

# Privacy Policy

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Document Name	Privacy Policy
Document Type	Policy
Group to whom this policy applies	Members, consumers, employees, contractors, consultants, volunteers, work placement students, Board
Access	On Induction and onboarding
Issue Date	02/03/2023
Next review	02/03/2025
Approved by	Board of Directors

This policy is to be read in conjunction with the following BEING Mental Health Consumers Policies and Procedures:

- Code of Conduct
- Information and Cyber Security Policy
- Confidentiality Agreement

## 1. Definitions

<b>Privacy</b>	A protection of an individual's personal and/or sensitive information
<b>Notifiable Data Breach</b>	A data breach that is likely to result in serious harm to any of the individuals to whom the information relates
<b>Personal information</b>	Information that directly or indirectly identifies a person such as, but not limited to a person's name, postal or email address, date and place of birth, image, and financial details.
<b>Sensitive Information</b>	A subset of personal information and includes but is not limited to information or an opinion about a person's racial or ethnic origin, political opinions, religious beliefs or affiliations, memberships of a professional or trade association or union, sexual preferences, criminal record or health information

## 2. Policy statement

BEING handles all personal information in accordance with the *Privacy Act 1988* (Cth).

BEING will

- Collect only information that the organisation requires for its primary function;
- Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
- Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- Store personal information securely, protecting it from unauthorised access; and

- Provide stakeholders with access to their own information, and the right to seek its correction.

### 3. What information do we collect?

We collect information about you when you use our services and deal with us. We may also collect information about you from other people and organisations.

We only collect your personal information when we need it to run our business, provide our services, or comply with the law. The kinds of information that we collect depend on how you interact with us. Here are some examples.

#### Information we collect from you, but not limited to:

- **If you apply to any of our memberships:** The information you provide, such as your name, contact details, and other personal information such as racial or ethnic origin, gender, and lived/living experience.
- **If you apply to our training courses:** The information you provide, such as your name, contact details, and other personal information.
- **If you apply to any of our committee programs:** The information you provide, such as your name, contact details, other personal information, and lived/living experience.
- **If you're an emergency contact/referee for our consumer/member/student:** Your name, contact details, and the nature of your relationship with the consumer/member/student.
- **When you engage with us directly (including at public events, via telephone, email, our website, or on social media):** The information you provide, such as your name and your contact details.
- **If you apply to work with us:** Your name, address, contact details, information that you provide about your right to work, bank account, tax and superannuation information, employment history, qualifications, health information, lived/living experience and ability to perform the role.
- **If you give us feedback:** The information you provide, such as your contact details and your feedback.
- **If you attend one of our events, activities, or training courses:** Confirmation that you attended. We may also take your photo, or you may be included in the background of a photo of someone else.

If you give us personal information about other people, we assume that they have agreed that you can do this.

#### Information we collect from others

- **If you apply for a job with us:** Professional background, qualifications and memberships, and references from your former employers. Where it is relevant to the role, we may also collect screening check information (such as background, medical, and criminal records).
- **If you work with an agency and are assigned to us:** Your name, professional background, and qualifications from your agency.

### **Sensitive information**

The Privacy Act protects your *sensitive information*, such as information about your health. BEING will only collect sensitive information if you consent to do so and it is reasonably necessary for, or directly related to one or more of our functions or activities.

We collect this information:

- directly from you or from your representatives, and/or
- from a third party such as other organisations. If your personal information is collected by us from a third party, BEING is under no obligation to inform you of the collection, but such information will be subject to this policy and will be accessible by you on request, subject to any limitations or exceptions in the Act.

## **4. How do we use your information?**

We use your information to represent our consumers via advocacy, manage our business and comply with the law.

We collect and use your personal information so we can:

- confirm your identity
- provide access to our website and our services and personalise your experience
- represent our consumers via advocacy
- handle payments
- communicate with you and provide you with information, updates, support, and our services
- respond to applications, questions, requests, or complaints
- if you have applied to work with us, assess your application
- if you work with us through an agency, manage that engagement
- to comply with laws, and assist government agencies and law enforcement, and
- manage our business.

If we don't have your information, we may not be able to do these things. For example, we may not be able to deliver the services you have asked for or respond to your questions.

## **5. Who do we share your information with?**

We share your personal information with other people and companies where we need to for the purposes set out in **section 4**. This includes sharing:

- with people that you have asked us to give your information to, such as your representative, legal advisors, government agencies, or financial institutions
- in a medical emergency, with medical personnel
- in other emergency situations, with emergency services
- if you have applied to work with us, with your previous employers to confirm your work history
- if you work with us through an agency, with your agency
- to comply with laws, and assist government agencies and law enforcement

We also share personal information with people and organisations that help us with our business, such as professional advisors, IT support, and corporate and administrative services. We only do this where we need to for those services to be provided to us. When we do this, we take steps to require our service providers to protect your information.

#### **Sending personal information overseas**

BEING will only send Personal information to a third party in a foreign country with prior consent from the person the information relates to or if the information has protection substantially similar to the Australian Privacy Principles outlined in the Act. We will also take reasonable steps to ensure the overseas recipient does not breach the Australian Privacy Principles in relation to the information.

## **6. How do we keep your information safe?**

BEING handles personal information in hard copy and electronically at our premises and off-site with the assistance of our third-party service providers. In either case, a range of measures is implemented to protect the security of that personal information. We also take reasonable steps to destroy or permanently de-identify personal information where it is no longer needed for a permitted purpose.

## **7. Accessing, updating, and correcting your information**

You can ask to see a copy of the information that we hold about you or ask us to update or correct it.

You can ask us for a copy of the personal information that we hold about you by contacting us. Before we give you your information, we may need you to confirm your identity.

#### **How can you contact us?**

See **section 9** for details on how you can contact us.

#### **Is there a fee?**

No.

#### **How long will it take?**

We try to make your information available within 30 days after you ask us for it. If it will take longer, we'll let you know.

#### **Can we refuse to give you access?**

We can decline access to, or correction of, Personal information under circumstances set out in the *Privacy Act*. Generally, where we refuse to give you access, we will give you written notice of the reasons for refusal and the mechanisms available to you to dispute that decision.

### Can you correct or update your information?

You can ask us to correct or update any of your personal information that we have. If we've given the information to another party, you can ask us to let them know it's incorrect. We don't charge a fee for this.

If we don't think the information needs to be corrected, we'll write to let you know why. You can ask us to include a statement that says you believe our record about you is inaccurate, incomplete, misleading, or out of date.

## **8. Making a privacy complaint**

If you're concerned about how we've handled your information, let us know and we'll try to fix it. If you're not satisfied with how we handled your complaint, you can contact the Australian Privacy Commissioner.

### How can you make a privacy complaint?

If you are concerned about your privacy or how we've handled your personal information, you can make a complaint and we'll try to address your concern. See **section 9** for details on how you can contact us.

### How do we manage privacy complaints?

We will:

- keep a record of your complaint
- respond to you within 30 days - if we can't give you a final response in this time, we'll get in touch to tell you why and work out a new timeframe with you.

### What else can you do?

If you're not satisfied with how we have managed your privacy complaint, you can complain to the Office of the Australian Information Commissioner.

<b>Office of the Australian Information Commissioner</b> GPO Box 5288 SYDNEY NSW 2001	<a href="#">Online complaint form</a> <b>Phone:</b> 1300 363 992	<b>Website:</b> <a href="https://www.oaic.gov.au">https://www.oaic.gov.au</a>
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## **9. Contact us**

If you would like to ask us a question, ask to access your personal information, or make a correction or a complaint, please contact us.

<b>BEING – Mental Health Consumers</b> 108 Cathedral St	<b>Priscilla Brice</b> , Chief Executive Officer	<b>Website:</b> <a href="https://being.org.au/">https://being.org.au/</a>
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Woolloomooloo, NSW 2011	<b>Phone:</b> 1300 234 640 <b>Email:</b> <a href="mailto:Info@being.org.au">Info@being.org.au</a>	
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## 10. Enforcement of Policy

Failure to comply with this policy may lead to disciplinary procedures. Breaches of this policy may also be considered gross misconduct and may result in instant dismissal.

Version number	Purpose/Change	Author	Date
0.1	Draft	Operations Manager	23/12/2022
1.0	Final version	Operations Manager	02/03/2023