

Karuna Policy - Privacy

Title	Privacy Policy
Policy ID	404
Version	3.2
Relevant Legislation	The Australian Privacy Act 1988 (Privacy Act) Privacy Amendment (Notifiable Data Breaches) Act 2017
Policy Owner	Chief Executive Officer

Introduction and Purpose

Karuna Hospice Service Ltd (Karuna) recognises the importance of protecting the privacy of individuals and has implemented systems to do all that is reasonably practicable to safeguard Personal Information (PI). Karuna complies with all Australian legislation regarding Privacy and Data Security.

Scope

This policy applies to Karuna's Board, all staff, consultants, contractors and volunteers in contact with families or working within Karuna.

Policy Statement

To protect the privacy of individuals, Karuna has adopted the Australian Privacy Principles (APPs) as set out in The Commonwealth Privacy Act 1988, being:

Privacy considerations	APP
Consideration of PI privacy	1 Open and transparent management of PI
	2 Anonymity and pseudonymity
Collection of PI	3 Collection of solicited PI
	4 Dealing with unsolicited PI
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Dealing with PI	6 Use or disclosure of PI
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	11 Security of PI
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Notifiable Data Breaches Scheme

Karuna is required to notify affected individuals and the Office of the Australian Information Commissioner (OAIC) when a data breach is likely to result in serious harm to individuals from disclosure of personal or sensitive information. (See Notifiable Data Breaches Procedure IM LM ID 415).

Definitions

Personal information means information or an opinion (including as part of a database) about an identified individual, or an individual who is reasonably identifiable, whether the information or

opinion is true or not; and whether recorded in a material form or not. For the purposes of this policy PI includes photographs. PI also includes Sensitive Information.

Sensitive information means health information, genetic and biometric information, and also information about racial or ethnic origin, political opinions or membership, religious beliefs or affiliations, philosophical beliefs, memberships of professional or trade associations or unions, sexual orientation and criminal records.

Strategies to Comply with the APPs

Karuna adopts the APPs by implementing the following strategies.

Consideration of PI Privacy

APP 1. Open and transparent management of PI

Karuna will do all that is reasonably practicable to manage PI in an open and transparent manner by adopting this Privacy Policy and making available the Karuna Privacy Statement on the website which outlines:

- the kinds of PI that Karuna collects and holds
- how Karuna collects and holds PI
- the purposes for which Karuna may collect, hold, use and disclose PI
- how a person may access their PI and if necessary, seek correction
- how a person may complain about a possible breach of the APPs and how Karuna will deal with any complaint
- as applicable, whether Karuna is likely to disclose PI to overseas recipients (if ever) and if so, the relevant countries

The Privacy Statement and this Privacy Policy will be made available free of charge, electronically or in hardcopy as appropriate, to anyone who requests it and a reference to the Privacy Statement will appear on all outgoing emails.

APP 2. Anonymity and pseudonymity

Karuna will give individuals the option if requested, of not identifying themselves, or of using a pseudonym, unless to do so would be impracticable, or unless Karuna is required or authorised by Australian law to do otherwise.

Collection of PI

APP 3. Collection of solicited PI

Karuna will only collect PI by lawful, fair means and where reasonably necessary for its functions or activities. Where the PI is health information Karuna will collect the information necessary to provide the health service (or to manage, fund or monitor the health service) in a manner congruent with its relevant obligations of professional confidentiality.

For other sensitive information, Karuna will obtain an individual's consent to the collection (unless the collection is required or authorised by or under an Australian law; or the information relates solely to members or persons with regular contact with Karuna's activities).

APP 4. Dealing with unsolicited PI

If Karuna receives PI that it did not solicit; it will determine whether or not it could have collected the information under APP 3 (if it had solicited the PI). If the answer to this query is "No" where lawful and reasonable to do so, it will destroy or de-identify the PI. (If the answer is "Yes", APPs 5 to 13 will be applied as if Karuna had collected the PI under APP 3).

APP 5. Notification of the collection of PI

Karuna will, as soon as practicable, take steps as are reasonable in the circumstances to ensure:

- that individuals are made aware of the PI it has collected about the individual from another source
- the primary purpose of collection
- the main consequences of a failure to collect (if any)
- other entities or persons to whom the PI may be disclosed
- how an individual can access or correct their PI
- the complaints management process
- as applicable whether the PI will be disclosed to overseas recipients (and if so which countries).

Dealing with PI**APP 6. Use or disclosure of PI**

Use of personal information occurs when information is handled internally within Karuna

Disclosure of information occurs when information is sent to a third party outside Karuna, such as a GP, hospital or support agency.

Where Karuna holds PI for a particular purpose it will not use or disclose the PI for another purpose unless:

- the individual providing the information has consented to the use or disclosure for the secondary purpose
- the individual providing the information would reasonably expect Karuna to use or disclose the PI for the secondary purpose (and the secondary purpose is related to, or for, sensitive information, directly related to the first purpose)
- the use or disclosure is required or authorised by Australian law
- the use or disclosure is necessary for provision of the health service (or the management, funding or monitoring of the health service, or health research or statistics) and it is impracticable to obtain the consent; and the use or disclosure is conducted in accordance with relevant obligations of professional confidentiality; and Karuna reasonably believes the recipient will not disclose the PI. Additionally, Karuna will take such steps as are reasonable in the circumstances to de-identify any data released to funding bodies.

The "primary purpose of collection" is the particular purpose for which the information was collected by Karuna.

Determining if the use or disclosure of personal information is permissible.

Use the table below whenever it is necessary to determine whether a new use or disclosure is permissible.

Primary purpose of collection	What was the primary reason the information was collected?
Purpose of proposed use/disclosure	What is the new use or proposed disclosure?
Is the proposed use/disclosure for the primary purpose of collection?	YES - Proposed use or disclosure is permitted NO - Only permitted if fits within the APP 6 exemptions

APP 7. Direct marketing

Karuna uses PI (other than sensitive information) for direct marketing where it collected the information from the individual in circumstances in which the person would reasonably expect Karuna to use or disclose the information for this purpose.

In other circumstances, where Karuna obtains the PI for direct marketing from another source, the option not to receive the marketing material is clearly and prominently visible on the marketing materials. The option and process to unsubscribe from the marketing mailing list is placed on all Karuna Appeal letters and Karuna newsletters.

APP 8. Cross-border disclosure of PI

Karuna does not routinely disclose PI to overseas recipients. If this becomes necessary it will take such steps as are reasonable in the circumstances to ensure that:

- the overseas recipient does not breach the APPs (other than APP 1) or protects the PI in a similar way (which an individual can enforce)
- the individual is informed and consents
- the disclosure is required or authorised by Australian law

APP 9. Adoption, use and disclosure of government related identifiers

Karuna will not generally adopt, use or disclose a government related identifier of an individual as its own identifier of the individual unless required or authorised by Australian Law, or it is reasonably necessary to verify the identity of the individual for Karuna's activities or functions.

Integrity of PI

APP 10. Data Quality

Karuna will take such steps as are reasonable in the circumstances to ensure that the PI it collects, uses or discloses is accurate, up-to-date, complete and relevant to purpose.

APP 11. Data Security

Karuna will take such steps as are reasonable in the circumstances, including as provided in its Information Security Policy, to protect PI from misuse, interference, loss or unauthorised access, modification or disclosure including:

- confidentiality agreements being signed by all staff, consultants, contractors, volunteers, students, work placement persons and research project personnel who are in contact with families or working in the Karuna office
- ICT security measures
- confidential information is shredded as and when appropriate

Any PI collected for COVID-19 response purposes will be destroyed once it is no longer required for any purpose as per (APP 11.2)

Access to and correction of PI

APP 12. Access to PI

Karuna will do what is reasonable to provide access to PI on receipt of a written request and authorisation, signed by the client / family or his / her legally authorised representative.

Exceptions to this are as follows:

- where a client's PI is required by their medical practitioner, hospital or healthcare service provider for the purpose of healthcare
- for the purposes of healthcare evaluation and research, assuming individual confidentiality is maintained in handling and reporting of information

Karuna will seek legal advice before providing access to the PI if senior management reasonably believes:

- access may pose a serious threat to the life, health or safety of any individual (or to public health or safety)
- access may have an unreasonable impact on the privacy of other individuals
- the request for access is frivolous or vexatious
- the PI relates to existing or anticipated legal proceedings between Karuna and the individual (not accessible by the process of discovery in those proceedings)
- access to the PI might prejudice negotiations
- access would be unlawful
- denying access is otherwise required or authorised by Australian law

APP 13. Correction of PI

Karuna will take such steps (if any) as are reasonable in the circumstances (having regard to the PI and the purpose for which it is held, used or disclosed) to:

- correct PI to ensure it is accurate, up to date, complete, relevant, and not misleading
- appropriately respond to requests by individuals to correct their PI, including providing notice and the means of complaint if Karuna elects not to change the PI.

Complaints Regarding Privacy

All individuals have the right to lodge a complaint if they feel there has been a misuse or breach of security around the personal or sensitive information collected and held by Karuna.

The Karuna Privacy statement available on the website and in the Home Care Charts, outlines the process for individuals to alert Karuna management about any privacy related complaints.

This statement also provides the contact details of the Office of the Australian Information Commissioner.

Document Status

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Further reading	Australian Privacy Principles; APP Guidelines 2015 Commonwealth Privacy Act 1988
Related documents	Information Security Policy IM POL ID 203; Records Management Policy IM POL ID 202; IP & Moral Rights Consent Form LM DOC ID 481 and Informed Consent Procedure LM PROC ID 410; Code of Conduct Policy HRM POL ID 18; Research Policy LM POL ID 411; Locked Cabinets Audit
Information Source	Commonwealth Privacy Act 1988; APP Guidelines 2015 Presidian Legal Publications Privacy Training Handbook
Communication	Email all staff upon approval and at orientation