on a regular ongoing basis, its collection and storage practices to ascertain how improvements to accuracy can be achieved.
3. ECHO will take steps to destroy or de-identify Personal Information after as a short a time as possible and after a maximum of seven years, unless the law requires otherwise.

Personal information to be used only for relevant purposes

1. Your personal information will be used and disclosed to assist us in delivering services to you. This includes where we manage or deliver other programmes and initiatives on behalf of the Australian Government.
2. Your personal information will not be used for purposes unrelated to the purpose for which it was originally collected unless the other use is authorised or required by or under law, or one of the other exceptions in the Australian Privacy Principles apply.

Limits on use of personal information

1. Your personal information will be used and disclosed to assist us in delivering services to you. This includes where we manage or deliver other programmes and initiatives on behalf of the Australian Government.
2. Your personal information will not be used for purposes unrelated to the purpose for which it was originally collected unless the other use is authorised or required by or under law, or one of the other exceptions in the Australian Privacy Principles apply.
3. We will ensure, to the best of our ability that the information you provide to us remains private and is only used for the purposes you agreed to.
4. We will not disclose your personal information to anyone, including to other Government agencies organisations or third parties unless:
 - You have consented
 - The disclosure is required or authorised by or under law
 - The disclosure is otherwise permitted by the Australian Privacy Principles
5. When, why and to whom your personal information may be disclosed depends on the services to which the information related and the legislation under which we are delivering those services to you.

Limits on disclosure of personal information

ECHO will not reveal, disclose, sell, distribute, rent, license, share or pass your personal information on to a third party, other than those that we have a binding agreement with, ensuring that the third party affords your personal information the similar levels of protection as we do.

In order to provide you with employment and related services, we may need to disclose your personal information to such third parties as:

- Potential employers
- Department of Health
- Department of Employment
- Department of Social Services
- Law enforcement agencies
- Quality Assurance reviews
- Department of Social Services
- Department of Immigration and Border Protection
- Centrelink
- Educational institutions
- Private businesses such as RTO's

Further, we may use and Disclose your Personal Information to provide you with employment and associated services specified by you at the point of collection or for another purpose if:

- You would reasonably expect us to disclose it for that purpose;
- That purpose is related to the purpose specified by you at the time of the collection.
- ECHO may Disclose Personal Information to unrelated third parties to enable outsourcing of functions where that Disclosure or Use is for a related secondary purpose and has been notified to individuals or where such disclosure is within the individual's reasonable expectations.
- ECHO will take reasonable steps to ensure that its third parties include requirements for third parties to comply with the use and disclosure requirements of the Privacy Act
- ECHO reasonably believes that the use is necessary to lessen or prevent a serious or imminent threat to an individual's life or health;
- ECHO has reason to suspect that unlawful activity has been, or is being engaged in, and uses the information as part of its investigation, or in reporting its concerns to the relevant authority;
- The use and disclosure is specifically authorised by law; or
- The use and disclosure is reasonably necessary for the enforcement of the criminal law, a law imposing a pecuniary penalty, or for the protection of public revenue.

ECHO does not use or Disclose your Personal Information for the purposes of direct marketing unrelated products or services.

ECHO will not use personal information without taking reasonable steps to ensure that the information is accurate, complete and up to date.

Procedure

Everyone at ECHO is responsible for ensuring that we maintain a private and confidential environment which encourages the full participation of all employees. Each of us has an obligation to identify potential areas of non-confidentiality and put into place measures that will remove these. We should all act as role models by using appropriate language and displaying behaviour that promotes a private and confidential work culture.

Related Policies

N/A