

## 1. Purpose

The purpose of this policy is to ensure that Brightwater Care Group are aware of their legal responsibility when collecting, handling, storing, accessing and correcting personal information utilising the tools and advice of the Office of the Australian Information Commissioner.

The Australian Privacy Principles (APPs) are legally binding principles which form the foundation of the **Privacy Act**. There are 13 APPs that specify the standards, rights and obligations in relation to personal information including sensitive and health information. A full copy of the Privacy Act 1988 (Cth), APPs and Mandatory Data Breach Notification protocols are available at each site, facility, the Office of the Australian Information Commissioner (OAIC) website <https://www.oaic.gov.au/>, site managers and Information Manager/Privacy Officer.

The European General Data Protection Regulation came into effect 25 May 2018. Brightwater may be impacted in part with this regulation notably in the area of European residents living in Australia and dual citizens of European countries and Australia.

This policy is the overarching principle for Privacy obligations and further detail is provided in the listed documents under sections 7, 8 and 9.

## 2. Policy Statement

Brightwater Care Group is committed to protecting the privacy of all personal and sensitive information collected from an individual. Personal and sensitive information will be managed and used in accordance with the Privacy Act 1988 (Cth). This Privacy Policy will be maintained and the Information Manager will review the Policy in line with changes to the Act and APPs or every 3 years, whichever is the shorter period.

Brightwater is obligated under the Privacy Act 1988 (Cth), Privacy Amendment - Notifiable Data Breaches Bill 2017 - No 12 of 2017 to report all eligible Data Breaches. All staff are required to be aware of the Privacy Act and their obligations under this legislation and should contact their manager or Information Manager (who acts as Privacy Officer) with any concerns.

## 3. Scope

The Privacy Policy is binding to all Brightwater personnel including volunteers and temporary staff, contract and agency staff, service providers and any other entity that requests and is given information or access to information that may be considered personal, sensitive, confidential or commercial in confidence.

## 4. Definitions (policy related)

Term	Definition
Individual	refers to a resident, client, staff member or external service provider.
APPs	Australian Privacy Principles are legally binding principles which form the foundation of the Privacy Act. There are 13 APPs that specify the standards, rights and obligations in relation to handling, holding, accessing and correcting personal information.

GDPR	General Data Protection Regulation – Europe is a legal framework that sets guidelines for the collection and processing of personal information of individuals within the European Union (EU) and globally where countries outside the EU conduct or maintain a business within the EU, employ EU resident staff or provide services to EU residents (and dual citizens) either within the EU or whilst resident overseas.
Personal Information	is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable. Examples include an individual’s name, signature, address, telephone number, date of birth, employment history, educational qualifications, etc.
Sensitive Information	is a subset of personal information and is defined as information or an opinion about an individual’s that may include race, ethnicity, political associations, religious beliefs, memberships to associations or unions, sexual preference, criminal record, health, genetic and biometric information. Sensitive information is generally afforded a higher level of privacy protection than other personal information.
Information	Facts or details about a person, situation, production, event, entity, place, object which can be collected, stored or produced in any format including verbal, written, picture, tape, computer data, audio visual, video, CCTV, alarm, microchip, etc.
Personnel / Staff	Includes all persons however employed by Brightwater Care Group or providing services to Brightwater clients.

## 5. Roles and Responsibilities

Role	Responsibility
CEO/Board	Overall responsibility of all activities and obligations of Brightwater Care Group associated with and under the Privacy Act 1988 Cth including Notifiable Data Breaches (NDB) Scheme
Leadership team	<ul style="list-style-type: none"> <li>Act as conduit between the Information Manager (as Privacy Officer for Brightwater Care Group) and CEO/Board in cases of NDB</li> <li>Assist and advise the Information Manager (as Privacy Officer) in issues concerning Privacy and Confidentiality</li> </ul>
Information Manager	<ul style="list-style-type: none"> <li>Act as Privacy Officer for the Brightwater Care Group</li> <li>Lead all investigations into alleged breaches of Privacy including NDB</li> <li>Promote and deliver training and advise on Privacy and Confidentiality across all areas</li> <li>Develop and maintain Policy, procedures and other reference materials for Privacy and Confidentiality including consent</li> </ul>
Managers (Service, Site and Operational)	<ul style="list-style-type: none"> <li>Respect the privacy of others with whom they come into contact irrespective of whether client or colleague</li> <li>Maintain and protect all personal, sensitive and confidential information that may be under their care at all times</li> <li>Collect only that information from clients that is required to maintain and care for their wellbeing and health</li> <li>Ensure all staff are aware of their responsibilities and initiate Privacy training where required</li> <li>Notify the Information Manager of any breaches to privacy including</li> </ul>

	<ul style="list-style-type: none"><li>physical or electronic data breaches</li><li>Assist the Information Manager in any data breaches as required</li></ul>
Staff	<ul style="list-style-type: none"><li>Respect the privacy of others with whom they come into contact irrespective of whether client or colleague</li><li>Maintain and protect all personal, sensitive and confidential information that may be under their care at all times</li><li>Collect only that information from clients that is required to maintain and care for their wellbeing and health</li><li>Notify the Site Manager (or Information Manager) of any breaches to privacy including physical or electronic data breaches</li></ul>

## 6. Breach of this policy

Performance management action may be taken against any personnel that directly approves of or has knowledge of violations of the law or this policy.

## 7. Related Documents

“Your Information... How we keep it safe”

“Use and Disclosure of Information – Staff Information”

“Admission Privacy Consent Form”

Data Breach Response Flowchart

## 8. Legislation, Standards and References

### 8.1 Legislation

Privacy Act 1988 (Cth)

Privacy Amendment - Private Sector - Act 2000

[Privacy Amendment - Notifiable Data Breaches Bill 2017 - No 12 of 2017](#)

[Australian Privacy Principles](#)

### 8.2 Standards

### 8.3 References

Office of the Australian Information and Privacy Commissioner <https://www.oaic.gov.au/>

## 9. Appendices