



Privacy Policy

1. Policy Statement

Crowley Care takes seriously its obligations with respect to the privacy of information and adheres to the *Privacy Act 1988* (Cth) (**the Act**), the *Australian Privacy Principles (APPs)*, the *Aged Care Act 2024* (Cth) (**Aged Care Act**) and the Aged Care Principles, which govern the collection, use and storage of personal information. In relation to Health Records, Crowley Care is bound by the NSW Health Privacy Principles which are contained in the *Health Records and Information Privacy Act 2002* (NSW).

Under the *Privacy Act 1988* (Cth) and the NSW Health Privacy Principles contained in the *Health Records & Information Privacy Act 2002* (NSW), the Australian Privacy Principles do not apply to an employee record in certain circumstances. This exemption applies to Crowley Care's handling of employee records if it is directly related to a current or former employment relationship between Crowley Care and the individual. The exemption does not cover future employment relationships.

2. Purpose

- 2.1. This Policy sets out how Crowley Care manages personal information and sensitive information (including health information) provided to or collected by it.
- 2.2. In carrying out its operations, Crowley Care collects and holds information including, but not limited to, health and other sensitive information about:
 - (a) Residents, clients and their families before and during their stay at Crowley Care;
 - (b) All staff members, volunteers, contractors and job applicants; and
 - (c) Other people who come into contact with Crowley Care.
- 2.3. Effective management of data breaches assists Crowley Care in avoiding or reducing potential harm to both the affected individuals and Crowley Care and mitigates risk of future breaches.
- 2.4. Crowley Care may, from time to time, review and update this policy to reflect any legislative changes, advances in technology, changes to Crowley Care's operations and practices and to ensure the policy remains appropriate to the changing environment.
- 2.5. The purpose of this policy and procedure is to:
 - (a) Ensure personal information is managed in an open and transparent way;
 - (b) Protect the privacy of personal information including Health Information of residents, clients and employees;
 - (c) Provide for the fair collection and handling of personal information;
 - (d) Ensure that personal information we collect is used and disclosed for relevant



- purposes only;
- (e) Regulate the access to and correction of personal information; and
 - (f) Ensure the confidentiality of personal information through appropriate storage and security.

3. Scope

This policy is applicable to all stakeholders of Crowley Care.

4. Definitions

Personal information

Personal Information is information or an opinion whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Sensitive Information

Sensitive Information 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, criminal record, biometric information, biometric templates, health information about an individual and genetic information.

Health information

Health Information is information or an opinion on;

- The health or disability (at the time of an individual
 - An individual's expressed wishes about the future provisions of health services to him or her;
 - A health service provided, or to be provided, to an individual that is also personal information;
 - Other personal information collected to provide, or in providing a health service;
 - Other personal information about an individual collected in connection with the donation, or intended donation by the individual of his or her body parts, organs or body substances; or
 - Genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.
-



Unsolicited information	Unsolicited information is all personal information received from an individual that was not actively sought to collect
--------------------------------	---

Employee record	An Employee Record is a record of personal information relating to the employee. Examples of personal information relating to the employment of the employee about all or any of the following: • The engagement, training, disciplining or resignation of the employee • The termination of the employment of the employee; • The terms and conditions of employment of the employee; • The employee's personal and contact details; • The employee's performance or conduct • The employee's hours of employment; • The employee's salary or wages; • The employee's membership of a professional or trade association; • The employee's trade union membership; • The employee's recreation, long service, sick, personal, maternity, paternity or other leave; and • The employee's taxation, banking or superannuation affairs.
------------------------	---

5. General Principles

- 5.1. Crowley Care collects and administers a range of personal information for the purposes of providing aged care services.
- 5.2. Crowley Care is committed to protecting the privacy of personal information it collects, holds and administers.
- 5.3. Crowley Care recognises the essential right of individuals to have their information administered in ways in which they would reasonably expect to be both protected and accessible to them.
- 5.4. Crowley Care is bound by laws with impose specific obligations when it comes to handling information.
- 5.5. Handling of personal information of employees that are employee records are exempted from the APPs contained in the Act.
- 5.6. Personal information pertaining to unsuccessful job applicants, certain contractors and individuals volunteering at Crowley Care is handled in accordance with the



APPs contained in the Act.

- 5.7.** Crowley Care provides all individuals access to their personal information except where it is a threat to life or health or it is authorised by law to refuse access.
- 5.8.** Crowley Care does not charge an individual for accessing their personal information or associating a statement regarding its accuracy. Crowley Care may however charge a reasonable fee to retrieve and copy any material. If the information sought is extensive, Crowley Care will advise the likely costs in advance.

6. Collection of Personal Information

6.1. Purpose of Collection of Personal Information

6.1.1 Crowley Care will only collect Personal Information about an individual by fair and lawful means and only if the information is necessary for one or more of our functions as an aged care provider and collection of the Personal Information is necessary to:

- i. Comply with the provisions of State or Commonwealth law;
- ii. Provide data to government agencies in compliance with state or Commonwealth law;
- iii. Determine eligibility to entitlement provided under any state or Commonwealth law;
- iv. Provide appropriate services and care
- v. Enable contact with a nominated person regarding a resident or client or resident / clients's health status; and
- vi. Lawfully liaise with a nominated representative and to contact family if requested or needed.

6.1.2 Some individuals may not want to provide information to us. The information we request is relevant to providing them with the care and services they need. If the individual chooses not to provide us with some or all of the information we request, we may not be able to provide them with the care and services they require.

6.1.3 Crowley Care will not collect your sensitive information (including Health Information) unless the collection of the information is reasonably necessary for or directly related to one or more of our functions and:

- i. You have consented to the collection of this information; or
- ii. The collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- iii. A permitted general situation exists to the collection of the information; or
- iv. A permitted health situation exists in relation to the collection of the information



6.1.4 Crowley Care will collect sensitive information about an individual if such collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual to whom the information concerns:

- i. Is physically or legally incapable of giving consent to the collection; or
- ii. Physically cannot communicate consent to the collection.

7. Methods of Collection

7.1. Personal information and sensitive information (including Health Information), may be collected:

- (a) From a resident or client;
- (b) From any person or organisation that assesses health status or care requirements, for example the Aged Care Assessment Team;
- (c) From the health practitioner of a resident or client;
- (d) From other health providers or facilities;
- (e) From family members or significant persons of a resident or client; and
- (f) From a legal advisor of a resident or client.

7.2. We will collect personal information from the resident or client unless:

- (a) We have the consent of the resident or client to collect the information from someone else;
- (b) We are required or authorised by law to collect the information from someone else; or
- (c) It is unreasonable, or impractical to do so.

7.3. At admission, a resident or client should identify any parties from whom they do not wish personal information accessed or to whom they do not wish personal information provided. This should be recorded in the file of the resident or client and complied with to the extent permitted by law.

8. Unsolicited Information

8.1. If we receive Personal Information from an individual that we have not solicited and we could not have obtained the information by lawful means, we will destroy or de-identify the information as soon as practicable and in accordance with the law.

9. Notification

9.1. Crowley Care will at or before the time or as soon as practicable after we collect Personal Information from an individual take all reasonable steps to ensure that the individual is notified or made aware of:



- (a) Our identity and contact details;
- (b) The purpose for which we are collecting Personal Information;
- (c) The identity of other entities or persons to whom we usually disclose Personal Information to;
- (d) That our Privacy Policy contains information about how the individual may complain about a breach of the APPs and how we will deal with a complaint; and
- (e) Whether we are likely to disclose Personal Information to overseas recipients and if so, the countries in which such recipients are likely to be located and if practicable, to specify those countries.

10. Use of Information

10.1. Permitted disclosure

10.1.1 Crowley Care will not use or disclose Personal Information for a purpose other than the primary purpose of collection, unless

- i. The secondary purpose is related to the primary purpose (and if Sensitive Information directly related) and the individual would reasonably expect disclosure of the information for the secondary purpose;
- ii. The individual has consented;
- iii. The information is Health Information and the collection, use or disclosure is necessary for research, the compilation or analysis of statistics, relevant to public health or public safety, it is impractical to obtain consent, the use or disclosure is conducted within the privacy principles and guidelines and we reasonably believe that the recipient will not disclose the Health Information;
- iv. We believe on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or public safety;
- v. We have reason to suspect unlawful activity and use or disclose the Personal Information as part of our investigation of the matter or in reporting our concerns to relevant persons or authorities;
- vi. We reasonably believe that the use or disclosure is reasonably necessary to allow an enforcement body to enforce laws, protect the public revenue, prevent seriously improper conduct or prepare or conduct legal proceedings; or
- vii. The use or disclosure is otherwise required or authorised by law.

10.2. Cross border disclosure

10.1.2 Crowley Care will not disclose an individual's Personal Information to an overseas recipient. If we do, we will take all steps that are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles, unless:

- i. The overseas recipient is subject to laws similar to the Australian Privacy Principles and the individual has mechanisms to take action



- against the overseas recipient;
- ii. We reasonably believe the disclosure is necessary or authorised by Australian Law; or
- iii. The individual has provided express consent to the disclosure.

10.3. Disclosure of Health Information

10.1.3 Crowley Care may disclose Health Information about an individual to a person who is responsible for the individual if:

- i. The individual is incapable of giving consent or communicating consent;
- ii. The Chief Executive Officer and/or Deputy Chief Executive Officer is satisfied that either the disclosure is necessary to provide appropriate care or treatment or is made for compassionate reasons or is necessary for the purposes of undertaking a quality review of our services (and the disclosure is limited to the extent reasonable and necessary for this purpose); and
- iii. The disclosure is not contrary to any wish previously expressed by the individual of which the Chief Executive Officer or Deputy Chief Executive Officer is aware, or of which could reasonably be expected to be aware, and the disclosure is limited to the extent reasonable and necessary for providing care or treatment.

10.1.4 A person responsible is a parent, a child or sibling, a spouse, a relative, a member of the individual's household, a guardian, an enduring power of attorney, a person who has an intimate personal relationship with the individual, or a person nominated by the individual to be contacted in case of emergency, provided they are at least 18 years of age.

11. Access

11.1. Requesting access

11.1.1 You have a right to request that we provide you access to the Personal Information we hold about you (and we shall make all reasonable attempts to grant that access) unless providing access:

- i. Is frivolous or vexatious;
- ii. Poses a serious threat to the life or health of any individual;
- iii. Unreasonably impacts upon the privacy of other individuals;
- iv. Jeopardises existing or anticipated legal proceedings;
- v. Prejudices negotiations between the individual and Crowley Care;
- vi. Be unlawful or would be likely to prejudice an investigation of possible unlawful activity;
- vii. An enforcement body performing a lawful security function asks us not to provide access to the information; or
- viii. Giving access would reveal information we hold about a commercially



sensitive decision making process.

11.2. Consent, Access and Correction

11.1.2 Under the Act and the *Health Records & Information Privacy Act 2002* (NSW), an individual has a right to obtain access to any personal information which Crowley Care holds about them and to advise Crowley Care of any perceived inaccuracy.

11.1.3 Crowley Care will aim to ensure that the Personal Information we hold is accurate, complete and up-to-date.

11.1.4 An individual may contact the Chief Executive Officer in writing to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.

11.1.5 Crowley Care may require the individual to verify their identity and specify what information they require. If Crowley Care is unable to verify the identity of the individual requesting access to the information or if access is requested from an unauthorised party, Crowley Care can decline access to the requested information.

11.1.6 If an individual establishes the Personal Information held about them by Crowley Care is inaccurate, incomplete, out-of-date, irrelevant or misleading, Crowley Care must take reasonable steps to correct the information.

11.1.7 If Crowley Care refuses to correct the Personal Information as requested by the individual, it will give the individual written notice that sets out:

- i. the reasons for the refusal, except to the extent that it would be unreasonable to refuse;
- ii. the mechanisms available to complain about the refusal; and
- iii. any other matter prescribed by the regulations.

11.1.8 If the individual and Crowley Care disagree about whether the information is accurate, complete and current, and the individual asks Crowley Care to associate with the information a statement claiming that the information is not accurate, complete or current, Crowley Care will take reasonable steps to do so.

11.1.9 Crowley Care can withhold the access of an individual to their Personal Information in accordance with the APPs in the Act. Reasons for refusal include, but are not limited to,

- i. there is a serious threat to life or health of any individual;
- ii. the privacy of others may be affected;
- iii. the request is frivolous or vexatious;
- iv. the information relates to existing or anticipated legal proceedings; or



- v. the access would be unlawful.

11.1.10 Where Crowley Care refuses to release Personal Information to an individual, it will provide to the individual, in writing, its reasons for denial of access or a refusal to correct personal information.

11.1.11 Crowley Care will respond to each request within a reasonable time.

11.1.12 If Crowley Care charges for providing access to Personal Information, those charges will not be excessive.

12. Direct marketing

12.1. Crowley Care will not use or disclose Personal Information about an individual for the purposes of direct marketing, unless the information is collected directly from you and:

- (a) You would reasonably expect us to use or disclose your Personal Information for the purpose of direct marketing; and
- (b) We have provided you a means to 'opt-out' and you have not opted out.

12.2. Crowley Care will not use or disclose Sensitive Information about an individual for the purposes of direct marketing, unless the individual has consented to the information being used for direct marketing.

12.3. If we use information for the purposes of direct marketing the individual may:

- (a) Ask us not to provide direct marketing communications to them;
- (b) Ask us not to disclose or use the information;
- (c) Ask us to provide the source of the information.

13. Personal information security

13.1 Crowley Care are committed to keeping secure the Personal Information you provide to us. We will take all reasonable steps to ensure the Personal Information we hold is protected from misuse, interference, loss, from unauthorised access, modification or disclosure.

13.2 Information of a Resident / Client

13.2.1 We must keep the records of a resident or client in a secure storage area.

13.2.2 If the records are being carried while providing care only the employee carrying the records will have access to them.

13.2.3 Records of previous residents or clients and earlier unused volumes of current residents or clients shall be archived and stored in a locked service away from



general use.

13.2.4 Only health professionals attending to the care of a resident or client are to have access to information of the resident or client. All records shall only be used for the purpose it was intended.

13.2.5 A resident or client, or their representatives shall be provided access to records as requested and after consultation with the service manager. At these times, a qualified staff member is to remain with a resident or client or representative to facilitate the answering of any questions raised.

13.2.6 Details of a resident or client are not to be provided over the phone, unless the employee is sure of the person making the inquiry. If in doubt, consult the service manager.

13.2.7 No employee shall make any statement about the condition or treatment of a resident or client to any person not involved in the care except to the immediate family or representative of the resident or client and then only after consultation with the service manager.

13.2.8 All employees must be discreet with their comments at all times, protecting and respecting the privacy, dignity and confidentiality of all residents or clients.

13.2.9 Handovers shall be conducted in a private and confidential manner.

13.3 Security Measures

13.3.1 Our security measures include, but are not limited to:

- i. Training our employees on their obligations with respect to your Personal Information;
- ii. Use of passwords when accessing our data storage system; and
- iii. The use of firewalls and virus scanning tools to protect against unauthorised interference and access.

13.3.2 This applies to employees who are required to have up-to-date virus protection software and firewalls installed on any device used to access documents containing Personal Information.

13.3.3 Contractors working on our behalf are required to:

- (a) Comply with the APPs in the Act;
- (b) Have up-to-date virus protection software and firewalls installed on any device used to access documents containing Personal Information;
- (c) notify us of any actual or potential breaches of security;
- (d) indemnify us in relation to any loss suffered by a breach.

13.3.4 We will, as soon as practicable and in accordance with the law, destroy or de-identify any Personal Information that is no longer required for our functions.



14. Notifiable Data Breach

- 14.1.** Data breach occurs in circumstances when personal information that an entity holds is lost or subjected to unauthorised access, modification, use or disclosure, or other misuse or interference.
- 14.2.** In the event that a data breach occurs, Crowley Care must act in accordance with its Data Breach Response Policy which includes the Data Breach Response Plan.
- 14.3.** The *Privacy Act 1988* (Cth) requires Crowley Care to notify affected individuals and the Office of the Australian Information Commissioner (OAIC) about eligible data breaches. This occurs when the following criteria is met:
- (a) There is unauthorised access to or disclosure of personal information held by Crowley Care (or information is lost in circumstances where unauthorised access or disclosure is likely to occur); and
 - (b) This is likely to result in serious harm to any of the individuals to whom the information relates; and
 - (c) Crowley Care has been unable to prevent the likely risk of serious harm with remedial action.
- 14.4.** Where an eligible data breach is suspected or believed to have occurred, Crowley Care must:
- (a) Carry out a risk assessment;
 - (b) Prepare a statement of prescribed information regarding an eligible data breach that is believed to have occurred;
 - (c) Submit the statement to the OAIC; and
 - (d) Contact all affected individuals directly or indirectly by publishing information about the eligible data breach on publicly assessable forums.
- 14.5.** All employees are responsible for reporting any actual or suspected data breach to the Chief Executive Officer or Deputy Chief Executive Officer.

15. Making a Complaint

- 15.1.** If you wish to make a complaint about the way your Personal Information has been handled you may make that complaint in writing addressed to the Chief Executive Officer, by setting out the details of your complaint including:
- (a) Your name;
 - (b) Any identification or reference number, if relevant;
 - (c) A brief description of the matter, and why you think the organisation or agency as mishandled your personal information (including what happened, when it happened, and any consequences); and
 - (d) Identify what you would like us to do to resolve the matter.
- 15.2.** Send this information to:



Chief Executive Officer
Phone: 1300 139 099
Fax: 02 6686 6082
Email: info@crowley.org.au

15.3. Alternatively, complaints may also be referred to the following services:

Australian Information Commissioner

The Australian Information Commissioner receives complaints under the Act. Complaints can be made:

Online: <http://www.oaic.gov.au/privacy/making-a-privacycomplaint>
By phone: 1300 363 992
By fax: +61 2 6123 5145

In writing, by addressing your letter to the Australian Information Commissioner at the:

Office of the Australian Information Commissioner
GPO Box 5288
Sydney NSW 2001

Aged Care Complaints Commissioner

The Aged Care Complaints Commissioner receives complaints about aged care services under the Act. Complaints can be made:

Online: <https://www.agedcarequality.gov.au/contact-us/complaints-feedback/make-complaint>

By phone: on 1800 951 822
In writing to:

Aged Care Quality and Safety Commission
GPO Box 9819
Canberra ACT 2601

15.4. How we will deal with your complaint

- 15.4.1.** The complaint will be investigated by Crowley Care in accordance with our Complaint Management Policy and Procedures.
- 15.4.2.** The complainant may be invited to participate in a conference by the employee conducting the investigation. At the discretion of the Chief Executive Officer or Deputy Chief Executive Officer, other interested parties may also be invited to participate in the conference to discuss the nature of the complaint and attempt to resolve it. This may include the presence or participation of a support person or advocate for the complainant.
- 15.4.3.** The complainant will be provided with a response to their complaint within a



reasonable timeframe after completion of any investigation. This response will be in writing and will include the outcome of the investigation, any proposed action and details of the right to lodge a complaint with any relevant external organisations.

16. Document Control

Policy Name	Privacy Policy
Related Documentation and Legislation	• Aged Care Act 2024 • Strengthened Aged Care Quality Standards • Privacy Act 1988 (Cth) • <i>Health Records and Information Privacy Act 2002</i> (NSW) • Australian Privacy Principles (APPs) • OAIC Notifiable Data Breach Form Crowley Care Documents: • Code of Conduct D027 • Data Breach Response Policy P287 • Data Breach Response Procedure P288 • Data Breach Flowchart D467 • Data Breach Matrix D466 • Breach Incident Report F603 • Data Breach Template Letter F604
Document Approved By	Deputy Chief Executive Officer
Document Endorsed By	Chief Executive Officer
Version Control	P057.6.26