



Riding for the Disabled Association (NSW)

Australian Privacy Principles Policy

Policy Preamble

Riding for the Disabled Association (NSW) – RDA (NSW) - collects and administers a range of personal and health information required for the primary activities of the organisation.

RDA (NSW) is committed to maintaining the privacy and confidentiality of the information it collects, holds and administers. RDA (NSW) complies with the Privacy Act 1988 including the 13 Australian Privacy Principles (APPs) as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

We recognise the rights of individuals to have their information administered in ways they would reasonably expect – protected on the one hand and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies.

We manage personal information in an open and transparent way. This is evident in the implementation of practices, procedures and systems we outline in this policy, that ensure our compliance with the APPs and any binding registered APP code, and provide suitable procedures for RDA (NSW) personnel to be able to deal with related inquiries and complaints that may be received from time to time.

RDA (NSW) will:

- Collect only information which the organisation requires for its primary functions;
- Ensure participants are informed as to why we collect and how we administer the information gathered;
- Use and disclose the 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 participants with access to their own information and the right to seek its correction.

Providing an overall framework for our privacy practices, RDA (NSW) has developed and implemented this APP Privacy Policy.

Procedures

The following sections of this policy outline how we manage personal information.

Objectives

To:

- Ensure information is received, recorded, accessed and stored appropriately to maintain confidentiality.
- Remain compliant with:
 - The Privacy Act 1988 (as amended);

- Government body funding agreements as well as accreditation and licensing standards;
- All relevant legislation; and
- Any other RDA (NSW) Policies and Procedures related to the collection, storage or other use of Personal Information including on written application from participant or carer transferring participant Participation/Medical Form to another Centre.
- Ensure that all participants are aware of their rights in regards to privacy and confidentiality and are aware of the means to access or amend private information held about them; and
- Ensure that any Personal Information collected is directly related to RDA (NSW) service functions or activities.

Definitions

“**Personal Information**” means information or an opinion (including information or an opinion held in a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

“**Health Information**” is information or an opinion about:

- the physical, mental or psychological health (at any time) of an individual;
- a disability (at any time) of an individual; or
- an individual's expressed wishes about the future provision of health services to him or her.

Australian Privacy Principle 1 – Open and transparent management of personal information

Purposes for information collection, retention, use and disclosure

RDA (NSW) retains a record of personal information about all individuals who participate in any RDA (NSW) activity. RDA (NSW) must collect, hold, use and disclose information from our participants for a range of purposes, including but not limited to:

- Providing services to participants;
- Managing employee and contractor teams;
- Promoting products and services; and
- Conducting internal business functions and activities.

Kinds of personal information collected and held

The following types of personal information are generally collected, depending on the need for service delivery:

- Contact details;
- Emergency contact details;
- Demographic information; and
- Programme progress and achievement information.

The following types of sensitive information may also be collected and held:

- Identity details;
- Complaint or issue information;
- Disability status and other individual needs; and
- Background checks (such as Working with Children checks).

Where RDA (NSW) collects personal information from more vulnerable segments of the community (such as children), additional practices and procedures are also followed. Please refer to the RDA (NSW)'s *Working with Children Policy and Procedures* for further information.

How personal information is collected

RDA (NSW)'s usual approach to collecting personal information is to collect any required information directly from the individuals concerned. This may include the use of forms (such as registration forms, participant medical consent forms or service delivery records).

RDA (NSW) does receive solicited and unsolicited information from third party sources in undertaking service delivery activities. This may include information from such entities as:

- Schools' Guardians; and
- Health and Medical Professionals.

How personal information is held

RDA (NSW)'s usual approach to holding personal information includes robust storage and security measures at all times. Information on collection is:

- As soon as practical converted to electronic means or kept in locked filing systems;
- Stored in secure, password protected systems, such as participant registration systems, financial systems and coaching and officiating management systems; and
- Monitored for appropriate authorised use at all times.

Only authorised personnel are provided with login information or access to each system, with system access limited to only those who require access for their specific role. RDA (NSW) ICT systems are hosted internally with robust internal security to physical server locations and server systems access. Virus protection, backup procedures and ongoing access monitoring procedures are in place.

Retention and Destruction of Information

RDA (NSW) retains records as required to comply with relevant legislation and insurance requirements.

Destruction of paper based records as required is through the use of secure shredding and destruction services at all RDA (NSW) Centres.

Accessing and seeking correction of personal information

RDA (NSW) confirms all participants have a right to request access to their personal

information which RDA (NSW) holds and to request its correction at any time. In order to request access to personal records, individuals are to make contact with:

The State Office on 8736 1256 or stateoffice@rdansw.org.au.

In all cases where access is requested, RDA (NSW) will ensure that:

- Parties requesting access to personal information are robustly identified and vetted;
- Where legally possible, the individual or their parent/carer/guardian/advocate to whom the information relates will be contacted to confirm consent (if consent has not previously been provided for the matter); and
- Only appropriately authorised parties, for valid purposes, will be provided access to the information.

Complaints about a breach of the APPs or a binding registered APP code

If an individual feels that RDA (NSW) may have breached one of the APPs or a binding registered APP refer to the *Complaints Procedure* for further information.

Likely overseas disclosures

RDA (NSW) is an Australian based company only with no overseas business partnerships.

Making our APP Privacy Policy available

RDA (NSW) provides its APP Privacy Policy free of charge, with all information being publicly available on the website.

This website information is designed to be accessible as per web publishing accessibility guidelines, to ensure access is available to individuals with special needs (such as individuals with a vision impairment).

In addition, this APP Privacy Policy is:

- Easily accessible and publicly available at all RDA (NSW) Centre premises;
- Included within our *RAM (RDA Administration Manual)*; and
- Available for distribution on request free of charge, as soon as possible after the request is received, including in any particular format requested by the individual as is reasonably practical.

If, in the unlikely event the APP Privacy Policy is not able to be provided in the particular format requested by an individual, we will explain the circumstances around this issue to the requester and seek to ensure that another appropriate method is provided.

Review and Update of this APP Privacy Policy

RDA (NSW) reviews this APP Privacy Policy:

- On an ongoing basis, as suggestions or issues are raised and need to be addressed, or as government required changes are identified;
- Through our internal audit processes on at least an annual basis;

- As part of our normal business activities; and
- As a component of each and every complaint investigation process where the complaint is related to a privacy matter.

Where this policy is updated, changes to the policy are widely communicated through internal personnel communications, meetings, training and documentation and externally through publishing of the policy on the RDA (NSW) website, in our bi-monthly e-news and other relevant documentation (such as our RDA (NSW) Administration manual – RAM).

Australian Privacy Principle 2 – Anonymity and pseudonymity

RDA (NSW) provides individuals with the option of not identifying themselves, or of using a pseudonym, when dealing with us in relation to a particular matter, whenever practical. This includes providing options for anonymous dealings in cases of general enquiries or other situations in which an individual's information is not required to complete a request.

Individuals may deal with us by using a name, term or descriptor that is different to the individual's actual name wherever possible. This includes using generic email addresses that do not contain an individual's actual name, or generic user names when individuals access a public component of our website or enquiry form.

RDA (NSW) only stores and links pseudonyms to individual personal information in cases where this is required for service delivery or once the individual's consent has been received.

Individuals are advised of their opportunity to deal anonymously or by pseudonym with us where these options are possible.

Requiring identification

There are also other occasions within our service delivery where an individual may not have the option of dealing anonymously or by pseudonym, as identification is practically required for us to effectively support an individual's request or need.

Australian Privacy Principle 3 — Collection of solicited personal information

RDA (NSW) only collects personal information that is reasonably necessary for our primary activities.

We only collect sensitive information in cases where the individual consents to the sensitive information being collected, except in cases where we are required to collect this information by law, such as outlined earlier in this policy.

All information we collect is collected only by lawful and fair means.

We only collect solicited information directly from the individual concerned, unless it is unreasonable or impracticable for the personal information to only be collected in this manner.

Australian Privacy Principle 4 – Dealing with unsolicited personal information

RDA (NSW) may from time to time receive unsolicited personal information. Where this occurs we promptly review the information to decide whether or not we need the information for the purpose of our primary activities. Where this is the case, we may hold, use and disclose the information appropriately as per the practices outlined in this policy.

Where the collected information is not required (by law or for a valid business purpose) we immediately destroy or de-identify the information (unless it would be unlawful to do so).

Australian Privacy Principle 5 – Notification of the collection of personal information

Whenever RDA (NSW) collects personal information about an individual, we take reasonable steps to notify the individual of the details of the information collection or otherwise ensure the individual is aware of those matters. This notification occurs at or before the time of collection, or as soon as practicable afterwards.

Our notifications to individuals on data collection include:

- The facts and circumstances of collection such as the date, time, place and method of collection, and whether the information was collected from a third party, including the name of that party;
- If the collection is required or authorised by law, including the name of the Australian law or other legal agreement requiring the collection;
- The purpose of collection, including any primary and secondary purposes;
- The consequences for the individual if all or some personal information is not collected;
- Other organisations or persons to which the information is usually disclosed, including naming those parties;
- Whether we are likely to disclose the personal information to overseas recipients, and if so, the names of the recipients and the countries in which such recipients are located;
- A reference to this APP Privacy Policy on our website or explain how it may be accessed; and
- Advice that this APP Privacy Policy contains information about how the individual may access and seek correction of the personal information held by us and how to complain about a breach of the APPs, or any registered APP code, and how we will deal with such a complaint.

Where possible, we ensure that the individual confirms their understanding of these details, such as through signed declarations, website form acceptance of details or in person through questioning.

Collection from third parties

In the rare case where RDA (NSW) collects personal information from another organisation, we:

1. Confirm whether the other organisation has provided the relevant notice above to the individual; or
2. Whether the individual was otherwise aware of these details at the time of collection; and

3. If this has not occurred, we will undertake to notify the individual to ensure they are fully informed of the information collection.

Australian Privacy Principle 6 – Use or disclosure of personal information

RDA (NSW) only uses or discloses personal information it holds about an individual for the particular primary purposes for which the information was collected, or secondary purposes in cases where:

- An individual consented to a secondary use or disclosure;
- An individual would reasonably expect the secondary use or disclosure, and that it is directly related to the primary purpose of collection; or
- Using or disclosing the information is required or authorised by law.

Requirement to submit a written note of use or disclosure for this secondary purpose

If RDA (NSW) uses or discloses personal information in accordance with an 'enforcement related activity' we will make a written note of the use or disclosure, including the following details:

- The date of the use or disclosure;
- Details of the personal information that was used or disclosed;
- The enforcement body conducting the enforcement related activity;
- If the organisation used the information, how the information was used by the organisation; and the basis for our reasonable belief that we were required to disclose the information.

Australian Privacy Principle 7 – Direct marketing

RDA (NSW) does not use or disclose the personal information that it holds about an individual for the purpose of direct marketing.

Australian Privacy Principle 8 – Cross-border disclosure of personal information

RDA (NSW) is a NSW based business. Therefore it does not disclose personal information about an individual to any overseas recipient.

Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers

RDA (NSW) does not adopt, use or disclose a government related identifier related to an individual except:

- In situations required by Australian law or other legal requirements;
- Where reasonably necessary to verify the identity of the individual;
- Where reasonably necessary to fulfil obligations to an agency or a State or Territory authority; or
- As prescribed by regulations.

Australian Privacy Principle 10 – Quality of personal information

RDA (NSW) takes reasonable steps to ensure that the personal information it collects is accurate, up-to-date and complete. We also take reasonable steps to ensure that the personal information we use or disclose is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant. This is particularly important when we:

- Initially collect the personal information; and
- Use or disclose personal information.

We take steps to ensure personal information is factually correct. In cases of an opinion, we ensure information takes into account competing facts and views and makes an informed assessment, providing it is clear this is an opinion. Information is confirmed up-to-date at the point in time to which the personal information relates.

Quality measures in place supporting these requirements include:

- Internal practices, procedures and systems to audit, monitor, identify and correct poor quality personal information (including training staff in these practices, procedures and systems);
- Protocols that ensure personal information is collected and recorded in a consistent format, from a primary information source when possible;
- Ensuring updated or new personal information is promptly added to relevant existing records;
- Reminding individuals to update their personal information at critical service delivery points when we engage with the individual; and

Contacting individuals to verify the quality of personal information where appropriate when it is about to be used or disclosed, particularly if there has been a lengthy period since collection.

Australian Privacy Principle 11 — Security of personal information

RDA (NSW) takes active measures to consider whether we are able to retain personal information we hold, and also to ensure the security of personal information we hold. This includes reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

We destroy or de-identify personal information held once the information is no longer needed for any purpose for which the information may be legally used or disclosed.

Access to information held by the RDA (NSW) office and Centres is limited to authorised personnel only. With regard to any information in a paper based form, we maintain storage of records in an appropriately secure place to which only authorised individuals have access.

Regular staff training and information bulletins are conducted with RDA (NSW) personnel on privacy issues, and how the APPs apply to our practices, procedures and systems. Training is also included in our personnel induction practices.

We conduct ongoing internal audits (at least annually and as needed) of the adequacy and currency of security and access practices, procedures and systems implemented.

Australian Privacy Principle 12 — Access to personal information

Where RDA (NSW) holds personal information about an individual, we provide that individual access to the information on their written request. In processing requests, we:

- Ensure through confirmation of identity that the request is made by the individual concerned, or by another person who is authorised to make a request on their behalf;
- Respond to a request for access:
 - Within 14 calendar days, when notifying our refusal to give access, including providing reasons for refusal in writing, and the complaint mechanisms available to the individual; or
 - Within 30 calendar days, by giving access to the personal information that is requested in the manner in which it was requested; and
- Provide access to information free of charge.

Australian Privacy Principle 13 – Correction of personal information

RDA (NSW) takes reasonable steps to correct personal information we hold, to ensure it is accurate, up-to-date, complete, relevant and not misleading, having regard to the purpose for which it is held.

Individual Requests

On an individual's written request, we:

- Correct personal information held; and
- Notify any third parties of corrections made to personal information, if this information was previously provided to these parties.

In cases where we refuse to update personal information, we:

- Give written notice to the individual, including the reasons for the refusal and the complaint mechanisms available to the individual;
- Upon request by the individual whose correction request has been refused, take reasonable steps to include a statement with the personal information that the individual believes to be inaccurate, out-of-date, incomplete, irrelevant or misleading;
- Respond within 14 calendar days to these requests; and
- Complete all actions free of charge.

Correcting an RDA (NSW) initiative

RDA (NSW) takes reasonable steps to correct personal information we hold in cases where we are satisfied that the personal information held is inaccurate, out-of-date, incomplete, irrelevant or misleading (that is, the information is faulty). This awareness may occur through collection of updated information, in notification from third parties or through other means.