



Generally

The *Privacy Act 1988* (Cth) (“Privacy Act”) requires entities bound by the Australian Privacy Principles to have a privacy policy. This policy outlines the personal information handling practices of Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation (“QIFVLS”).

The Privacy Act, and in particular, the Australian Privacy Principles contained in the Privacy Act, outline QIFVLS’s obligations when collecting and handling Personal Information. QIFVLS will update this policy when its information handling practices change. Updates will be published on the QIFVLS website and a copy of the updated policy will be available from any QIFVLS office.

QIFVLS collects, holds, uses and discloses Personal Information to carry out its functions and activities, which include:

- Delivering a culturally appropriate free legal service which provides legal services, including advice and court representation, to Aboriginal and Torres Strait Islander peoples who are victims of domestic violence, family violence and/or sexual assault;
- Providing general wellbeing support services to Aboriginal and Torres Strait Islander peoples;
- Providing welfare, support, advocacy and community education activities; and
- Hosting regular community legal education and community education sessions.

Definitions

“Biometric Information”	means any information by which a person can be uniquely identified, such as fingerprints, voice waves, DNA and signatures.
“Board Director”	means a member of the board of QIFVLS.
“Identification Information”	means an individual’s full name, alias or previous name, date of birth, sex, current or last known address and two previous addresses (if any), current or last known employer, or driver’s licence number.
“Personal Information”	means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not.
“Record”	means a document or an electronic or other device, but does not include (among other things) a generally available publication or letters or other articles in the course of transmission by post.



“Sensitive Information”

means information or an opinion, that is also Personal Information, about an individual’s:

- racial or ethnic origin; or
- political opinions; or
- membership of a political association; or
- religious beliefs or affiliations; or
- philosophical beliefs; or
- membership of a professional or trade association; or
- membership of a trade union; or
- sexual orientation or practices; or
- criminal record; or
- health information about an individual;
- genetic information about an individual that is not otherwise health information;
- Biometric Information that is to be used for the purpose of biometric verification or biometric identification; or
- biometric templates.

“Service User”

means any person or organisation who accesses and/or uses the services of QIFVLS, including by making an enquiry, utilising legal services, seeking assistance for any welfare or support services, participating in advocacy services and/or registering or participating in community legal education or community education.

“Worker”

means all staff (full-time, part-time, casual, permanent or temporary), contract or commission workers and volunteers, vocational and work experience placements at QIFVLS.

Collection of Personal Information

In dealing with Personal Information, QIFVLS will:

- Only collect and store personal information that is necessary for the functioning of QIFVLS and its activities;
- Use fair and lawful ways to collect Personal Information;
- Collect Personal Information only by consent from an individual to whom the Personal Information relates;
- Ensure that Personal Information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves;



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- Take reasonable steps to protect all personal information from misuse and loss, and from unauthorised access, modification or disclosure; and
 - Destroy Personal Information after minimum legal requirements for retaining documents have expired.

The main way QIFVLS collects Personal Information is when it is provided by a Service User to QIFVLS. For example, QIFVLS collects Personal Information when a Service User:

- Contact QIFVLS to make an enquiry (but only to the extent necessary);
- Engage QIFVLS to act for a Service User in the delivery of legal services;
- Seek assistance from QIFVLS for any welfare or support services;
- Participate in any QIFVLS advocacy services; and/or
- Register for, or participate in, any community legal education or community education sessions.

QIFVLS also collects Personal Information when a complaint is made under QIFVLS's Complaints Management Policy or when a matter is referred to QIFVLS.

If QIFVLS opens a file to provide legal services to a Service User, or to investigate a complaint under the QIFVLS Complaints Management Policy, it will often include QIFVLS's opinion on the matter.

Collecting Sensitive Information

Sometimes QIFVLS may need to collect Sensitive Information about a Service User, for example, to manage a Service User's legal matter or to handle a complaint. This might include information about a Service User's racial or ethnic origin, health, religious beliefs, sexual orientation, criminal history, genetic information or Biometric Information.

Indirect Collection

In the course of handling a legal matter, investigation or complaint, or providing any support, welfare, advocacy, or community education services, QIFVLS may collect Personal Information (including Sensitive Information) about a Service User indirectly from publicly available sources or from third parties, including:

- An authorised representative or agent;
- A power of attorney;
- Other solicitors;
- Court files;
- Any other parties to a matter;
- Employees; and/or
- Witnesses.



QIFVLS may also collect Personal Information from publicly available sources to enable QIFVLS to contact stakeholders who may be interested in the work of QIFVLS.

Maintaining Privacy

At intake, clients are informed why their information is being collected, how their privacy will be protected and their rights in relation to this information. To ensure privacy when discussing sensitive matters, QIFVLS will ensure meetings are held in private consultation spaces.

Anonymity

If required, QIFVLS will allow a Service User to contact QIFVLS anonymously or using a pseudonym. For example, if a Service User makes an initial enquiry with QIFVLS, QIFVLS will not ask for the Service User's name unless QIFVLS needs it to adequately handle the Service User's question, or undertake a conflict of interest check.

For most of QIFVLS's functions, however, QIFVLS will usually need enough information (including a Service User's name and contact details, any court-related information and the details of other parties involved in a Service User's matter) to enable QIFVLS to fairly and efficiently handle a Service User's legal matter or enquiry or complaint, and to act on a Service User's behalf if required.

Research Projects

People being invited to participate in a research project must be:

- Given a choice about participating or not;
- Given the right to withdraw at any time;
- Informed about the purpose of the research project, the information to be collected and how information they provide will be used; and
- Given copies of any subsequent publications.

The collection of Personal Information will be limited to that which is required for the conduct of the project. Individual participants will not be identified without consent. Organisational participants in research projects will generally be identified in QIFVLS research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

QIFVLS's Website

QIFVLS runs and maintains a public website (www.qifvls.com.au).

Where the QIFVLS website allows a Service User to make comments, contact us or give feedback, QIFVLS collects the Service User's email address and sometimes other contact details. QIFVLS may use a Service User's email address or contact details to respond to a Service User. QIFVLS stores this Personal Information on servers located in Australia.

QIFVLS also uses a range of tools provided by third parties, including Google, Bing, QIFVLS's web hosting company Brandtree, and QIFVLS's domain hosting service and domain name system, IIG, to collect or view website traffic information. These sites have their own privacy policies. QIFVLS may



also use cookies and session tools to improve a Service User's experience when accessing the QIFVLS website.

The information which is collected by these tools may include the IP address of the device a Service User is using and information about sites that the IP address has come from, the pages accessed on the QIFVLS website and the next site a Service User visits. QIFVLS uses this information to maintain, secure, improve and enhance the QIFVLS website.

If a Service User wishes to opt out of the collection of this information by Google Analytics, a Service User can do so using the Google Analytics Opt-out Browser Add-on.

Information which is disclosed to Google Analytics may be stored by Google across multiple countries. For further information, see Google Data Centres and Google Locations.

Social Media

QIFVLS maintains several social media accounts (including Facebook, LinkedIn, Instagram and Twitter) to communicate with the public about its functions, services and activities.

When a Service User communicates with QIFVLS using social media, QIFVLS may collect a Service User's Personal Information. QIFVLS will only use a Service User's Personal Information to communicate with a Service User and the public.

The relevant social media platform will also handle a Service User's Personal Information for its own purposes and may collect and store a Service User's information overseas. The relevant social media platform should have its own privacy policy regarding its collection, use and storage of a Service User's Personal Information.

Email Lists

If a Service User subscribes to any of QIFVLS email lists (including any publications, newsletters, news posts or brochures published by QIFVLS), QIFVLS will collect the Service User's email address and any other contact information which the Service User provides. This information will only be used for the purpose of sending the Service User regular updates on the functions, services and activities of QIFVLS and to administer the subscription lists.

Disclosure

There may be situations where QIFVLS is required to disclose information. The most common instances of this are:

- **Complaints** – If a Service User makes a complaint to QIFVLS, it will be handled under QIFVLS's Complaints Management Policy. QIFVLS will usually notify the respondent of the complaint, and where relevant, notify any affected third parties. If a Service User requests that only limited information is disclosed to the respondent, QIFVLS may not have enough information to fairly, effectively and properly deal with the matter. The respondent must be provided with sufficient particularised information to be able to fully and appropriately respond to the complaint.



- **Court Matters** – QIFVLS may be required to disclose Personal Information during the course of a Service User’s matter to court staff, or other external bodies relevant to the Service User’s matter.
- **Publication of Reports** – Under the funding agreements which QIFVLS has with the Commonwealth, QIFVLS may be required to publish reports regarding its functions, activities and outcomes, which may include the disclosure of Personal Information. Where possible, QIFVLS will seek a Service User’s consent before publishing Personal Information.
- **Media** – Occasionally QIFVLS’s functions, services and activities may appear in the media. QIFVLS will only provide Personal Information if a Service User has provided consent or where the information is publicly available.
- **Service Providers** – QIFVLS uses a number of service providers to whom it is necessary to disclose Personal Information. These service providers include our website host, server hosts and IT management. To protect the information which QIFVLS discloses, QIFVLS requires all contractors that have access to Personal Information sign a “Deed of Confidentiality”, which is updated with each new contract term with that service provider. QIFVLS contractors (and subcontractors) must also comply with the Privacy Act which has 13 Australian Privacy Principles (“APPs”). Under the Privacy Act (section 95B), QIFVLS contractually requires contractors and subcontractors to comply with the APPs.
- **Sensitive Information** – If a Service User discloses Sensitive Information to QIFVLS, it will only be disclosed for the purpose for which the Service User provided it to QIFVLS, for any directly related purpose which a Service User would reasonably expect, or if a Service User agrees to the disclosure.

Quality of Personal Information

To ensure that any Personal Information which QIFVLS collects is accurate, up-to-date and complete, QIFVLS will:

- Record information in a consistent format;
- Confirm the accuracy of any information gathered from a third party or public source, where necessary;
- Add updated or new information to existing records as soon as reasonably practicable;
- Regularly audit any contact lists to ensure accuracy.



Storage and Security of Personal Information

QIFVLS takes steps to protect the security and confidentiality of Personal Information which it collects and stores. QIFVLS does this by ensuring:

- The security of all QIFVLS obtained Personal Information is crucial, as those records provide evidence of casework, transactions, support management decisions and ensure public accountability requirements are met. Personal Information records in all formats should be stored securely to prevent unauthorised access, destruction, alteration or removal;
- QIFVLS Workers and Board Directors are responsible for the safe custody of all files and documents that are allocated to them. Sensitive Information, confidential information and Personal Information must be placed in a secure storage area when not in use. When any required action has been completed the file/documents must be returned to the Records Unit for storage;
- File storage units must be locked overnight to prevent unauthorised access. Amongst other risk management considerations, this reduces the possibility of damage by water or fire in the event of a disaster;
- Electronic files are locked with set permissions determined by the Chief Executive Officer, General Manager, Principal Legal Officer or Human Resource Consultant to only be accessible by appropriate Workers or Board Directors;
- QIFVLS records are not to be stored at home or left in cars unattended as they could be lost or damaged or stolen. All QIFVLS records must be stored in protective or fire resistant conditions with suitable access conditions. Confidential records, including Personal Information, must be stored in locked storage cabinets which are accessible only by authorised persons.

QIFVLS destroys Personal Information in a secure manner when it is no longer required. For example, QIFVLS usually destroys any complaints made under the Complaints Management Policy after seven (7) years and any legal files after seven (7) years last point of activity.

Records of clients of QIFVLS who have left the service are archived between six and twelve months after leaving the service. This is because it is not unusual for a client to return to the service for case management assistance despite the legal matter concluding.

QIFVLS's clients are informed about the destruction of records at the beginning of their matter as the "*Authority to Destroy*" is part of the QIFVLS application form. QIFVLS considers it best practice for the Solicitor and Client Support Officer to explain this to the client, and have the form signed by the client, at the time the application form is completed. This information is also repeated at the end of a client's matter as it is a standard paragraph within the final letter to the client.



Any destruction of a client file must be carried out in a manner which strictly maintains client confidentiality (e.g. shredded). Under no circumstances are client files to simply be disposed of as general refuse.

Accessing and Correcting Personal Information

Under the Australian Privacy Principles 12 and 13, a Service User has the right to ask for access to Personal Information which QIFVLS holds about a Service User, and ask that QIFVLS corrects any Personal Information.

A Service User can ask for access to, or correction of, their Personal Information by contacting QIFVLS, and QIFVLS must respond within a reasonable period after the request is made.

QIFVLS will ask a Service User to verify their identity before they are given access to their Personal Information, or before it is corrected. If QIFVLS refuses to give a Service User access to, or correct, their Personal Information, QIFVLS must notify the Service User in writing setting out the reasons.

If QIFVLS has disclosed Personal Information to a third party, and a Service User requests that QIFVLS corrects the Service User's Personal Information, the Service User can request that QIFVLS notify the third party and QIFVLS must do so unless it is impractical or unlawful to do so.

If QIFVLS refuses to correct a Service User's Personal Information, the Service User can ask QIFVLS to associate with their Personal Information (for example, by attaching or linking to the Personal Information) a statement that the Service User believes the Personal Information is incorrect and why.

How to Make a Complaint

If a Service User wishes to complain about how QIFVLS has handled their Personal Information, the Service User should complain in writing to QIFVLS. If a Service User requires assistance lodging a complaint, they can contact QIFVLS.

QIFVLS will handle any complaint made in accordance with its Complaints Management Policy.

If a Service User is not satisfied with the response they receive from QIFVLS, the Service User may contact the Office of the Australian Information Commissioner by:

Email: enquiries@oaic.gov.au

Telephone: 1300 363 992 (or +61 2 9284 9749 if overseas)

Post: GPO Box 5218, SYDNEY NSW 2001

Facsimile: +61 2 9284 9666

Assisted Contact:

National Relay Service:

- TTY Users: Phone 133 677 then ask for 1300 363 992
- Speak and Listen Users: Phone 1300 555 727 then ask for 1300 363 992



- Internet Relay Users: Connect to the NRS then ask for 1300 363 992

Translating and Interpreting Service: 131 450 then ask for 1300 363 992.

Apart from local call costs, the above services are free.

Related Policies

- Complaints Management Policy

Review

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	Chief Executive Officer	Chief Executive Officer

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	02 November 2016	Chief Executive Officer	30 November 2017

Signed:

Position: Chief Executive Officer

Date: 02 November 2016