

# SSRV Client Privacy Policy

## Policy

Social Security Rights Victoria (SSRV) recognises the importance of, and is committed to protecting and upholding, the privacy and rights of individuals SSRV deals with in relation to their personal information.

SSRV will ensure that:

- it meets its legal and ethical obligations as a service provider in relation to protecting the privacy of clients; and
- clients are provided with information about their rights regarding privacy; and
- clients are provided with privacy when they are interviewed; and
- all staff, Board members and volunteers understand what is required in meeting these obligations.

This Privacy Policy explains how SSRV collects, uses, discloses and otherwise handles client information.

SSRV is subject to the *Legal Profession Uniform Law Application Act 2014* (Vic.), and the *Australian Privacy Principles* under the *Privacy Act 1988*. SSRV is also required to comply with privacy obligations under one or more funding agreements. SSRV will follow the guidelines of the *Australian Privacy Principles* in its client information management practices.

## Procedures

### What is personal information?

Personal information in general terms means any information that can be used to personally identify someone. It includes information or an opinion, whether true or not and whether recorded in material form or not, about an individual who is identified or reasonably identifiable.

Personal information does not include anonymous information, aggregated or de-identified information.

### What is sensitive information?

Sensitive information is a subset of personal information and is given a higher level of protection. Sensitive information is defined in the *Privacy Act* and includes information or an opinion about an individual's racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; or criminal record.

### What information does SSRV collect and hold?

The type of information collected will depend on the nature of a person's interaction with SSRV, however SSRV may collect the following types of personal information:

- identification and contact details, such as name, mailing or street address, email address, telephone number, age or birth date

- family type, country of birth, year of arrival in Australia, language spoken at home
- financial information such as housing, occupation, financial status and income
- sensitive information, such as racial or ethnic background, criminal history and health information, English proficiency, need for an interpreter, or disability
- other personal or sensitive information not covered above which may be collected as a result of providing a client with legal advice
- details of the services a client has requested or enquired about, or services provided, together with any additional information necessary to respond or deliver those services
- any additional information relating to a client that a client provides in-person, by telephone, in writing or via email.

SSRV is also required to collect some personal information relevant to the provision of legal advice under legal profession laws.

### **How does SSRV collect client personal information?**

SSRV collects personal information directly from an individual unless it is unreasonable or impracticable to do so. This may occur in a range of ways including in person; by letter, fax or email or telephone; on hard copy forms; through the website; from referring or third parties (with consent).

### **Notification of collection of personal information**

When SSRV collects personal information, or as soon as possible after collection, SSRV will provide individuals with a policy notice (otherwise known as a collection notice, that is this policy document) and/or refer individuals to this Privacy Policy.

### **What happens if SSRV can't collect personal information?**

The nature of SSRV's work is that, generally, it is not possible to provide services or deal with individuals in an anonymous way. For example, if a client does not provide SSRV with the personal information described above, SSRV may not be able to provide legal services to that person.

### **For what purposes does SSRV collect, hold, use and disclose personal information?**

SSRV collects, holds, uses and discloses personal information for the following purposes:

- to assess whether a client is eligible for assistance
- to provide legal services, referral or arrangement of non-legal assistance to clients
- to answer enquiries and provide information or advice about SSRV's services
- to update records
- for use in monitoring and assessing SSRV's services, including as part of peer review of services and reporting to funders
- to process and respond to any complaints, and
- to comply with any law, rule, regulation, lawful and binding determination.

SSRV may also collect, hold, use and disclose personal information for other purposes explained at the time of collection or which are required or authorised by or under law for which the individual has provided their consent.

Note: Except as described in other parts of this policy, all client information that is provided to funders and other external bodies will be autonomised and aggregated.

### **To whom may SSRV disclose client personal information?**

SSRV may disclose client personal information to:

- employees, volunteers, contractors or service providers for the purposes of providing legal services, fulfilling requests by clients, and to otherwise provide services to individuals including IT systems administrators, couriers, data entry service providers, electronic network administrators, and professional advisors such as accountants, solicitors, barristers and consultants
- for any authorised purpose with the individual's express consent
- other third parties where required by law.

SSRV does not disclose personal information to anyone outside of Australia.

### **Accessing and correcting personal information**

An individual may request access to any personal information SSRV holds about them at any time by contacting SSRV (see details below). Where SSRV holds information that an individual is entitled to access, SSRV will try to provide the information in the manner requested (for example, photocopies or viewing a file) and in a timely way.

There may be instances where SSRV cannot grant access to the personal information held. For example, SSRV may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, SSRV will provide written notice outlining the reasons for the decision and available complaint mechanisms.

If an individual believes that personal information SSRV holds about them is incorrect, incomplete, or inaccurate, they may request that SSRV amend it. SSRV will then consider if the information needs amendment. If SSRV agrees that amendment is required, SSRV will take reasonable steps to correct that information. If SSRV does not agree that there are grounds for amendment then the individual may request that SSRV add a note to the personal information stating that the relevant individual disagrees with the information and SSRV will take reasonable steps to do so.

If SSRV corrects personal information about an individual and has previously disclosed that information to another agency or entity that is subject to the Privacy Act, the individual may ask SSRV to notify that other entity and SSRV will take reasonable steps to do so, unless this would be impracticable or unlawful.

Client files – in addition to the above, in circumstances where a client requests access to personal information held by SSRV, the Principal Lawyer will view the file and approve any copies of material to be given to the client prior to client access. A copy of the relevant part of the file will be made available to the client as soon as practicable after this.

### **Complaints**

If an individual believes that their privacy has been breached they can contact the SSRV Principal Lawyer or Director.

SSRV treats all complaints in a timely, fair and reasonable way. The process for addressing complaints related to client privacy is as follows: the Principal Lawyer will investigate the alleged breach, report to the Director and take the agreed appropriate action.

If the individual is not satisfied with SSRV's response, a complaint can be made to the Office of the Australian Information Commissioner or other regulatory body.

#### **Office of the Australian Information Commissioner (OAIC)**

GPO Box 5218

Sydney NSW 2001

Ph: 1300 363 992

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

#### **Security and integrity of personal information**

SSRV takes reasonable steps to ensure that personal information we collect, use and disclose is accurate, up-to-date, complete and relevant. This may include SSRV periodically checking details, such as current address, with individuals. SSRV also takes reasonable steps to ensure that personal information is protected from misuse and loss, and from unauthorised access, modification or disclosure.

#### **Storage and destruction of personal information**

SSRV stores and destroys personal information that it holds in line with legal and regulatory requirements, and SSRV's policies and procedures.

#### **Changes to this policy**

SSRV may amend this Client Privacy Policy from time to time. The current version will be posted on SSRV's website – [www.ssrv.org.au](http://www.ssrv.org.au)

#### **Contacting SSRV**

For questions or suggestions about this Client Privacy Policy, as well as any concerns or a complaint please contact the SSRV Principal Lawyer or Director.

#### **Social Security Rights Victoria (SSRV)**

PO Box 4226

Fitzroy Victoria 3065

Ph: (03) 9481 0299

Email: [info@ssrv.org.au](mailto:info@ssrv.org.au)