

The Centre for Volunteering Confidentiality and Privacy Policy



Policy No.	HR04
Date Created:	16 November 2011
Date of last Review:	2 April 2014
Date for Review:	April 2015
Original Author:	CfV Board
Current Author:	R&P Dept.

Policy Statement

The Centre for Volunteering (The Centre) will adhere to the requirements of legislative bodies and guidelines, including any/all amendments to the Privacy Act 1988 and the Australian Privacy Principles included in the Privacy Act. The Centre recognises the importance of maintaining employee, volunteer and client confidentiality and is committed to protecting the privacy of all persons interacting with The Centre.

Principles

The Centre will comply with the 13 (thirteen) Australian Privacy Principles (APP) in its dealings with personal information relevant to all activities conducted by The Centre. The following schedule sets out an overview of the five parts of the APP:

1. Consideration of personal information privacy
 - Australian Privacy Principle 1 - *Open and transparent management of personal information.*
 - Australian Privacy Principle 2 - *Anonymity and pseudonymity.*
2. Collection of personal information
 - Australian Privacy Principle 3 - *Collection of solicited personal information.*
 - Australian Privacy Principle 4 - *Dealing with unsolicited personal information.*
 - Australian Privacy Principle 5 - *Notification of the collection of personal information.*
3. Dealing with personal information
 - Australian Privacy Principle 6 - *Use or disclosure of personal information.*
 - Australian Privacy Principle 7 - *Direct marketing.*
 - Australian Privacy Principle 8 - *Cross-border disclosure of personal information.*
 - Australian Privacy Principle 9 - *Adoption, use or disclosure of government related identifiers.*
4. Integrity of personal information
 - Australian Privacy Principle 10 - *Quality of personal information.*
 - Australian Privacy Principle 11 - *Security of personal information.*
5. Access to, and correction of, personal information
 - Australian Privacy Principle 12 - *Access to personal information.*
 - Australian Privacy Principle 13 - *Correction of personal information.*

In addition to the legislative requirements of the Privacy Act, the human resources management principles, core values and mission of The Centre and its policies will be applied in all processes and consultations. Confidential Information and Personal Information will be kept confidential as outlined in The Centre's Confidentiality Agreement.

Requirements

All staff and volunteers who enter into employment or voluntary engagement with The Centre must sign and comply with the organisation's Confidentiality Agreement found at the end of this policy document.

Endorsed by the Board of Directors on the date:

Signed

Chairperson, Board of Directors

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All staff and volunteers who enter into employment or voluntary engagement with The Centre must also comply with the organisation's Code of Conduct and must sign the Code of Conduct Statement found at the end of the Code of Conduct Policy document.

Any information that an employee or a volunteer learns about The Centre, its members or clients, or its workers (employees and volunteers) as a result of working for this organisation, and which is not otherwise publicly available, constitutes confidential information. Employees or volunteers may not disclose confidential information to anyone who is not employed by The Centre or to other persons employed by The Centre who do not need to know such information to assist in rendering services.

The disclosure, distribution, electronic transmission or copying of The Centre's confidential information is prohibited. Any employee or volunteer who discloses confidential information will be subject to disciplinary action, even if he or she does not actually benefit from the disclosure of such information.

Discussions involving sensitive information should always be held in confidential settings to safeguard the confidentiality of the information. Conversations regarding confidential information generally should not be conducted on cellular phones, or in elevators, rest-rooms, restaurants, or other places where conversations might be overheard.

The Centre must take such steps as are reasonable in the circumstances to implement practices and procedures, relating to the organisation's functions or activities, that:

- (a) Will ensure that The Centre complies with the APP; and
- (b) Will enable The Centre to deal with inquiries or complaints from individuals about the organisation's compliance with the APP.

1. Consideration of personal information privacy

Management of Personal Information

- The Centre will collect and hold the kind of personal information requested in The Centre's "Employee Registration Form", "Volunteer Registration Form", "New and Renewing Membership Form for Not-for-Profit Organisations", and "Application Form" (for use by corporate members).
(The above forms can be obtained at The Centre's premises by presenting a request to the Office Manager.)
- Personal information is mainly collected via the above 4 (four) forms, which are completed by the employee, the volunteer, the client, or the client's authorised representative. Any required information unavailable at the time of completing the form may be collected via an alternative written medium submitted by the individual.
- Personal information is mainly held in a computer database, which is accessible by applying a secret password granted to authorised individuals only. Personal information is also held in a locked steel filing cabinet, and the keys opening that cabinet are held by the Manager attending to volunteers, the Office Manager, and the Membership Manager, who are all authorised to access those files.

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- The Centre will collect, hold, use, and disclose the kind of personal information required for the purpose of enabling The Centre to carry out its stated mission and to conduct interactions with or on behalf of its employees, volunteers, and clients effectively and efficiently in accordance with written statements/forms signed by individual employees, volunteers, or clients.
- An individual may access their own personal information and may seek the correction of such information by contacting their relevant manager or the Office Manager, requesting access to the personal information held about that individual, and by providing corrected information in writing whenever this is appropriate.
- An individual may complain about a breach of the APP verbally or in writing to their relevant manager or the Office Manager. If the manager contacted is unable to resolve the complaint, it will be referred to the Chief Executive Officer (CEO). If the CEO is unable to resolve the complaint, it will be referred to the Audit & Risk Committee, and that Committee may have to forward a recommended resolution to the Board of Directors for approval.
- The Centre will not disclose personal information to overseas or interstate recipients.
- The Centre's Confidentiality and Privacy Policy is available free of charge to all individuals who may currently be, or who may consider entering into interactions with The Centre and thus become, affected by the organisation's compliance with the APP. Details of The Centre's open and transparent management of personal information are also made available on The Centre's website.
- If a person or body requests a copy of The Centre's policy on management of personal information in a particular form, The Centre will take such steps as are reasonable in the circumstances to give the person or body a copy in that requested form.

Anonymity and Pseudonymity

- Individuals will have the option of not identifying themselves, or of using a pseudonym, when dealing with The Centre in relation to a particular matter, unless:
 - a) The Centre is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves in relation to that matter; or
 - b) It is impracticable for The Centre to deal with individuals who have not identified themselves or who have used a pseudonym in relation to that matter.

2. Collection of personal information

- The Centre only collects solicited personal information which is necessary for, or related to, one or more of the organisation's functions or activities.
- If any personal information collected is of a sensitive nature, the individual has consented to the collection of the information; and/or the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or a permitted general situation applies to the collection of the information by The Centre; or the information relates solely to individuals who have regular contact with The Centre in connection with the organisation's activities.

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- If The Centre receives unsolicited personal information about an individual and determines that The Centre could not have collected the personal information under Australian Privacy Principle 3 and that the information is not contained in a Commonwealth record, The Centre will destroy the information, provided it is lawful and reasonable to do so.
- If The Centre receives unsolicited personal information about an individual which the organisation could have collected under Australian Privacy Principle 3, The Centre will:
 - a) Take such steps as are reasonable in the circumstances to ensure that the individual is aware of the fact that the organisation has collected the information and the circumstances of that collection;
 - b) Notify the individual of all matters relevant to the purpose for which The Centre collects the personal information received.

3. Dealing with personal information

Use or Disclosure of Personal Information

- The Centre does not use or disclose personal information held about an individual for any purpose other than the primary purpose for which the information was collected, unless:
 - a) The individual has consented to the use or disclosure of the personal information for a secondary purpose; or
 - b) The individual would reasonably expect The Centre to use or disclose the information for the secondary purpose and the secondary purpose is related to the primary purpose. In the case of sensitive information, the secondary purpose would be directly related to the primary purpose; or
 - c) The use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - d) One or more of 5 (five) relevant permitted general situations exist:
 1. Lessening or preventing a serious threat to the life, health or safety of any individual, or to public health or safety.
 2. Taking appropriate action in relation to suspected unlawful activity or serious misconduct.
 3. Locating a person reported as missing.
 4. Asserting a legal or equitable claim.
 5. Conducting an alternative dispute resolution process.The existence of any of those 5 (five) situations would cause the use or disclosure of the information; or
 - e) The Centre reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body. The Centre will make a written note of the use or disclosure under such circumstance(s).

Direct Marketing

- The Centre may use or disclose personal information (other than sensitive information) held about an individual for the purpose of direct marketing, if:
 - a) The Centre collected the information from the individual; and

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- b) The individual would reasonably expect The Centre to use or disclose the information for that purpose; and
- c) The Centre provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and
- d) The individual has not made such a request to The Centre.
- The Centre may use or disclose personal information (other than sensitive information) held about an individual for the purpose of direct marketing, if:
 - a) The Centre collected the information from the individual, who may not reasonably expect The Centre to use or disclose the information for that purpose, or from someone other than the individual; and
 - b) The individual has consented to the use or disclosure of the information for that purpose, or it is impracticable to obtain that consent; and
 - c) The Centre provides a simple means by which the individual may easily request not to receive direct marketing communications from the organisation; and
 - d) In each direct marketing communication with the individual, The Centre draws the individual's attention to the fact that the individual may make such a request; and
 - e) The individual has not made such a request to The Centre.
- The Centre will not use or disclose sensitive information about an individual for the purpose of facilitating direct marketing by other organisations.

Cross-border Disclosure of Personal Information

- The Centre does not disclose personal information about an individual to an overseas recipient; nor does it disclose personal information about an individual to an Australian interstate recipient.

Adoption, Use or Disclosure of Government Related Identifiers

- The Centre does not adopt a government related identifier of an individual as its own identifier of the individual.
- The Centre will not use or disclose a government related identifier of an individual, unless:
 - a) The use or disclosure of the identifier is reasonably necessary for the organisation to fulfil its obligations to a government agency like Centrelink; or
 - b) The use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or
 - c) The Centre reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

4. Integrity of personal information

- The Centre will take any reasonable steps to ensure that the personal information collected by the organisation is accurate, up-to-date and complete, and that the information being used or disclosed by The Centre is accurate, up-to-date, complete and relevant, having regard to the purpose of the use or disclosure.

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- The Centre will take any reasonable steps to ensure that the personal information held is:
 - a) Protected from misuse, interference and loss; and
 - b) Protected from unauthorised access, modification or disclosure.
- The Centre will take any reasonable steps to destroy the personal information held or to ensure that the information is de-identified, if:
 - a) The Centre no longer needs the information for any purpose for which the information may be used or disclosed by The Centre under this policy; and
 - b) The Centre is not required by or under an Australian law, or a court/tribunal order, to retain the information.

5. Access to, and correction of, personal information

Access to Personal Information

- The Centre will, on request by the individual, give the individual access to their personal information, unless:
 - a) The Centre reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
 - b) Giving access would have an unreasonable impact on the privacy of other individuals; or
 - c) The request for access is deemed to be frivolous or vexatious; or
 - d) The information relates to existing or anticipated legal proceedings between The Centre and the individual, and would not be accessible by the process of discovery in those proceedings; or
 - e) Giving access would reveal the intentions of the entity in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - f) Giving access would be unlawful; or
 - g) Denying access is required or authorised by or under an Australian law or a court/tribunal order; or
 - h) The Centre has reason to suspect that unlawful activity, or a serious breach of the spirit or the stated requirements of The Centre's Code of Conduct has been, is being or may be engaged in; and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
 - i) Giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
 - j) Giving access would reveal evaluative information generated within The Centre in connection with a commercially sensitive decision-making process.
- The Centre will respond to the request for access to the individual's personal information within a reasonable time after the request is made and give access to the information in the manner requested by the individual, if it is reasonable and practicable to do so. The Centre will take any steps as are reasonable in the circumstances to give access in a way that meets the needs of the organisation and the individual.

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Correction of Personal Information

- If The Centre holds personal information about an individual and is satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; or the individual requests The Centre to correct the information, the organisation will take any steps that are reasonable in the circumstances to update and correct the information.
- If The Centre corrects personal information about an individual that the organisation previously disclosed to another APP entity, and the individual requests The Centre to notify the other APP entity of the correction, The Centre will take such steps as are reasonable in the circumstances to give that notification, unless it is impracticable or unlawful to do so.
- If The Centre refuses to correct the personal information as requested by the individual, The Centre will give the individual a written notice that sets out:
 - a) The reason(s) 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.

Relevant Legislation / Guidelines

- Privacy Act 1988 (ComLaw), as amended, which includes the Australian Privacy Principles
- Privacy Regulation 2013 (ComLaw)
- NSW Privacy and Personal Information Protection Act 1998

Related Internal Policies / Procedures

Human Resources related policies can be found in section 1 of The Centre for Volunteering Policy and Procedure Manual located at The Centre for Volunteering, Level 3, 40 Gloucester Street, The Rocks, 2000.

- Code of Conduct Policy
- Disciplinary Action Procedure
- The Centre for Volunteering - Strategic Directions

Document History:

Version	Date:	Changes/updates:
1	16/11/2011	Policy was created
2	03/12/2012	Reviewed, updated, new template adopted, Document History added
3	15/03/2013	Reviewed, updated, policy title amended
4	02/04/2014	Reviewed, updated and amended, new Australian Privacy Principles included

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CONFIDENTIALITY AGREEMENT

1. Obligations (see attached for definitions of terms)

1.1 I agree:

- a) To keep Confidential Information and Personal Information confidential;
- b) Not to disclose (to any person) or copy, use, develop or exploit the Confidential Information and Personal Information held, unless The Centre for Volunteering has expressly consented in writing; and
- c) To mark any document that contains Confidential Information or Personal Information as 'Confidential'.

1.2 I acknowledge that it could cause significant Loss to The Centre for Volunteering if I disclose, copy, use, develop or exploit the Confidential Information or Personal Information, other than in accordance with this Deed.

1.3 I agree that I will immediately notify The Centre for Volunteering if I become aware that any of the Confidential Information or Personal Information:

- a) Has been used, copied, exploited or disclosed without authority; or
- b) Is required to be disclosed by Law.

2. Delivery Up (see attached for definitions of terms)

2.1 I agree to return to The Centre for Volunteering all copies of the Confidential Information or Personal Information (including any stored in electronic form on any equipment) that is in my custody or control when:

- a) I no longer need to use the Confidential Information or Personal Information;
- b) The Centre for Volunteering asks me to, at any time, to do so;
- c) I breach any provision of this Deed,
- d) I cease my employment at The Centre for Volunteering

2.2 If I am required to deliver up under clause 2.1 and I am unaware that any relevant information is beyond my custody or control, then I will provide full details of the whereabouts of that information.

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3. General (see attached for definitions of terms)

3.1 I acknowledge that:

- a) This Deed is not intended to exclude the operation of any principle or remedy of Law intended to protect and preserve Confidential Information or Personal Information (including injunction to restrain breach of confidence);
- b) The rights and remedies provided under this Deed are cumulative and not exclusive or any rights or remedies provided by Law;
- c) This Deed can only be varied with the express written consent of The Centre for Volunteering;
- d) This Deed does not transfer any interest in any Intellectual Property Rights; and
- e) This Deed is governed by the laws applicable in New South Wales.

Executed by the Signatory as a Deed –

Signed sealed and delivered by:

In the presence of:

Name of the signatory

Name of the witness

Signature and Date

Signature and Date

Endorsed by the Board of Directors on the date:

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DEFINITIONS

In this Deed, unless the contrary intention appears –

Confidential Information	<p>Means information (including any disclosed or created orally by any person) that is by nature confidential, is designated confidential by The Centre for Volunteering or that I know (or ought to know) is confidential, but does not include information that:</p> <ol style="list-style-type: none"> Is, or becomes, public knowledge (other than contrary to Law); I possess, without restriction against disclosure, before receiving equivalent information from The Centre for Volunteering; I develop independently, or acquired from a person who had developed it independently or lawfully acquired it with no obligation restricting its disclosure; or A Law compels me to disclose, although I agree to inform The Centre for Volunteering about that, which may still require this Deed to continue applying if the compulsion limited disclosure, e.g. to specific authorities.
Deed	Means this document (embracing the clauses and information in the Signatures Page) plus any express attachment.
Intellectual Property Rights	<p>Includes, regarding in any country in the world and including the ability to register these rights (where applicable):</p> <ol style="list-style-type: none"> Patents and plant varieties; Trademarks (including service marks), design rights, business names and official emblems and crests; Copyright (including neighbouring rights), circuit layouts, and confidential information (including trade secrets and know how); and Other rights applicable to or resulting from industrial, scientific, literary or artistic intellectual activity.
Law	<p>Includes any relevant:</p> <ol style="list-style-type: none"> Legislation (whether primary or delegated or from any Australian government, i.e. Commonwealth, State, Territory or local); Judicial law (including the common law and the rules of equity); and Rights, remedies or powers arising under this Deed.
Loss	Includes any damage, liability, loss, injury or death, including economic loss and legal costs or expenses arising on a solicitor/own client basis.
Personal Information	Means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural person whose identity is apparent, or can be reasonably ascertained, from the information or opinion.

Endorsed by the Board of Directors on the date:

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