

Privacy Policy

Version 1.5

Illawarra Legal Centre



ILLAWARRA
LEGAL CENTRE

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Policy Purpose

The purpose of this Privacy Policy is to protect the personal information of individuals associated with the organisation, including employees, volunteers, clients, and partners. This policy outlines how personal data is collected, used, stored, and disclosed in compliance with applicable privacy laws and regulations.

Scope

This policy is important to:

Board of Management

Management

Employees

Clients

Policy Statement

The Illawarra Legal Centre (ILC) is committed to protecting personal information by ensuring its collection, use, and disclosure are conducted in a lawful and transparent manner. We implement strong security measures to safeguard data and ensure it is stored securely. Individuals have the right to access their personal information and request updates to keep it accurate. Any privacy concerns or complaints can be addressed by contacting our Principal Solicitor.

Client Legal Privilege

Client legal privilege (CLP), often referred to as "legal professional privilege", is a common law right that exists to protect the administration of justice and the right of individuals and other entities/organisations to obtain confidential advice about their legal circumstances. It protects legal advice given by a lawyer to his or her client (advice privilege) and communications pertaining to actual or contemplated litigation or court proceedings (litigation privilege).

It is called "client legal privilege" because the privilege belongs to the client, not the lawyer. A lawyer may only disclose privileged communications if clearly instructed to do so by their client.

Centres should be mindful of circumstances where client legal privilege/legal professional privilege may be impacted or potentially breached by having other Centre Employees or Centre Employees who are not Lawyers or by having support employees (external to the Centre) or family members of the Client present in meetings and interviews with Clients.

Where a Centre receives a request seeking disclosure of documents, for example a subpoena where legal professional privilege/client legal privilege may apply, the Responsible Person should seek external legal advice on how the privilege might

apply and whether privilege should be claimed and they may also wish to discuss the matter with their PII Representative.

Collection, Use and Disclosure of Personal Information

- ILC employees 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.
- ILC employees 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
- ILC employees 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 employees to provide the advice and assistance needed.
- ILC recognises that the personal information collected is often of a highly sensitive nature. ILC has adopted the highest privacy compliance standards to ensure such information is protected.
- Information is kept confidential and not provided to people outside the ILC without the client's permission. However, from time to time, employees 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.
- ILC does not use or disclose personal information about clients for direct marketing purposes.

Security and Storage of Personal Information

- 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.
- Personal information may be stored either in hard copy or electronic form in ILC 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.

- 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.
- 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.
- Generally, it is preferable that confidential material relating to clients does not leave ILC premises. However, if this is unavoidable and the materials form part of the documentation required by employees to undertake agreed 'at home' duties, home visits or court/ tribunal appearances, then they must be taken directly to the required location (e.g. employees or client's home, court) and kept in a secure place.
- Confidential client material should never be left in an unattended car.
- 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 employee at all times (e.g. in a brief case).
- Such material is to be returned to ILC as soon as it is no longer required. When client files are removed from ILC, a file marker is to be placed in the filing cabinet draw and file review book signifying that the file is with the employee off site.

Accessing Information

- On request, employees 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 ILC has a legal duty not to disclose the information or where it may be harmful to do so.
- Requests to obtain access to information will be dealt with in a reasonable time.
- If the request to provide access to the information is declined by ILC the client will be notified of the reasons for the decision including any exceptions in the *Privacy Act 1988*.

Keeping Personal Information Up to Date

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

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 employee who has been working with them or

- b. Contact the Coordinator directly.

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.

Review

Approved by	ILC Board of Management
Approval date	05/2016
Reviewed	02/2025
Next review	09/2027
Reviewed by	Louise Farroway (Coordinator)
Written by	Illawarra Legal Centre
Policy owner	Illawarra Legal Centre
This policy relates to:	
Standards or other external requirements	
Legislation or other requirements	
Contractual obligations	
Related Policy	

Document Control

Version Number	Date	Brief Description
1.4	02/2025	Updated language, version control, new format (L Farroway, Coordinator)
1.3	06/2023	Reviewed, no changes (L Farroway, Coordinator)
1.2	06/2021	Reviewed, no changes (L Farroway, Coordinator)
1.1	02/2019	Reviewed, no changes (T Gray, Coordinator)
1.0	02/2017	Policy Approved