



UPBEAT
COMMUNITY, INCLUSION
AND EMPOWERMENT

arts



PRIVACY POLICY

LEGISLATION

ACT	ONLINE LINK	DATE ACCESSED
Privacy Act	https://www.legislation.gov.au/C2004A03712/latest/text	11/03/2024
Mental Health Act	<u>Mental Health Act 2016</u> https://www.legislation.qld.gov.au/view/pdf/asmade/act-2016-005	
Information Privacy Act 2009 (Qld) (IP Act)	<u>Information Privacy Act 2009 (Qld) (IP Act)</u>	
Privacy Principles	<u>Privacy Principles</u>	
Health Records Act (Vic) 2001	Opt in SOP exceeding the minimum legal requirements. <u>Health Records Act 2001</u> Opt in SOP exceeding the minimum legal requirements.	

REFERENCE DOCUMENTS

DOCUMENT NAME	ONLINE LINK	DATE ACCESSED
	https://www.oaic.gov.au/privacy/guidance-and-advice/what-is-personal-information/	1/04/2024
National Privacy	https://www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/	1/04/2024

Principles
guidelines

<u>Information Privacy Act 2009 (Qld) (IP Act)</u>	https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014#ch.3-pt.1	1/04/2024
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Australian Government OAIC	https://www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/preventing-preparing-for-and-responding-to-data-breaches/data-breach-preparation-and-response/part-2-preparing-a-data-breach-response-plan	26/6/2024
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POLICY STATEMENT

Introduction

Upbeat Arts is committed to protecting the privacy and confidentiality of the people whose identifying information we collect, use, and stow.

Principles

As detailed in our Member, Volunteer and Staff Handbooks we respect our members' rights to self-determination and our duty of care to the people accessing our programs, volunteering with us and our employees.

We uphold the National Privacy Principles, as well as relevant health; mental health; privacy and information legislation that applies and apply best practice. We use them to guide our approach to collecting, recording, managing, disclosing, monitoring, controlling, maintaining, and retiring (or disposing of) information appropriately.

We uphold the rights of individuals regarding the collection, consent to collect, accuracy, security, inspection, maintenance, governed access, and control of data we stow, in particular the use, access and retention of people's personal and sensitive health information.

We monitor who has access, what they have access to and why they need it and ensure that the right people have the right access to the right details and no more than this.

What is personal information?

Personal information is information recorded by us about a named or 'identified' individual, or else an individual who is *reasonably identifiable*, based on the records and details kept about them by us.

Information is said to be 'about' an individual whenever there's a *connection* between the information and the individual. That connection can be direct, or indirect, for example, a guess based on someone's details – their date of birth, and where they live, or a description of them – for example their height, hair and eye colour.

Why do we collect and handle personal information?

We collect and handle sensitive and personal information when, and only when, it's directly related to, or else is reasonably necessary for our functions or activities.

Whose personal information do we collect?

We may collect personal information about you:

- when you contact us with an enquiry or a complaint
- when you use our websites
- when you deal with us as part of a program. For example, as part of a writing group, a representative of the community or a stakeholder organisation
- if we deal with you as part our managing the day-to-day business of the Agency
- if you supply goods and services to us (including potential, current, former and potential contractors)
- when you join one of our programs, apply to join one of our programs or work with us as a current, former or potential employee or volunteer.

How do we collect personal information?

We may collect personal information about you:

- by telephone, video conferencing or online collaboration applications, facsimile, mail or email
- from websites we own or operate
- from other government organisations or third parties providing services to us
- from third party software platforms we use to conduct business activities such as Microsoft Teams, Constant Contact, TryBooking, Seek, Volunteer Queensland, or Zoom

- in person.

Wherever possible, we collect personal information directly from you. Unless it is unreasonable or impracticable to do so, we only collect personal information from a third party with your consent or where authorised under an Australian law.

What personal information do we collect?

The type of personal information that we may collect include your:

- name and other identifying information
- contact information such as an address, email and contact number
- the names of carers and contacts at referring agencies
- high level information about your health, your mental health and treatment plan
- images and voices
- resumes and other work history information provided to us
- evidence of identity documents, training certificates and qualifications
- employee records as defined in the Privacy Act.

Do we collect sensitive personal information?

We only collect sensitive information (including health information) where it is reasonably necessary for, or directly relates to, one of our functions or activities. We will only collect sensitive information with your consent or where collection is required or authorised by law. Where relevant, this may include your:

- health information and the agency who referred you as well as your responses to our application form to enable us to enrol you in a program with appropriate supports in place
- cultural or other identity, languages spoken and preferred pronouns
- sensitive information collected as part of consultation, or as part of a complaint
- sensitive information collected as part of creating content, for example, communications campaigns for us and our activities
- other sensitive information collected from employees and job applicants to meet our employment obligations. For example, a National Police Check or health information relevant to the workplace or membership of a professional association, for example, where you represent a professional association in their dealings with us or include that information as part of a job application.

How do we use and disclose personal information?

We may disclose personal information where you would reasonably expect us to do so, (for example, to your emergency contact or designated carer, or else a medical professional during an emergency) and when the information relates to the primary purpose of collection. We may also disclose personal information with your consent, or when the disclosure is required or authorised by law – for example for the purposes of COVID contact tracing.

We may use or disclose the personal information we collect in order to:

- respond to enquiries and complaints and otherwise engage with stakeholders
- communicate information to you about any initiative offered by or associated with us, including invitations to consultation or engagement events
- provide marketing and instructional information about goods, services, events or initiatives which may be of interest
- improve products and services by using information you have provided us
- conduct business with our business associates and contractors
- manage our employment relationships and responsibilities
- promote our activities through communications material
- engage and manage our workforce
- deliver on our functions and meet our legal obligations.

If you receive marketing materials from us you may opt out of further communications of this nature.

Confidential Information

Confidential information is difficult to define and legal protection is not applied to information rather to the relationship of confidence. The most important factor in determining whether information is confidential is whether or not it retains some kind of secrecy and whether it has entered the public domain. OAIC Information Sheet (Private Sector) 17 – 2003: [Privacy and Personal Information that is Publicly Available](#)

Commitments

Upbeat Arts may collect and store sensitive (private and/or confidential) organisational or personal information about members, stakeholders and employees in the course of the organisation's work or activities.

Upbeat Arts is committed to ensuring that this information is used in an ethical and responsible manner.

Upbeat Arts acknowledges the need to be consistent, cautious and thorough in the way we manage what is written and said about members, stakeholders and employees and who we decide who can see or hear this information.

Members, stakeholders and employees have legislated rights to privacy of personal information. It is essential that we protect and uphold these rights, and also that we act correctly in those circumstances where the right to privacy may be overridden by other considerations.

To ensure privacy and confidentiality, each employee and board director need an appropriate level of understanding about how we meet our legal and ethical obligations.

A fact sheet containing the National Privacy Principles is available at [Office of the Australian Information Commissioner](#).

Records management practices

Upbeat Arts:

- collects and uses information with consent and for a purpose.
- we don't ask for data we have no use for.
- ensures that the right person has the right access to relevant records for the right reason and that information is not saved, shared or accessed inappropriately.
- stores information securely, taking reasonable care to manage, control and sustain secure systems and to govern and monitor access: who, when and what.
- updates and maintains accurate records and regularly reviews the currency and accuracy of personal information, health and sensitive details – at least annually.
- provides for individuals to access information held about them with rights of review, amendment and inspection.
- stores records for as long as legally required before ensuring they are irretrievably destroyed.
- discloses and disposes of information appropriately
- reports breaches and disciplines rule breakers

- monitors for breaches and has a policy for handling incidents of and disclosing actual breaches
- complies with the law.

Access to personal information

People we hold records on have a right to

- be given access to particular documents
- amend personal information in particular documents

Information provided via our websites or third-party applications

We will collect your personal information if it is provided when using our websites. We will use and disclose this information for the purpose for which you provided it. We sometimes use third party applications to collect personal information from you. This includes the following: Microsoft Teams to collaborate with our stakeholders. We may collect the name you provide Microsoft if you attend a meeting through Microsoft Teams. This information helps us to know who is attending and how long they attended. You can view [Microsoft's privacy policy here](#).

Social networking services

We use social networking services such as Facebook, Instagram, LinkedIn and YouTube to communicate with the public about our work. When you communicate with us using these services we may collect your personal information, but we only use it to help us to communicate with you and the public. The social networking service will handle your personal information for its own purposes. These services have their own privacy policies which are accessible on their websites.

Access and correction

You have the right to request access and/or correct the personal information we hold about you. If you would like to request access, or a correction of your personal information, you can contact us in person or online [using our online contact form](#).

Storage and security

We take steps to protect the security of the personal information we hold from both internal and external threats.

We regularly assess the risk of misuse, interference, loss, and unauthorised access, modification or disclosure of that information. For example, we use secure passwords to authenticate employees before they can remotely access our systems.

We also take measures to mitigate these risks; for example, we use a state of the art CRM product, with high levels of security and customer support, to create and keep a record (audit trail) of when someone has logged in, added, changed or deleted personal information held electronically on our corporate file system.

Anonymity

Where possible, we will allow you to interact with us anonymously, or by using a pseudonym. For example, if you contact us with a general question we will not ask for a name, unless this is needed to adequately handle the question.

However, for most of our functions and activities, we usually do need your name and contact information and enough information about the particular matter to fairly and efficiently handle the enquiry, request, complaint or application, or to act on the report.

Enquiries and feedback

If you wish to make an enquiry or give us feedback about our handling of your personal information, please contact us.

Contact details

Our [contact page](#) is here.

Complaints

A **privacy complaint** is a complaint by an individual about an act or practice of Upbeat Arts in relation to the individual's personal information that is a breach of the relevant entity's obligation to comply with the privacy principles, or relevant health or health records legislation.

If you wish to make a complaint about a breach of the Privacy Act, the Australian Privacy Principles or a privacy code that applies to Upbeat Arts, please contact us using the details above.

We will take reasonable steps to investigate the complaint and respond to you as quickly as possible and inform you of the progress of your complaint.

To support this, we may collect additional personal information to investigate and resolve your complaint.

Other avenues of assistance

If you are not happy with our response, your privacy complaint can also be handled by external agencies.

You may complain directly to the Australian Information Commissioner (www.oaic.gov.au).

For more information on how to make a complaint to OAIC [click here](#).

And also: Queensland Health.

Any complaint to them should be marked **Private and Confidential** and sent:

By post:

Principal Privacy Officer

Privacy and Right to Information Unit

Department of Health

GPO Box 48

BRISBANE QLD 4001

By email: rti-privacy@health.qld.gov.au

You may complain to the Office of the Australian Information Commissioner.

Integrity of member information

Data quality

In relation to any member information collected, used or disclosed; Upbeat Arts takes reasonable steps to align with requirements outlined in The Privacy Act (Cwlth) 1988 in relation to information: accuracy, completeness and relevancy.

Data security

Upbeat Arts take reasonable steps to protect the member information held.

This includes implementing physical, technical and administrative safeguards against loss, interference, unauthorised access, use, modification or disclosure and other information misuse.

These steps also comprise reasonable physical, technical and administrative security safeguards for electronic and paper records.

Notifiable Data Breach

In the event of a data breach involving personal information, Upbeat Arts will promptly assess the breach, contain it, and mitigate any potential harm. We will notify affected individuals, regulatory authorities (if required), and take appropriate steps to remedy the situation. Our goal is to handle all data breaches with transparency and to improve our security measures based on lessons learned.

Refer to the Upbeat Arts Data Breach Assessment and Response Procedure.

Access to, and correction of, member information

You have a right to access your membership data and upon request we will provide access under the Privacy Act.

We will generally respond to a request to access or amend information within the standard 45 days.