

ILC	PRIVACY POLICY
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Applies to: All employees
Specific responsibility: Coordinator

Version: July 2015
Date approved: 2/2/17
Next review date: 2/2/19

Policy context: This policy relates to:	
Standards or other external requirements	
Legislation or other requirements	
Contractual obligations	

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1. Collection, Use and Disclosure of Personal Information

1.1 ILC staff may collect personal information about clients to provide services. The type of personal information will depend on the service that is provided. Generally, the ILC collects information with regards to the client's name, address, telephone number and date of birth. In addition, clients are also asked the name of any other parties involved in the legal matter to prevent a conflict of interest arising.

1.2 ILC staff also collect some information that is used for statistical purposes. This information is required by government funding agencies and, when these statistics are forwarded on to them, individual clients will not be identified. The kind of statistical information collected may include:

- a. Country of birth
- b. Language spoken at home and proficiency in English
- c. Income level and source
- d. Family type
- e. Whether the person identifies as Aboriginal or as a Torres Strait Islander

1.3 ILC staff may also record information including membership of any trade associations, sexual preference, disability and criminal record. This information is only recorded if it is necessary to enable staff to provide the advice and assistance needed.

1.4 ILC recognises that the personal information collected is often of a highly sensitive nature. The Centre has adopted the highest privacy compliance standards to ensure such information is protected.

1.5 Information is kept confidential and not provided to people outside the ILC without the client's permission. However, from time to time, staff may need to discuss the general nature of a matter with other agencies or lawyers in order to assist the client. Also, for professional indemnity insurance purposes, lawyers from other community legal centres randomly check ILC files once per year (the "cross check"). Lawyers involved in the annual cross check are required to keep all client information confidential.

1.6 ILC does not use or disclose personal information about clients for direct marketing purposes.

2. Security and Storage of Personal Information

2.1 ILC makes all reasonable efforts to ensure that client information is protected from misuse, loss, unauthorised access, modification or disclosure, other than in accordance with this policy or the *Privacy Act 1988*.

2.2 Personal information may be stored either in hard copy or electronic form in Centre files and/ or IT systems. Information is kept for a minimum of 7 years from the date of last entry. Extra precautions are taken to maintain the security of information held in Centre records due to the sensitive nature of the information and legal advice that has been provided.

2.3 ILC premises are in a secure building and hard copy records are kept in locked cabinets. IT systems are password protected and anti-virus protection is regularly updated to ensure security of the IT system.

2.4 All employees and volunteers are required, as a condition of service, to treat personal information held by the Illawarra Legal Centre as confidential and sign a confidentiality agreement.

2.5 Generally, it is preferable that confidential material relating to clients does not leave the Centre premises. However, if this is unavoidable and the materials form part of the documentation required by staff to undertake agreed 'at home' duties, home visits or court/ tribunal appearances, then they must be taken directly to the required location (e.g. staff members or client's home, court) and kept in a secure place.

2.6 Confidential client material should never be left in an unattended car.

2.7 If material is to be taken to a place such as a client's home, a court or tribunal, it is to remain with the staff member at all times (e.g. in a brief case).

2.8 Such material is to be returned to the Centre as soon as it is no longer required. When client files are removed from the Centre, a file marker is to be placed in the filing cabinet draw and file review book signifying that the file is with the worker off site.

3. Accessing Information

3.1 On request, staff will provide clients with access to the personal information held about them unless there is an exception which applies under the *Privacy Act 1988* such as where the Centre has a legal duty not to disclose the information or where it may be harmful to do so.

3.2 Requests to obtain access to information will be dealt with in a reasonable time.

3.3 If the request to provide access to the information is declined by the Centre the client will be notified of the reasons for the decision including any exceptions in the *Privacy Act 1988*.

4. Keeping Personal Information Up to Date

ILC staff take reasonable steps to ensure that personal information about clients is accurate, complete and up to date when it is collected or used.

5. Complaints

If a client wishes to complain about a breach of privacy, access any personal information, correct personal information or find out more about how personal information is dealt with, they may:

- a) Discuss the issue with the staff member who has been working with them or
- b) Contact the Coordinator directly.

6. Additional Privacy Information

More information about privacy may be found at the web site of the Office of the Federal Privacy Commissioner at www.privacy.gov.au or by telephoning 1300 363 992.

Privacy Statement

We may collect personal information from you to help us provide you with legal services and advice. The type of personal information that we collect will depend on what work we do for you.

We aim to ensure that:

- your privacy will be protected when accessing our service or visiting our premises
- the personal information we collect about you and keep in our records is correct and up-to-date, and
- you can access your personal information for review on request

How To Contact Us

If you wish to access any personal information we hold about you, revise this information, complain to us about a breach of your privacy, or find out more about how we deal with personal information, please contact:

The Coordinator

Illawarra Legal Centre Inc.

PO Box 139

Warrawong

NSW 2502

Ph. (02) 4276 1939

We will respond to your enquiry as soon as possible.

Additional Privacy Information

Our Privacy Policy contains more detailed information about the type of personal information we collect, the way that we handle that information and your privacy rights. You can obtain a copy of our Privacy Policy by contacting the Centre.

You can also obtain further information on privacy in Australia by visiting the web site of the Office of the Federal Privacy Commissioner at www.privacy.gov.au or telephoning 1300 363 992.

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1			
2			
3			