

# C22 PHOENIX Privacy Policy - Clients

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| Endorsed by:       | Phoenix Board     |
| Ratification date: | 23 March 2020     |
| Due for review:    | From April 2023   |
| Policy updated by: | Executive Officer |
| Last update on:    | 11 March 2020     |



## 1. BACKGROUND AND WHO WE ARE

- (a) This document sets out the policy of Phoenix Support & Advocacy Service Inc. (together, **Phoenix, us, our or we**) relating to the protection of the privacy of personal information (**Privacy Policy**).
- (b) This Privacy Policy should be read in conjunction with the following Phoenix policies:  
OHS 3a/b/c (child abuse/ FDV/ Aggression-MH)
- CO3 (Client records)
  - CO5 (Client profile and assessment)
  - CO6 (Stats collection)
  - CO8 (Grieves & complaints)
  - CO9 (AOD)
  - C13 (Case Liaison)
  - C14 (Groups)
  - C18 (Family groups)
  - C21 (Courts, subpoena, warrants)
- (c) The above policies can be obtained at any time from Phoenix on request.

## 2. WHAT IS THIS PRIVACY POLICY ABOUT?

- (a) We respect the privacy of your personal information in our care and are committed to protecting the privacy of the personal information we collect and receive.
- (b) The purpose of this Privacy Policy is to explain:
- (i) the application of this Privacy Policy;
  - (ii) the kind of information we collect about you, how we collect it, and how we use it;
  - (iii) how we may disclose that information;
  - (iv) how you can access the information we hold about you;
  - (v) when we may use your information to contact you;
  - (vi) the protection of your personal information;
  - (vii) our use of cookies and other online marketing tools to collect information, and how you can control or delete these cookies.

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- (c) This Privacy Policy also informs you of your rights to privacy and describes how we comply with our privacy requirements as set out in the *Privacy Act 1988* (Cth) (**Privacy Act**), the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Cth) and the *Privacy (Credit Reporting) Code 2014* (**Privacy Code**).
  - (d) The Australian Privacy Principles contained in the Privacy Act govern the way in which we collect, use, disclose, store, secure and dispose of your personal information.
  - (e) This Privacy Policy also deals with how we collect, manage, store and disclose your “personal information”. Certain parts of this Privacy Policy also apply to “sensitive information”. These terms are discussed below.

### 3. YOUR CONSENT

- (a) By using our services, you consent to the privacy practices set out in this Privacy Policy. You consent to us collecting, storing, using and disclosing personal information about you as set out in this Privacy Policy.
- (b) If you are a client under the age of 18, your parent or legal guardian consents to the terms of this Privacy Policy.
- (c) You have the option of remaining anonymous or use a pseudonym in your dealings with us. However, in most situations we will be unable to provide you with our services if you do not provide us with your personal information. We need to have your details in order to provide our services to you.
- (d) If you have concerns about your rights to anonymity or the use of a pseudonym, you can contact our Privacy Officer on a no-names and confidential basis.
- (e) Similarly, if you do not agree with the Privacy Policy and do not give the above consent, please contact our Privacy Officer to discuss your options.

### 4. WHAT IS PERSONAL INFORMATION AND SENSITIVE INFORMATION?

- (a) The term “personal information” is defined by the Privacy Act. Personal information is information or an opinion that can be used to identify you or which allows your identity to be worked out from the information. This might include personal details like your name, address, date of birth, other contact information like your email address and phone number and financial information like your credit card number or bank details. It may also include your opinions about our services and our staff, as well as any information sent to us through correspondence.
- (b) “Sensitive information” is a type of personal information. Sensitive information can include information like your racial or ethnic origin, health information, political opinions, membership of a political association, professional or trade association or trade union and criminal record. We are required by the Privacy Act to ask for your consent to collect sensitive information. When we talk about personal information in this Privacy Policy, we mean personal information and sensitive information, including health information.
- (c) If you engage our counselling or other support services, we will collect personal information from you, in order to provide you with our services or to accept donations from you.
- (d) We may collect sensitive information from you if it is necessary to provide you with our services.

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- (e) This Privacy Policy applies to personal information and sensitive information whether we have asked for the information or not.

## 5. THE KIND OF PERSONAL INFORMATION WE COLLECT AND HOLD

- (a) The personal information we collect and hold will depend on our dealings with you.
- (b) The different kinds of personal information we collect and hold about individuals includes:
- (i) names;
  - (i) contact details, including address, phone number and email address;
  - (ii) signatures;
  - (iii) dates of birth;
  - (iv) opinions about our services and staff; and
  - (v) any information sent to us through correspondence.
- (c) We will never keep records of government identifiers, including tax file numbers, health care card numbers, or pension card numbers, although we will need to sight these details if you wish to access discounted fees for our services.
- (d) The only personal information which we collect about you when you use our website or contact us online is what you tell us about yourself, such as when you complete an online enquiry form, or information you provide to us when you send us an email. The kinds of personal information that we may collect through our website include:
- (i) your name;
  - (ii) your contact details;
  - (iii) other information you provide to us; and
  - (iv) your feedback and opinions.

## 6. SENSITIVE INFORMATION

- (a) If you engage our counselling or other support services and become a client of ours, we will collect sensitive information including health information in order to provide you with our services. This sensitive information is required by us so that we can provide services to you. We cannot effectively provide our services if you do not provide us with the health information, or other sensitive information, we require.
- (b) We collect sensitive information from you during our consultations and appointments with you, which may be via phone or in person, or when you provide us with sensitive information by email, when providing us with feedback and via our website.
- (c) We are required by the Privacy Act to ask for your consent to collect sensitive information. We will ask you to provide your written consent to the collection of your sensitive information, including health information before we can provide you with our services. We will do this by providing you with a consent form to sign. If you do not sign the consent form, we will be unable to provide you with counselling and other services.
- (d) We will also collect sensitive information if the Australian Privacy Principles allow us to do so, in the manner permitted to do so.

## 7. WHY WE COLLECT PERSONAL INFORMATION

We collect personal information for several reasons including:

- (a) to communicate with you;
- (b) to determine whether we are able to provide services to you and to determine the applicable fee payable by you for our services;
- (c) to supply services to you;
- (d) to manage and administer your relationship with us, including processing payments, accounting, auditing, billing and collection and support services to provide our services to you;
- (e) for the purpose of reporting to those government organisations that provide funding for the services we provide to you;
- (f) for the purpose of providing *anonymous* quotes taken from feedback received from you and potentially then published in Phoenix documents such as for example annual reports, community newsletters, or other relevant publications to promote Phoenix and the benefits for clients accessing our services;
- (g) to measure our performance and to improve our services, including for the quality assurance of our services;
- (h) for analysis of our services;
- (i) to develop our services;
- (j) to better understand your requirements and preferences and improve our services;
- (k) to perform other administrative functions, such as maintaining your client file;
- (l) to obtain and maintain insurance;
- (m) to comply with legal requirements; and
- (n) for purposes directly related to any of the above.

## 8. HOW WE COLLECT PERSONAL INFORMATION

- (a) We collect personal information in many ways, including during our dealings with you, by providing you with our services, during our consultations and appointments with you, by interviewing you, by correspondence, telephone, facsimile, email, via our website, when you provide feedback, from publicly available sources, from cookies and from third parties.
- (b) We may take photographs or videos of you in connection with the provision of services to you. This is covered in section 0 below.
- (c) We will only collect personal information relevant to the services you require and the dealings with you.
- (d) In most cases, we will collect information directly from you. However, in certain circumstances we will also collect personal information from third parties, including the following:
  - (i) government agencies;
  - (ii) other support, advocacy and counselling agencies or other service providers;
  - (iii) Medical Practitioners;
  - (iv) law enforcement bodies;
  - (v) publicly available records;
  - (vi) public registries;
  - (vii) court or tribunal records;
  - (viii) online searches; and
  - (ix) social media (such as LinkedIn and Facebook).

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- (e) If we are provided with information by a third party, we will take reasonable steps to notify you that the information was provided to us by a third party.
  - (f) We will also collect personal information from third parties if we are required or authorised by an Australian law or court/tribunal order to do so.
  - (g) We may collect personal information from other support, advocacy and counselling agencies, medical practitioners or other service providers when such bodies refer clients to us. However, we will not seek to collect personal information from other agencies you may be dealing with *without your consent*.
  - (h) If you are considering sending us any personal information electronically, be aware that the information may be insecure in transit, particularly where no encryption is used (e.g. email, standard http). We cannot guarantee that any information sent or accessed electronically is secure.
  - (i) If you supply us with the personal information of a third party we accept that information on the condition that you have all the rights required from that third party to provide that personal information to us to use for our functions and activities.

## 9. HOW WE STORE PERSONAL INFORMATION AND INFORMATION SECURITY

- (a) We may hold your personal information in physical and electronic form, both at our premises and with the assistance of our service providers. We implement a range of measures to protect the security of that information. Your personal information is stored in a manner that reasonably protects it from misuse or loss and from unauthorised access, modification or disclosure.
- (b) We store personal information either in a locked cabinet away from public access or electronically.
- (c) We store electronic information on our computer systems and computer servers. Most of our systems and servers are used and hosted by third party providers and are held in secure data centres that are managed by third parties. Some systems and servers are cloud hosted that are governed by privacy legislation.
- (d) We may store your personal information with Halaxy Pty Ltd ACN 633 220 612 (**Halaxy**), a global online patient management software. Halaxy will store your personal information in accordance with its privacy policy. For more information about Halaxy you can visit its website at: <https://www.halaxy.com/> or to access Halaxy's privacy policy, you can visit <https://www.halaxy.com/article/privacy>.
- (e) However, we cannot guarantee that your personal information will always reside on servers that are physically located in Australia. Your personal information may be stored on servers located overseas. We also may use service providers and contractors located overseas, and your personal information may be disclosed to them.
- (f) We will take reasonable steps to ensure that any overseas recipient complies with the Privacy Act, where we are aware that they are located overseas. Where your personal information is stored or hosted overseas, access to and use of that personal information will be governed by laws that apply in those overseas locations.
- (g) Only our authorised personnel have access to our server and computer systems and our hard copy files. All our server and computer systems are protected by a security password.

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- (h) We also hold personal information in hard copy. Hard copies are stored securely in our office. We will not remove hard copy files from Phoenix premises at any time other than to transfer these to our contracted confidential and secure storage service providers when due for archiving.
  - (i) Our employees will only access personal information on a 'need to know' basis. All our employees who might encounter personal information are educated about the terms of our Privacy Policy.
  - (j) In the unlikely event of a suspected data breach, we will within 30 days assess and evaluate whether a breach has in fact occurred and will, if required, notify the relevant data protection authority unless the breach is not likely to present any risk to your rights.

## 10. HOW WE DISCLOSE PERSONAL INFORMATION

- (a) We disclose your personal information to third parties for the following purposes:
  - (i) to provide you with our services;
  - (ii) to store our data;
  - (iii) to improve our services;
  - (iv) for statistical research purposes;
  - (v) for quality assurance purposes;
  - (vi) if permitted or required by law or a governmental authority;
  - (vii) to obtain and maintain insurance, or if required by our insurer in connection with a claim; or
  - (viii) for any other purpose, with your consent.
- (b) Our counsellors may discuss the information you provide to them during appointments or otherwise with supervisors within Phoenix for the purpose of providing you with improved services.
- (c) Non-identifiable personal information may be discussed at a counsellor's external clinical supervision sessions. Counsellors are required to attend these supervision sessions for the purpose of professional development, and to ensure counsellors are supported to apply best practice principles, and are held accountable for their clinical practice, and to also ensure they remain ethical in their work with their clients.
- (d) As part of providing our services to you, we will sometimes need to disclose your personal information to third parties who perform part of our services. We will disclose information including your health information to client related databases for the purpose of managing our client records and information.
- (e) We may also provide your personal information to our service providers who assist us with customer contact, archiving, auditing, accounting, legal, business consulting, IT support, banking, delivery, data processing, website or technology services. We will take reasonable and practicable steps to ensure third parties we deal with take steps to protect your privacy.
- (f) If you are a client and are engaging counselling or other support services from multiple agencies, it can be beneficial to share your personal information with those agencies. We will not disclose your personal information to other agencies without your *written consent*.

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- (g) If you are a client under the age of 18, we can disclose your personal information to your parent or legal guardian. We will only disclose your personal information to your parent or guardian on the direction of our Executive Officer and in line with Phoenix policy.
  - (h) We will disclose non-identifiable client information to our funding bodies, including government agencies for statistical purposes or analysis.
  - (i) The Executive Officer and other Board members of Phoenix may access your personal information for the purpose of quality assurance, management including risk management and accounting or other related purposes. This may include the Executive Officer viewing or listening to session recordings. The Executive Officer will have access to all clients' clinical notes on a need-to-know basis only.
  - (j) In some circumstances we are permitted or authorised by or required under an Australian law or a court/tribunal order to use or disclose your personal information. For example, if our disclosure of your information will reduce or prevent a serious actual or threatened risk to life, health or safety or our disclosure is in response to any unlawful activity. In this event, disclosure will be made to the relevant authorities. The decision to disclose your information on this basis will be made by the Executive Officer unless the situation is an immediate emergency, and then it may be made by your counsellor if there is absolutely no opportunity to consult with the Executive Officer or an appointed delegate.
  - (k) We will take reasonable and practicable steps to ensure third parties we deal with take steps to protect your privacy. All Phoenix employees are required to maintain the confidentiality of any personal information held by us.
  - (l) We will never sell your personal information to anyone.
  - (m) Generally, we will not disclose your personal information to anyone overseas, except if we are required to do this by law or if it is necessary to provide you with the services you have requested from us.

## **11. DESTROYING PERSONAL INFORMATION**

- (a) We will generally destroy, or take steps to de-identify, personal information, when it is no longer required by us for a permitted purpose.
- (b) We otherwise destroy information after 7-years since we have last dealt with you. If you are a client, you can request that we destroy your file after a time you are no longer a client. This request will be subject to our requirements to keep records for audit and professional indemnity purposes. If you are a Phoenix client, you may also request that we keep your file for longer than the 7-year period.
- (c) We will also destroy or de-identify personal information when required to do so by law.

## **12. ACCESS AND CORRECTION OF PERSONAL INFORMATION**

- (a) We will take reasonable steps to ensure that the personal information we collect, use and disclose is accurate, up-to-date and complete. However, we do not promise that we will contact you to check that the personal information we hold about you is up to date. Generally, we will rely on you to keep us informed and to ensure personal information we hold about you is up to date.

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- (b) We will take reasonable steps to protect personal information that we hold from misuse, interference, loss, unauthorised access, modification or disclosure.
  - (c) You have the right under the Privacy Act to request access to personal information about you that is held by us under Freedom of Information principles. Phoenix will, upon your written request provide access for you to view your file at our office and under supervision.
  - (d) You also have the right to request correction of any of your personal information that we hold. We will take reasonable steps to make appropriate corrections to your personal information so that it is accurate, complete and up to date.
  - (e) If you would like to access, or correct, your personal information please write to our Privacy Officer using the contact details set out below. Please make sure you clearly identify the information or correction requested. In order to protect your personal information, we will require photo identification (e.g. passport or driver's licence) from you before releasing the requested information.
  - (f) We will use reasonable endeavours to promptly provide the information requested, and within the period required under the Privacy Act.
  - (g) If we are permitted to do so by law, we may charge a reasonable fee to cover the cost of meeting your request.
  - (h) In some cases, we may refuse to provide you with access to your personal information. We will only do this if we are permitted to do so under the Privacy Act or Privacy Code. If access is refused, we will write to you and explain why.

### 13. RECORDINGS AND PHOTOS

- (a) Generally, we will not record or photograph clinical or counselling sessions. However, we may record and/or photograph clinical or counselling sessions for the purpose of quality assurance. We will never record or photograph a clinical or counselling session *without your prior consent*, and if you are under the age of 18, without the prior consent of your parent or legal guardian.
- (b) Any recordings or images of clinical or counselling sessions will be destroyed after the recording or image is no longer required for the purpose for which it was collected. Recordings will never be used for any other purpose other than the purpose specified in the consent.
- (c) The Executive Officer may, from time to time, view a clinical or counselling session for the purposes of quality assurance. The Executive Officer will never view a clinical or counselling session *without your prior consent*, and in the case where you are under the age of 18, without the prior consent of your parent or legal guardian.

### 14. DIRECT PROMOTION

- (a) We may use your personal information to send promotional materials to you if the promotional material is related to the purpose for which we collected that information.
- (b) We will ask for your consent before we use your personal information for promotional purposes if we have not collected that personal information directly from you or where sensitive information is involved.
- (c) If you receive promotional offers from us and do not wish to receive these in the future, please contact us. You can unsubscribe from our mailing lists at any time by contacting us in writing.



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## 15. INTERNET COOKIES, MARKETING AND ANALYTICS TOOLS

- (a) An internet cookie is a data file that is placed on the computer of an internet user during a visit to our website. Cookies are necessary to allow our website and your computer to interact effectively and to enhance security. Cookies can record information about your visit to assist us in better understanding your needs and requirements. Our website uses cookies and related technologies for a variety of purposes including to operate and personalise our website.
- (b) Cookies may also be used by us to track how you use our website. To opt out of this you can visit opt-out websites such as [www.aboutads.info](http://www.aboutads.info), [youronlinechoices.eu](http://youronlinechoices.eu) and [networkadvertising.org/choices](http://networkadvertising.org/choices).
- (c) We may use third party vendor remarketing tracking cookies, including Google Adwords tracking cookies. This means we may show adverts to you across the internet, including via Google and other commercial services and networks.
- (d) Third-party vendors, including Google, may utilise cookies and web browsers in order to serve adverts to you based on visits to our website. This allows us to market our goods and services to those who have shown interest in our services.
- (e) Our website may also use cookies to facilitate sampled reporting of demographics and interests of visitors to our website using Google Analytics and other similar technologies. This data is used to provide better services and more relevant content to our users based on demographic and interest data.
- (f) If you would like to access our website but do not wish to receive any cookies, you should set your browser settings to refuse to accept cookies. This may mean that you are unable to access our website or parts of it.
- (g) You may also be able to opt out of Google's use of cookies, analytics and tracking services by visiting the Ads Preferences Manager setting in your browser and/or by visiting Google's website. You may also be able to opt out of other third-party vendor's use of cookies by visiting the opt-out website's set out above.

## 16. COMPLAINTS

- (a) If you have any questions or complaints about the way we have handled your personal information, you can contact our Privacy Officer using the below contact details:

**Name:** Lois Lloyd  
**Position:** Office Manager  
**Telephone:** (08) 9443 1910  
**Address:** 404 Walcott St, Coolbinia WA 6050  
**Email:** [lois.lloyd@phoenix.asn.au](mailto:lois.lloyd@phoenix.asn.au)

- (b) We take all enquiries seriously and will attend to your question or complaint promptly. Our Privacy Officer will review your complaint, consider our conduct in relation to the complaint and the requirements of the Australian Privacy Principles, and will consider appropriate action. We will respond to complaints within a reasonable period (usually 30 days).
- (c) If you are dissatisfied with our response to your complaint, you can make a complaint to the Office of the Australian Information Commissioner (OAIC). You can find more details about making a complaint to the OAIC here: [www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint](http://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint).

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## 17. UPDATES TO THIS PRIVACY POLICY

- (a) We will review and update this Privacy Policy from time to time. If we make any changes to this Privacy Policy, we will upload a revised policy to our website.
- (b) You agree that it is your responsibility to check for updates to our Privacy Policy.

For more information about privacy issues, and to obtain copy of the Australian Privacy Principles you can visit the OAIC website at <http://www.oaic.gov.au>