

Procedure Number	20
Drafted by	Zoe Lutze, Administrator & Mira Bouchmouny, Operations Coordinator, Updated IHRA Privacy Policy from March 2021
Responsible person	Morgan Carpenter, Executive Director/ Bonnie Hart, Deputy Executive Director

1. Scope

This policy and procedure applies to InterAction as a whole. This policy applies to all employees, independent contractors, consultants, and other workers engaged by the Organisation and who have access to personal information in the course of performing their duties.

2. Purpose

The purpose of this policy is to ensure that InterAction protects the privacy of all personal information collected and recognises the importance of treating personal information confidentially.

3. Definitions & Legislation

The Privacy Act 1988 is an Australian law dealing with the privacy of personal information.

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 material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Section 14 of the Act stipulates many privacy rights known as the Information Privacy Principles. These principles apply to Australian Government and Australian Capital Territory agencies or private sector organisations contracted to these governments. The principles govern when and how personal information can be collected by these government agencies. The information must only be collected if relevant to the agencies' functions.

Australians have a right to know why such information about them is being acquired, and who will see the information. Those in charge of storing the information have obligations to ensure such information is neither lost nor exploited. An Australian will also have the right to access the information unless Law specifically prohibits this.

The Privacy Act was amended in 2000 to cover the private sector. Schedule 3 of the Privacy Act sets out a significantly different set of privacy principles (the National Privacy Principles – NPP) which apply to private sector organisations (including not for profit organisations) with a turnover exceeding \$A3 million, other than health service providers or traders in personal information. These principles extend to the transfer of personal information out of Australia.

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Privacy principles substantially the same as the NPPs are also included in the legislation applying to the public sectors of some Australian States and Territories, namely the Information Privacy Act 2000 (Victoria), Information Act 2002 (Northern Territory), and Personal Information Protection Act 2004 (Tasmania).

Personal Information: Under relevant legislation, personal information is information or an opinion about an individual whose identity is apparent, or can reasonably be identified from the information or opinion. This information or opinion does not need to be recorded in a material form.

Confidentiality: This means the protection of personal information, and means keeping someone's information between you and them, and not telling anyone else unless they have given you informed consent to do so.

Privacy: Under the Commonwealth Privacy Act, privacy relates to personal information. For InterAction, privacy also relates to physical privacy, that is, having a private space for oneself, or to speak about service or other issues, and also relates to sensitive approaches with people with an innate variation of sex characteristics (IVSC) to collecting personal information in a manner that does not always require disclosure.

Breaches: For the purposes of this procedure, privacy and confidentiality breaches can include:

- VERBAL BREACH of confidence - Discussion of a medical patient's conditions with staff members, contractors, volunteers, families, friends and others.
- VISUAL BREACH of confidence - Leaving personal information records in full view of any other party.
- AUDITORY BREACH of confidence - Discussing a service user matters (in hearing range of others nearby).

4. Reflections

Service users of InterAction may be on different points of their own journeys around their IVSC, and InterAction has a greater onus to collect personal information in a way that is sensitive and respectful around discussions about personal information and discussions involving disclosure.

As a result, some strategies InterAction implements in this area includes induction for staff, contractors and volunteers, and ongoing staff training regarding working with intersex communities and people.

Additionally, InterAction recognises that our histories mean that members of our communities have experienced harmful outcomes when their personal information has been misused or not protected.

As a result, the following are important considerations for InterAction's paid and unpaid workforce with regards to collecting information on a service user's sexual orientation, gender identity, experiences as a person with innate variations of sex characteristics and/or relationship status:

- Consider what information actually needs to be collected to provide a service or otherwise meet InterAction's objectives and mission.
- What strategies will be used to gain accurate information respectfully and confidentially.
- Being transparent and clear about how is recorded, how relationships are recorded and how this information is used and shared.
- Appropriate language using correct names and 'pronoun cueing' to avoid misgendering a service user, staff, contractors, and volunteers.
- Where discussions and information collection are occurring is considered for ensuring privacy and safety for the service user.
- Sexual orientation, gender identity and intersex status are independent personal attributes and there are specific considerations and appropriate language that pertain to each of these experiences.
- Where a service user has nominated a representative on their behalf, staff, contractors, and volunteers should be mindful of situations that may result in unwanted disclosure to that

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representative, keeping in mind that the representative may not be aware of that person’s sexual orientation, gender identity, relationship status, and/or intersex traits.

InterAction recognises the health disparities between Aboriginal and Torres Strait Islander people and non-Indigenous Australians. InterAction will strive to provide a services that incorporates the quality and safety needs of Aboriginal and Torres Strait Islander people. This will include cultural competency training for staff and volunteers and cultural competency indicators before working with contractors.

5. Policy

All information including contact details, medical information and personal circumstances collected and received by InterAction will be kept in the strictest confidence and with respect.

The Board of directors, executive directors, any other workers and volunteers will:

- only elicit information for which there is a clear necessity
- use methods of collecting, reviewing, transmitting or storing client information that protect against improper access to the material elicited.
- always implement access restrictions when information is stored in shared folders for board, staff, contractor, and or volunteer use (including Dropbox and Google Docs)
- operate InterAction services and events with appropriate accessibility and privacy
- establish with clients an understanding of what may be expected and what may not be expected from InterAction
- inform clients of a way to be heard for people who believe they have not been accorded a reasonable interpretation of their protections under this policy.
- Inform clients they can opt out of having their information stored at any point.

InterActon recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and also reflected in this policy which is compliant with the Privacy Act 1988 (Cth) and relevant state and territory Acts.

InterAction is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards in relation to handling personal information, as taken from the 13 Australian Privacy Principles (APP):

- APP 1 – open and transparent management of personal information
- APP 2 – anonymity and pseudonymity
- APP 3 – collection of solicited personal information
- APP 4 – dealing with unsolicited personal information
- APP 5 – notification of the collection of personal information
- APP 6 – use and disclosure of personal information
- APP 7 – direct marketing
- APP 8 – cross-border disclosures
- APP 9 – adoption, use or disclosure of government related identifiers
- APP 10 – quality of personal information

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APP 11 – security of personal information
 APP 12 – access to personal information
 APP 13 – correction of personal information

InterAction:

- Will only collect personal information required to fulfill our lawful purpose that is directly related to our function.
- Will tell an individual we are collecting information from what the information is going to be used for.
- Will not collect information by unlawful or unfair means.
- Will use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person’s consent.
- Will store personal information securely, protecting it from unauthorised access.
- Will provide stakeholders with access to their own information, and the right to seek its correction.

6. Procedure

InterAction recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other.

Common ways personal information is usually collected include:

- Formal Intake forms
- Application for membership of InterAction.
- Registration for workshops, training courses or other educational sessions.
- Attendance at events, social support groups.
- Request for regular distribution of newsletter and other resources such as brochures.
- Referral forms, Intake Forms and Needs assessment forms.
- Participation in research and evaluation activities, with the option for the data to be de-identified information.

The organisation has adopted the following principles contained as minimum standards in relation to handling personal information, which have been developed with respect to the relevant legislation mentioned above

InterAction:

- Will only collect personal information required to fulfill our lawful purpose that is directly related to our function.
 - Staff, contractors and volunteers are trained on understanding this requirement upon Induction, specifically confidentiality, limits to confidentiality and obtaining service users’, staff, contractor and
 - volunteer consent to share information about them, and our processes for providing information to people using, or working in, our services.
- Will tell an individual we are collecting information from what the information is going to be used for.
 - This is included in appropriate service user Information documents and is a component of the Research and Evaluation Policy.
- Will not collect information by unlawful or unfair means.
 - Staff, contractors, and volunteers are trained on understanding this requirement upon Induction.
- Will use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person’s consent.

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- Will store personal information securely in Australia, protecting it from unauthorised access.
 - InterAction utilises record protection systems, including locked storage and electronic access permissions.
 - InterAction notes the importance of maintaining the privacy and confidentiality of a service user’s sexual orientation, gender identity, experiences as a person with innate variations of sex characteristics and/or relationship status through appropriate security controls.
- Will provide stakeholders with access to their own information, and the right to seek its correction, and or its deletion.
 - This requirement is noted in the Charter of Service User Rights.

Openness and transparency

InterAction will:

- Ensure service users are aware of the Privacy, Confidentiality and Data Management Policy by making this information freely available in relevant publications, on our website and in hard copy on request.

The following statement (or similar) will be included where personal information is being collected for the purposes of future contact (e.g., website forms, newsletter signup):

Thank you for providing your contact details, which we have collected as part of our [PURPOSE OF DATA COLLECTION]. InterAction may contact you periodically about upcoming events, consultations, services, and/or other important news. Your information will not be sold to third parties. You can request that your contact information be amended or removed from InterAction contact lists. InterAction makes the Privacy, Confidentiality and Data Management Policy available at this location: XXXXX. This Privacy Statement sets out the way we collect, hold, use and disclose your personal information. By providing us with your personal information, you consent to your personal information (including your sensitive information) being collected, used and disclosed as set out in this Privacy Statement and in our Privacy Policy.

Anonymity and collection of Sensitive Information

InterAction will:

- Except where details are required for health requirements, give service users the option of not identifying themselves when completing evaluation forms, surveys, attending events.
- Collect basic information from Members, staff, contractors, and volunteers, including name and address.
- Only collect other information, including sensitive information that is required for the primary purpose of delivering services to the service user and data analysis.
- Obtain informed consent for collection of sensitive information for secondary or unrelated purposes, such as data analysis or research.

Disclosure

There may be times that we may need to pass information onto other people without your consent if:

- We are required or subpoenaed to do this by a court of law.
- We have reason to suspect that a person plans to or has caused serious harm to themselves.
- We have reason to suspect that a person plans to or has caused harm to others.
- A person is aged under 18 and is at risk of harm or has been harmed by another person.
- We have reason to suspect that unlawful activity has been, is being or may be engaged in and we believe it is necessary to disclose the information to the police for the prevention, detection, investigation, prosecution or punishment of criminal offenses. The decision to disclose criminal

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activity will be made upon what is in the best interest of the service user and the extent that this behaviour is having a harmful impact on other people or the public.

A decision to breach confidentiality is considered extremely serious and will be given careful consideration, taking into account all possible consequences.

Wherever possible decisions to breach confidentiality will be made by the relevant staff member and or contractors in consultation with their manager, in collaboration with the service user concerned.

Protections

Additional strategies to protect the privacy and confidentiality of our service users, paid and unpaid workforce include:

- Ensuring all staff, contractors and volunteers sign a Deed of Confidentiality and Code of Ethics, agreeing not to disclose any information of a personal or confidential nature to any person outside of InterAction.
- We provide private interview spaces when speaking with service users about matters of a sensitive or personal nature.

InterAction Websites

When you visit our web sites, our Internet Service Providers and website hosts makes a record of your visit and logs the following information for statistical purposes:

- Server address.
- Top level domain name (for example .com, .gov, .au, .uk etc.)
- Date and time of visit to the site.
- Ages you accessed and documents downloaded.
- Previous site you have visited.
- Type of browser you are using.

InterAction will not make an attempt to identify users or their browsing activities. However, in the unlikely event of an investigation, a law enforcement agency or other government agency may exercise its legal authority to inspect our Internet Service Provider's logs.

We will only record your e-mail address if you send us a message and your e-mail address will only be used for the purpose for which you have provided it and it will not be used for any other purpose without your consent.

This site does not provide facilities for the secure transmission of information across the Internet. Users should be aware that there are inherent risks transmitting information across the Internet.

We use Google Analytics. This program utilises a cookie that collects anonymous traffic data.

InterAction utilises wordpress and other database systems for websites, and InterAction collects voluntarily provided information through these sites (e.g., resource ordering information), and information may also be collected automatically through monitory tools. We receive, collect and store any information you enter on our website or provide us in any other way. Wix has servers all over the world, including Europe and the US, as well as back up servers. We use our technology to host quality Wix sites that are viewed globally.

Data Quality

InterAction will:

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- Strive to aim data management systems that allow accurate recording of the details of our service user, staff, contractors, and volunteers, and where this is possible due to software limitations, implement appropriate work around systems.
- Take reasonable steps to ensure the information we collect is accurate, complete, up-to-date, and relevant to the functions we perform, giving particular attention to ensuring that records required to be kept relating to gender identity and sexuality are as current as possible.
- Periodically check accuracy of details held with the individual concerned.
- Ensure individuals have a right to access to information held about them and to seek to correct it if it is inaccurate, incomplete, misleading or not up to date.
- Return of post or email will trigger a review of the accuracy of contact information held on an individual and attempts will be made to gain accurate information.
- Endeavor to collect information about a service user directly from that person to ensure the validity of the information collected.
- Where personal information is being misused by third parties (e.g., safe sex supplies falsely ordered on behalf of another person) InterAction will maintain a list of no-contact details, confirmed in contact with the relevant person.

Data Security, Retention and Accuracy

InterAction will:

- Safeguard the information we collect and store against misuse, loss, unauthorised access and modification.
- Provide lockable storage systems, and implement password protected and electronic access controlled online storage systems.
- Ensure InterLink and mental health service user information will only be accessible by staff or contractors delivering those services and their managers.
- Ensure InterAction servers are backed up on a daily basis.
- Prohibit personal information being kept in staff’s individual Microsoft Outlook accounts and not stored or synced on mobile phone or other devices. Where information must be stored on person devices, this information should be password protected.
- This policy prohibits the selling of information to third parties.
- Case files are the property of InterAction, and the original file must not be given to service users, other services, and should not leave the secured site.
- Staff and contractors are required to ensure Case files accessible while working from home have appropriate security measures in place and are not observable by others.
- InterAction will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.
- Where InterAction has received unsolicited information about a person, we will identify if we could have collected the information if unsolicited, and if not, we will destroy the information.

Making information available to other service providers, InterAction will:

- Only release personal information about a person with that person’s expressed permission. For personal information to be released, the person concerned must sign a release form.
- Release information to third parties where it is requested by the person concerned.
- Although rare, if personal information is required to be transferred overseas, InterAction will, wherever practical, obtain your written consent before doing so. If obtaining your consent is not practical, then the information may still be transferred if sharing the information is for your benefit

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and as part of the agreement for the transfer of that information, the other organisation agrees to comply with InterAction’s Privacy, Confidentiality and Data Management Policy.

- Will always investigate where data is held when implementing any new data management systems.

Data Breaches

Under relevant state and federal privacy legislation, InterAction is required to report to affected individuals and the Office of the Australian Information Commissioner when a data breach has occurred that is likely to result in serious harm to the people whose information is involved in the breach. Information on the Notifiable Data Breaches Scheme can be found here: <https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme>

If a data breach occurs, InterAction will also:

- Record de-identified details of the breach in a Privacy Breach Register, along with actions to mitigate future breaches.
- Report the breach to the Board.
- Report Privacy breaches related to funded services in line with the requirements of the Service Agreements, and investigate further reporting actions as guided by the relevant state/territory Office of the Information Commissioner.
- Advise individuals affected by a data breach as soon as possible and offer support to affected individuals.

Anyone can make a complaint or raise a concern about InterAction’s privacy and confidentiality practices and processes by following the processes outlined in the Complaints Policy.

7. Compliance and Monitoring

It is the responsibility of all staff, contractors and volunteers to monitor privacy and confidentiality and adhere to this policy and procedure.

- Executive Director: Reporting of Breaches to Board.
- Operations Coordinator: Reporting of Breaches to funders.

8. Other related policies, procedures, guidelines

Other documents related to this procedure that should be read in conjunction;

Code of Conduct

InterLink Service User Rights and Responsibilities Policy.

Medical diagnoses and health information policy.

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