

### Purpose

Autism SA and its associated entities (we, our, us) are committed to protecting the privacy and confidentiality of all personal information that is collected, stored, and used by us in our organisation. We respect the rights of individuals in relation to the personal information we hold about them. This is undertaken in compliance with the Privacy Act 1988 (Cth), the Australian Privacy Principles (APPs), the National Disability Insurance Scheme (Code of Conduct) Rules 2018 and other related laws that protect privacy.

In the event of any inconsistency, any legislative and regulatory requirements will override the provisions of this policy.

### Scope

This policy applies to the personal information of all clients, families, community, staff, volunteers, students, prospective employees, donors, sponsors, members, partners and any other stakeholders (you, your, their) that is collected, stored and used by us.

Our Board, staff, students, volunteers and research partners comply with this policy to ensure we meet our legal and ethical responsibilities to ensure your privacy and confidentiality.

### Policy statement

We collect, use and store personal information that is essential to provide products and services to our clients and community, operate our usual business practices, engage in research, and for reporting, accountability, and legislative requirements. How we collect, use and disclose your personal information will be fair and reasonable. We are committed to ensuring your personal information is used in an ethical and responsible manner. We are aware of our responsibilities to be consistent, thorough and transparent in the way that personal information is recorded, stored and managed by us.

As a non-government organisation, the Freedom of Information Act 1991 (SA) does not apply to the personal records we hold about you. Freedom of Information laws only apply to information held and created by government agencies. Personal records we hold are regulated by the Privacy Act 1988 (Cth) and the Australian Privacy Principles.

### Exemption

Everyone has legislated rights to privacy of their personal information. In some circumstances this legal right may be overridden by other considerations, such as child protection concerns. In these circumstances our staff will act in accordance with relevant laws.

Employee records fall under an 'exempt practice' under Section 7B(3) of the Privacy Act 1988. While this exemption means it is not mandatory to comply with the Privacy Act when dealing with our employees' personal information, we apply the Australian Privacy Principles (APPs) to ensure our employee records are secure and we are only collecting and using the personal information we need. For relevant parties, go to our Employee, volunteer and student privacy procedure (HRE-PRO-005) for more information.

### Terms and definitions

*Consent* means giving your permission. Your consent can be express or implied.

- Express consent can be written (when you sign a form) or verbal (when you give us your permission over the phone or in a face-to-face conversation).

- Implied consent is when you have given consent by taking action or deciding not to take action. Such as if you have received information about a fundraising event from us in the past, we have your implied consent to send you information about our future fundraising campaigns.
- Your consent will be voluntary, informed, current, specific and unambiguous. You will have the express right to withdraw your consent as easily as it is given (for more information refer to our Consent procedure (GOV-PRO-005))

*Cookie* is a small amount of data generated by a website and saved by your web browser. Its purpose is to remember information about you. Cookies serve many functions; their most common purpose is to store login information for a specific site.

*Fair and reasonable* considers:

- Whether you would reasonably expect the personal information to be collected, used or disclosed in the circumstances
- The kind, sensitivity and amount of the personal information
- Whether the collection, use or disclosure is reasonably necessary for our functions and activities
- The risk of unjustified adverse impact or harm, and
- Whether the impact on your privacy is proportional to the benefit.

*Personal information*, when used in this policy, the term “personal information” has the meaning given to it in the *Privacy Act 1988*. Generally, it is any information that relates to you that can be used to reasonably identify you. This may include name, address (including your IP address), telephone number, email address and profession or occupation. If the information we collect personally identifies you, or you are reasonably identifiable from it, the information will be considered personal information.

*Responsible person* is someone who can make decisions on behalf of another person. This might be:

- the primary carer of someone under the age of 18
- nominated emergency contact
- a spouse or de facto partner
- a legal guardian
- someone nominated by the individual to make decisions on their behalf
- someone with the power of attorney granted to them that can make decisions on behalf of the individual

*Sensitive information* is a special category of personal information. Sensitive information may be inferred from information that is not itself sensitive information. It is information or opinion about your:

- racial or ethnic origin;
- political opinion;
- membership of a political association or religious beliefs, affiliations or philosophical beliefs;
- membership of a professional or trade association or membership of a trade union;
- sexual preferences or practices;
- criminal record;
- health or disability;
- genomic (genetic information)
- expressed wishes about the future provision of health services.

*We, our, us* refers to Autism Association of South Australian trading as Autism SA (ABN 98 164 545 215) and our associated entities, including our websites.

*You, your, their* refers to our clients, families, community, staff, volunteers, students, prospective employees, donors, sponsors, members, partners and any other stakeholders, and should be applied in the context of the reader.

## Implementation

This policy describes

- the type of information we collect
- how we collect, use and disclose your personal information
- how we keep personal information secure, accurate and up to date
- how you can access your personal information that we hold
- how to make a complaint about our handling of your personal information

## The personal information we collect

We only collect personal information that is reasonably necessary and directly related to our organisational functions and activities.

The types of information we collect, and the use of that information will depend on your relationship with us, such as client, staff, sponsor, or user of our websites. We might also collect information that is not personal information because it does not reasonably identify you or anyone else. For example, we may collect anonymous answers to surveys or aggregated information about how users use our website.

Personal information is any information that can be used to identify you and generally includes:

- your name and date of birth
- contact details such as your address, telephone number and email address
- your next of kin or other people we can contact in case of an emergency
- your profession, occupation or job title
- video or audio recordings
- financial information, if you make a donation, or are paying for a service from us or an associated entity
- health information, such as information about your physical or mental health that is collected in the course of providing services
- (for students) information about your course, enrolment, progress and results
- information about our relationship with you, such as the services and supports you have received or may be interested in, their location and frequency
- your IP address
- data relating to your activity on our websites via tracking technologies through cookies.

## Sensitive information

In line with Federal anti-discrimination laws and Equal Opportunity Act 1984 (SA), we only collect sensitive information if it is necessary for the delivery of services to you or for our business purposes.

We do not collect any sensitive information unless:

- you have consented to this, such as:

- agreement to undertake an NDIS Worker Screening or Working with Children Check if you are a potential volunteer or staff who will be working with our clients; or
- if you are a client and you have provided these details in order for us to provide effective services and supports to you; or
- we are required or permitted to collect this by law; or
- it is necessary for us to collect this information to prevent a serious and imminent threat to the life, health or safety of you or another person.

### What happens if we can't collect your personal information?

If you do not provide us with your personal information:

- we may not be able to provide the requested services or supports to you, either to the same standard or at all; or
- we may not be able to provide you with information about the services that you may want; or
- we won't be able to make the content of our websites to meet your preferences and your experience of our websites may not be as enjoyable or useful.

### *Anonymity and use of pseudonyms*

We will allow you to interact with us anonymously or by using a pseudonym wherever this is reasonable and practical. But this will not be possible if we are required or authorised by law to verify your identity.

### How we collect your personal information

We will generally collect your personal information directly from you. Sometimes we might need to collect information about you from another person. This includes:

- for our clients under the age of 18. We will collect their personal information from a parent, guardian, or other responsible person.
- for our clients where their disability limits their capacity to provide their personal information. We will collect their personal information from their responsible person, health service providers or other similar agencies.

We collect personal information by lawful and fair means and from a range of sources and with transparency, such as

- when you consent to receive our services, this may include for assessments, therapy, research, training and education
- when staff, students or volunteers apply to work with us
- during fundraising events or activities
- when a form or enquiry is submitted through our websites
- when information is voluntarily provided to us in person, over the phone, by email, or through other means
- when you make a donation to us

When we collect personal information, we take reasonable steps to ensure you are aware that we have collected your personal information and that you are informed of:

- our Privacy Policy.
- our identity and contact details.
- if the information collected is required or authorised by law.
- the reason we have collected the information.

- the consequences if the information is not provided, such as if this will affect the services we can provide you, or that you will be unable to commence employment with us.
- the likelihood of us giving your personal information to overseas recipients, and the countries in which they are located.
  - It is not our usual practice to disclose personal information to overseas recipients. If this happens it will only be done in compliance with the Privacy Act 1988 and APPs, with your consent, and the knowledge that the overseas recipient is subject to laws that protect your privacy.

Sometimes we might collect personal information about you from third parties, such as other website users, suppliers, advertisers, mailing lists, clients and business partners. If we collect your personal information from a third party we will, as far as reasonably possible, request the third party tells you that we are holding your information, how we will use and disclose it, and that you can [contact us](#) to gain access to and correct or update the information.

### Using personal information from our websites and social media channels

We do not collect personal information from users of our websites and social media channels other than what is supplied on a voluntary basis.

We collect some data and use it to look at trends and to gather broad demographic information. We use this information to improve our websites, social media channels and online services. This information remains anonymous and is not personally identifiable.

Sometimes we might collect information using cookies. When you use our websites, we might send a “cookie” to your computer. This helps us to recognise your computer and greet you each time you visit our website without bothering you with a request to register. It also helps us to keep track of things you view so that, if you consent, we can send you news about us and our services. We also use cookies to see which areas of our website have been visited. We use this to improve our online services. If you do not wish to receive cookies, you can set your browser so that your computer does not accept them.

Due to the nature of the internet, we cannot guarantee the security of your personal information during transmission to or by us and you acknowledge that you disclose your personal information to us over the internet at your own risk. When we are informed of any unauthorised use of your personal information on the internet, we will take reasonable steps to investigate and correct the matter.

### Third-party websites and links

You might use links on our websites that take you to other third-party websites. We encourage you to always read the privacy policies on those sites as they may collect your personal information. We are not responsible for the information on, and the contents of, third-party websites or their practices or policies.

### How we use and disclose your personal information

We use and disclose your personal information only for the purpose it was collected, and we only use or disclose information for another purpose where this is permitted under the Privacy Act 1988.

We may disclose your personal information between our associated entities or to third parties where this is permitted under the Privacy Act 1988. Any disclosure made to a third party will be made for the purpose of the delivery of safe and effective services to you, operating our websites, or to conduct our usual business activities. We will take all reasonable steps to ensure that third parties protect your personal information in line with the APPs.

There are some laws, such as the Corporations Act 2001 that require us disclose some personal information under certain circumstances like audits or inspections. Under these laws it is a criminal offence to use personal information obtained under these circumstances for any reason.

We take all reasonable steps to keep your personal information confidential and do not use or disclose personal information for another purpose unless:

- you have given your consent; or

- you would reasonably expect us to use or disclose the information for that other purpose and it is either related or directly related to the purpose for which the information was originally collected; or
- it is required or authorised by law or a court order; or
- it is necessary to prevent a serious threat to someone's' life, health or safety, or to public safety.

### **Clients**

By providing us with your personal information you consent to us using and disclosing your personal information to:

- update our records and keep your contact details up to date
- provide our services and supports to you
- communicate with you by phone, email or other means to distribute our publications, promotional materials, events, raise awareness about our services and supports
- respond to your queries and complaints
- talk to the National Disability Insurance Agency (NDIA) about your National Disability Insurance Scheme (NDIS) plan (if relevant)
- talk to other government agencies, such as the Department for Education or Department of Child Protection (if relevant)
- provide you access to protected areas of our website
- work with your other service providers
- report to Government and other funding bodies on the services they fund us to provide to you
- to comply with any law, regulation or direction, or in cooperation with any government authority

### **Ordinary and Associate Members**

By providing us with your personal information you consent to us using and disclosing your personal information to:

- update our records and keep your contact details up to date
- provide our services and supports to you
- communicate with you by phone, email or other means to distribute our publications, promotional materials, events, raise awareness about our services and supports
- respond to your queries and complaints
- provide you access to protected areas of our website
- to comply with any law, regulation or direction, or in cooperation with any government authority

### **Donors and sponsors**

We will obtain your consent before any recognition of your donation or sponsorship is made public.

By providing us with your personal information you consent to us using and disclosing your personal information to:

- update our records and keep your contact details up to date
- receiving payments and issuing receipts
- keep accurate financial records
- communicate with you by phone, email or other means, to distribute our publications, promotional material, events, raise awareness about our services and supports
- respond to your queries and complaints

- measure how effective our fundraising events are
- to comply with any law, regulation or direction or in cooperation with any government authority

### **Staff, students and volunteers**

By providing us with your personal information you consent to us using and disclosing your personal information to:

- update our records and keep your contact details up to date
- keep records of our communications with you
- assess your suitability when you apply for a position with us
- communicate with you by phone, email or other means, to record and acknowledge your application and employment, as well as to distribute our publications, promotional material, events, raise awareness about our services
- respond to your queries and complaints
- to comply with any law, regulation, or direction, or in cooperation with any government authority

### **Marketing**

We might send you direct marketing communications and information about our products, services and supports that we think may be of interest to you. These communications may be sent by mail, SMS, or email in line with marketing laws, such as the *Spam Act 2003* (Cth).

You can opt out of marketing communications by [contacting us](#). We will work on the basis that we have your consent to receive similar information and communications in the future if you do not opt out.

We do not provide your personal information to other organisations for the purposes of direct marketing.

### **Communicable diseases**

We will not generally ask you for information about communicable or infectious diseases you may have, and any information you do disclose will remain confidential.

If you have a communicable or infectious disease you have the responsibility to act appropriately and in accordance with any medical advice to minimise the risk of passing it on to other people.

### **How we keep your personal information secure**

We hold all personal information in either in hard copy or electronically.

We take all reasonable steps to ensure

- your personal information is protected from unauthorised access, loss, misuse, inappropriate disclosure, interference, and modification
- staff only access the information that they need to do their job
- hard copy files are stored securely
- electronic data is stored on a secure network and complies with the 2023-2030 Australian Cyber Security Strategy
- we take reasonable steps to destroy or permanently de-identify personal information when it is no longer required, unless this is prevented by law
- hard copy files that contain personal information are kept secure with restricted access. Sometimes our staff might need to take a hard copy file with them in order to deliver services or supports. In these instances, our staff always take all reasonable measures to ensure the security of these files.

We use industry recognised security safeguards on our websites, networks and servers. We use firewalls and password protection on our IT systems and electronic devices, with access by authorised staff only. Our data management systems and procedures ensure that management of personal information is consistent with this policy.

Unfortunately, the internet is not always a secure environment. We take all reasonable precautions to ensure personal information is kept secure, but we cannot guarantee that unauthorised access to your personal information will not occur.

### How we keep personal information accurate and up to date

We take reasonable steps to ensure the personal information we collect is accurate, up to date and complete. This includes maintaining and updating personal information, where relevant, when individuals advise us that their personal information has changed

### Access to personal information

You can ask for any personal information we hold about you by [contacting us](#).

We respond to all requests for access to personal information in line with the Privacy Act 1988. We will provide you with reasonable access to your information except in limited circumstances where we are required or permitted by law to refuse access.

Access may be provided to you in hard copy (by post or email) or by allowing you to view the relevant records.

If we do not give you reasonable access to your personal information, or if we do not give you access in the way you requested, we will explain this to you in writing.

### Retention and disposal

We have minimum retention periods and disposal actions for a defined set of records.

Our record retention decisions are based on:

- the current and future business needs of our organisation;
- compliance with legal and governance requirements; and
- the current and future needs of internal and external stakeholders.

The following table describes our current retention and disposal schedule for client records.

Record	Retention Period
Adult	7 years (after their last contact with Autism SA)
Child or young person	must be kept, as a minimum, until the individual turns 25 years of age (ie 7 years after their 18 <sup>th</sup> birthday)
Child or young person in care	105 years (permanently if the client is Aboriginal or Torres Strait Islander)

For more information go to our Records and information management procedure (QRC-PRO-005).

### Correction of personal information

If the personal information we have is inaccurate, incomplete or out of date, you can contact us to request we update this information where relevant. To keep your information up to date, let us know about any changes in your circumstances or personal information.

Sometimes we may not be able to correct the personal information in the way that has been requested, for example, if we need to keep a record of what we knew or understood to be correct about your personal information at a particular time, or when the personal information held is an opinion and not an objective fact. In that case we take reasonable steps to make a note on our record of your personal information that you have said is inaccurate, incomplete or out of date.



## Data breach and eligible data breach

### Data breach

A data breach occurs when personal information we hold is lost or subject to unauthorised access or disclosure. This might happen if

- a device we have that has your personal information on it is lost or stolen; or
- a database with personal information is hacked; or
- your personal information is mistakenly given to another person.

If we have identified a breach in the privacy of your personal information our Privacy Officer will contact you. We will investigate the breach and advise you the steps we have taken to make sure this doesn't happen again. If you are not happy with the way we have managed the breach you can [make a complaint to the Office of the Australian Information Commissioner \(OAIC\)](#)

### Eligible data breach

An eligible data breach arises when the following three criteria are met:

1. there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, that we hold; and
2. the data breach is likely to result in serious harm to one or more individuals; and
3. we have not been able to prevent the likely risk of serious harm with remedial action.

Under the Notifiable Data Breaches (NDB) scheme we must notify the people affected and the OAIC when a data breach is likely to result in serious harm to an individual whose personal information is involved. We will

- notify the Information Commissioner as soon as practicable, and not later than 72 hours, after becoming aware of reasonable grounds to believe there has been an eligible data breach.
- notify individuals involved as soon as practicable
- take reasonable steps to implement practices, procedures and systems to respond to a data breach, and
- set out the steps we have taken or intend to take in response to the breach, including to reduce any adverse impact on individuals.

## Complaints about our handling of personal information

If you have a complaint about a privacy breach, or the way we have handled your personal information you should make a complaint. You can do this by our [Privacy Officer](#). We will treat your concerns or complaints confidentially.

Our Privacy Officer will contact you to let you know we have received your complaint to discuss your concerns and outline options regarding how they may be resolved. We will aim to ensure that your complaint is resolved in timely and appropriate manner.

If you are not happy with our response, or how we handled your complaint, you can complain to the Office of the Australian Information Commissioner (OAIC). More information is available on the [Office of the Australian Information Commissioner website](#).

## Contact the Privacy Officer

We have a nominated Privacy Officer who is aware of the requirements of the Privacy Act 1988, APPs and other relevant legislative and regulatory requirements.

If you have any questions about our privacy policy, need advice or assistance to access or update your records, or have any concerns or a complaint regarding the treatment of your personal information or a possible breach of your privacy, please contact our Privacy Officer.

In writing: Privacy Officer  
 Autism SA  
 PO Box 556  
 Melrose Park DC SA 5039

By email: [privacy@autismsa.org.au](mailto:privacy@autismsa.org.au)

By phone: 8379 6976

## Responsibilities

All our employees, contractors, volunteers and students are responsible for maintaining privacy, confidentiality and security of personal information. They are obligated by law to maintain the privacy of information.

Disciplinary action will be taken against employees if this policy has been intentionally breached.

## Related legislation and documentation

### Relevant legislation

- Corporations Act 2001(Cth)
- Equal Opportunity Act 1984 (SA)
- National Disability Insurance Scheme (NDIS) Act 2013 (Cth)
- National Disability Insurance Scheme (Code of Conduct) Rules 2018 (Cth)
- National Disability Insurance Scheme (Quality Indicators) Guidelines 2018 (Cth)
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Spam Act 2003 (Cth)

### Relevant Autism SA policies and procedures

- Complaint management and feedback (QRC-POL-002)
- Consent (GOV-PRO-005)
- Employee, volunteer and student privacy procedure (HRE-PRO-005)
- Information and records management (QRC-PRO-005)
- Information sharing guidelines\_Autism SA Appendix (QRC-PRO-008)
- Information security (ICT-POL-002)

### Other relevant documents

- Australian Privacy Principles (APPs)
- Information sharing guidelines
- 2023-2030 Australian Cyber Security Strategy
- Privacy Act Review Report 2022
- Government response to the Privacy Act Review Report

## Approval and review

Approval and review	Details
Document approver	Board of Directors
Document administrator	Quality Risk and Compliance Manager
Advisory committee	Board meeting
Date approved	26 August 2024
Next review date	August 2027

Date	Version	Approval and amendment history
21 July 2021	1.0	Policy developed to be inclusive of, and replace, the following <ul style="list-style-type: none"> <li>• MAR-POL-001 Sponsors and Donors Privacy V1.0</li> <li>• GOV-POL-0014 Autism SA Website Privacy V1.0</li> <li>• GOV-POL-0015 iMsocial Website Privacy V1.0</li> <li>• SDS-POL-007 Client Privacy V8.0</li> </ul> Policy is inclusive of privacy requirements under all aspects of our organisation (including employees, clients, members, community) and will be published on our external website. Approved by the Board.
26 August 2024	2.0	Policy reviewed and updated in response to the Privacy Act Review Report 2022 and pending updates to the Privacy Act 1988. Approved by the Board.