

Privacy Policy



Purpose

The *Privacy Policy* sets out Barnardos Australia (Barnardos) policy on:

- the collection, use and disclosure of personal information
- governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information.

Scope

This policy applies to all people who access Barnardos services, including children, young people, their families, carer applicants and carers¹.

Policy Statement

Barnardos is committed to upholding your rights to privacy under the Privacy Act 1988 and the Australian Privacy Principles.

Our commitment to confidentiality is resolute.

Privacy management is a continuous and evolving process and we regularly update our practices to accommodate changes in legislation, policy and technology.

What information do we collect?

Barnardos only collects personal information if it is necessary for us to provide services and supports, and in the case of carer applicants and carers, to ensure that they can promote the safety and wellbeing of children and young people.

Personal information includes a broad range of information, or an opinion, that could identify an individual. Examples of personal information include an individual's name, address, phone number, date of birth.

Personal information includes sensitive and health information. Sensitive information, or an opinion, includes information about an individual's racial or ethnic origin; political opinions or associations; religious or philosophical beliefs; trade union membership or associations; sexual orientation or practices; criminal record; health or genetic information and some aspects of biometric information. Generally, sensitive information has a higher level of protection than personal information. Health information includes information about an individual's illness, disability or injury².

¹ Barnardos has a separate [Donor Privacy Policy](#).

² Definition of health information is broader as it applies to health service providers.

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Why do we collect this information?

Barnardos collects and uses personal information to inform case planning, the delivery of services and supports and realisation of identified outcomes. We have some obligations to disclose information outside Barnardos and these are described below, and where disclosure is necessary, written records are kept.

Where information is used internally, the identity of individuals is never revealed. For example, where case studies are used for educational purposes identifying information is not included. Case studies must not be distributed where the identity of the people involved could be ascertained.

Barnardos does conduct or commission its own research. For research activity that involves human participation, ethics approval must be obtained.

How we collect your information

We primarily collect information from our clients, with their consent (please see the Appendix 1 for template examples).

Barnardos also requests and receives information from other organisations. In line with legislation in the ACT, children in out of home care (OOHC) have information sent on from other agencies to us automatically ([Child and Young People Act 1999](#)). In NSW, Barnardos can request and provide information under Chapter 16A of the [Children and Young Persons \(Care and Protection\) Act 1998](#). There may also be situations where we are required to obtain information from a secondary 'entity'. An example may be where a court order is in place for a child and, in order to provide safe and appropriate service, this information is required. When asked to submit information to a Court, Barnardos will only do so when issued with a subpoena or with the permission of the person involved. Note that it is possible to challenge the amount of information required in a subpoena and this should be discussed by welfare workers in supervision.

Where do we store your information?

Information is stored either in our client management systems or in paper files. Current paper files are kept at the Barnardos Office where a person's Case Manager is based.

In NSW, closed files are stored in either the Barnardos Ultimo Office, approved offsite storage locations or at the NSW Government archives. Barnardos complies with the practices and timeframes set out in the [Children and Young Persons \(Care and Protection\) Act 1998](#).

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In the ACT, as files for children and young people in OOHC are the property of the ACT Government, once closed, these files are returned to ACT Government Community Services Directorate for archiving. Barnardos complies with the practices and timeframes set out in the [Children and Young People Act 2008](#).

How we keep your information secure?

Barnardos is required to secure all personal and health information, with access limited to a need-to-know basis. This includes, but is not limited to, ensuring all electronic and paper records are kept in secure locations with appropriate protections in place; having systems in place that ensure only relevant staff can access information; enforcing a clean desk policy and conducting periodic audits to ensure compliance with privacy and security requirements.

Who do we disclose your information to, and why?

In NSW, if Barnardos becomes aware that a child or young person is at risk of significant harm (ROSH), this must be reported to the NSW Department of Communities and Justice Child Protection Helpline. Barnardos also receives some information from ROSH reports if they relate to a child, young person, carer or staff member. If there is an allegation concerning a sexual offence; sexual misconduct; assault; ill-treatment; neglect or behaviour that is found to be reportable conduct, it will be reported to the NSW Office of the Children's Guardian as a reportable conduct allegation and investigated by Barnardos. Barnardos also has legislative obligations to provide information to other 'prescribed bodies' (usually other child protection and out of home care agencies) which request information in order to help deliver services and support which promote the safety, welfare and wellbeing of children and young people. Information may be requested from Barnardos or provided to us about a carer applicant, carer or young person about to turn 18 relating to the NSW Office of the Children's Guardian's Working With Children Check.

In ACT, Barnardos is also required to report concerns of abuse or neglect to the ACT Government's Child and Youth Protection Services (CYPS). ACT Together reports critical incidents to CYPS via our Critical Incident Report form, and only some of these incidents are also Child Concern Reports. The Critical Incident Report form allows the reporting worker to select to make the Critical Incident Report also a Child Concern Report and provide additional information so that two reports do not have to be completed for the one incident.

Barnardos also receives some information from those reports if they relate to a child, young person, carer or staff member. If there is an allegation concerning a sexual offence; sexual misconduct; assault; ill-treatment; neglect or behaviour that is found to be reportable conduct, it will be reported to the ACT Ombudsman as a reportable conduct allegation and investigated by Barnardos.

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A child or young persons' OOHC file (that is managed by Barnardos) belongs to the ACT Government. These files are available to the Minister and their delegate and any other body required by law. We may also have to make information available to the State or Territory Government if the child or young person is under parental responsibility of the Minister.

Information may be requested from Barnardos or provided to us about a carer applicant, carer or young person about to turn 18 relating to the Access Canberra's Working With Vulnerable People Check. Information may also be required by funding bodies such as Government Departments. In these situations, the Department is responsible for de-identifying the information or ensuring appropriately secured systems are in place for sharing the information.

Under the [Children and Young Persons \(Care and Protection\) Act 1998](#) and [Children and Young People Act 2008](#), it is illegal to publish information identifying that a child or young person is under the parental responsibility of the Minister or in Out of Home Care.

For carers in NSW, the Children and Young Persons (Care and Protection) Act 1998 outlines what information can be disclosed about carers to birth parents/family. While in the ACT, ACT Together are required to disclose information to CYPS under the Children and Young People Act 2008, however under the Act can also share information as part of a declared care team (s863) or in accordance with the Act. Barnardos does not disclose personal information to persons overseas unless individual consent has been provided or the safety and protection of a child overrides all other concerns.

Who can access your information within Barnardos?

Access to information is limited to staff who require it to delivery services and supports. This is reinforced through Barnardos Code of Conduct, which staff are required to sign upon employment with Barnardos. We also have systems and frameworks in place to ensure compliance with this Policy.

Correcting your information

Barnardos is required to ensure that personal information about an individual is current, accurate and complete. If a person requests a correction to file information, they should ask their Barnardos Case Manager.

Where the Barnardos Case Manager refuses to make a correction to a person's personal information, a written explanation explaining why will be provided. A complaint can be made about this decision in accordance with [Barnardos Complaints Policy](#).

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Who do I speak to about a potential privacy breach?

Respecting your privacy is very important to Barnardos and we make every effort to ensure this occurs. However, if you believe your privacy has been breached, or you would like to discuss any issues you may have with this policy we urge you to contact Barnardos Privacy Officer, Rita D'Arcy, on (02) 9218 2450 or email privacy@barnardos.org.au

Roles and Responsibilities

In keeping with the scope and principles of this policy, the following table outlines respective roles and responsibilities within Barnardos.

Who	Commitment	Actions and responsibility
Board	Promote and foster a culture of best practice with regards to the collection, storage, access, use of information and responses to any data breaches in accordance with privacy legislation and policy.	Ensure that an appropriate Privacy Framework is in place to minimise and manage privacy risks.
Executive Management Team (EMT)	Establish and oversight Barnardos' commitment to privacy and confidentiality	Ensure that appropriate mechanisms are in place to support the privacy of those who access Barnardos services.
Management Team	Operationalises Barnardos' Privacy Policy	<ul style="list-style-type: none">Recruit, train and supervise staff, volunteers, students, contractors and consultants to ensure understanding and adherence to this policy.Encourages and supports staff to recommend ways to improve Barnardos Privacy Policy.Ensures that a copy of Barnardos Privacy Policy is provided to all people who access Barnardos services.
All employees, volunteers, students, contractors and consultants	Understand and comply with Barnardos' Privacy Policy	<ul style="list-style-type: none">Promote and advocate for the rights of people who are in contact with our services.Provides a copy of Barnardos Privacy Policy to all people who access Barnardos services.

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| | | <ul style="list-style-type: none">• Listen and ensure everyone's voice is heard, including responding to complaints. |
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Related Information

Barnardos

This policy has been written with reference to and operates in conjunction with the following policies:

- [Policy – Archiving](#)
- [Policy – Code of Conduct](#)
- [Policy - Complaints](#)
- [Policy – IT](#)
- [Policy – Social Media](#)
- [Policy – Donor Privacy Policy](#)
- [Procedure – Data Breach Response Plan](#)

External

This policy has been written with reference to and operates in conjunction with the following legislation and external standards:

Commonwealth

- [Privacy Act 1988](#)

New South Wales

- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Health Records and Information Privacy Act 2002](#)

Australian Capital Territory

- [Children and Young People Act 2008](#)
- [Information Privacy Act 2014](#)
- [Health Records \(Privacy and Access\) Act 1997](#)

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Version control and change history

Approved by:	Executive Leader, People & Culture	Approval date:	March 2020
Date Effective:	2 April 2020	Next Review Due:	March 2023
Contact for Queries:	People and Culture		

Version Number	Approval Date	Approved by	Amendment
1.0	June 2015	Sue Tregeagle	Barnardos Privacy Policy – Written for children, young, people and families and for carers, volunteers, job applicants and our workers
1.1	June 2018	Executive Manager, People & Practice	Barnardos Australia Privacy Policy and Access to Information (minor revisions)
2.0	March 2020	Executive Manager, People & Practice	Barnardos Privacy Policy
2.1	December 2020	Executive Leader, People and Culture	Updating contact details of People and Culture Executive Leader

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Appendix 1

New South Wales privacy consent form – Disability Support Services

PRIVACY CONSENT

Barnardos (Disability Support Services) needs to collect information about the participant for the primary purpose of providing a quality service to you. In order to thoroughly assess and provide appropriate support services to you, we need to collect some personal information from you. If you do not provide this information; we may be unable to offer services to you. This information will also be used for:

- a. The administrative purpose of running the service;
- b. Informing program design of Barnardos Disability Support Services;
- c. Supplying ongoing support (including making this form available to relevant support workers within our Disability Support Service).
- d. Disclosure of information to your NDIS plan manager, doctors, teachers or specialists as required to facilitate communication and best possible support for you.

We do not disclose your personal information to overseas recipients.

Barnardos has a Privacy Policy that is available on request and on our website. That policy provides guidelines on the collection, use, disclosure and security of your information. The Privacy Policy contains information on how you may request access to, and correction of, your personal information and how you may complain about a breach of your privacy and how we will deal with such a complaint.

To ensure the process of quality service provision, information about your progress may be given to other relevant service providers, who are involved in your support management. These may include your NDIS plan manager, doctor, teachers or specialists.

- I, (Name), have read the above information and understand the reasons for the collection of my (or child's) personal information and the ways in which the information may be used and disclosed and I agree to that use and disclosure.
- I understand that it is my choice as to what information I provide and that withholding or falsifying information might act against the best interests of my support.
- I am aware that I can access my(or child's) personal on request and if necessary, correct information that I believe to be inaccurate.
- I understand that if, in exceptional circumstances, access is denied for legitimate purposes, that the reasons for this and possible remedies will be made available to me.
- I have been provided with or have been given an opportunity to obtain a copy of Barnardos privacy policy.

Signed.....Date.....

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Australian Capital Territory privacy consent form

COMMUNITY ADOLESCENT PROGRAMS

Privacy Notice and Consent Form

Barnardos Community Adolescent Programs (CAP) is a part of ACT Together that works with young people who are transitioning to independence to provide a range of accommodation options as well as support.

CAP provides Case Management support for children and young people.

CAP Aftercare Support provides outreach case management for young people who have formerly been in care in the ACT.

CAP Housing options are suitable for young people 16 years and above who are ready to live in a more independent environment. Young people in CAP Housing are willing and motivated to live independently and to develop their living skills.

CAP Case Managers provide support and work with the young person with their Case Plans and Transition Planning.

CAP is committed to upholding the Australian Privacy Principles contained in the Privacy Act 1988 (Cth). The Barnardos Privacy Officer is responsible for ensuring that our privacy policies are adhered to and our detailed privacy policy can be accessed online

<http://www.barnardos.org.au/media/346704/barnardos-donor-privacy-policy-december-2014.pdf>

You have the option of not identifying yourself or using a pseudonym when dealing with us in relation to a particular matter, unless we believe it is impracticable to do so in the circumstances. If you wish to deal with us in this manner, you must tell us in writing so that we can consider if your request is practicable.

CAP collects your personal and sensitive information that we believe is reasonably necessary to provide you with Case Management, Housing and support services. By providing us with this sensitive information you consent to our use or disclosure of your information for a secondary purpose directly related to the primary purpose. Unless permitted by law, we will not use this information for any other purpose without your consent. The information we collect includes the information you provide to us on this document, any additional information you provide to our staff verbally or otherwise and any information we may need to collect about you from third parties on your behalf (if applicable). You may request access to the information we hold about you at any time by discussing with your Case Manager. By not collecting this information we may be limited in our ability to provide you with our best levels of care and support.

As your privacy is important to us, we will only ever collect and disclose information about you in relation to your case management support needs or unless otherwise required by law.

I acknowledge that I have read and understood this privacy notice and freely agree to provide the sensitive information referred to and/or contained in this document to CYRS. I acknowledge that the information I have provided to CYRS is current and I consent to the disclosure of this information to the types of organisations or individuals identified above. I undertake to notify CYRS as soon as practicable if this information is no longer current or if my consent for the collection of this information is withdrawn. I acknowledge that until such time that I notify CYRS that my consent is withdrawn, I agree that CYRS will be entitled to presume that this consent is current and informed.

Name:

Signature:

Date: