

PRIVACY and CONFIDENTIALITY POLICY

Drafted by:	Anthony Edler	Version	V1.0
Input from:	Staff & Board Members	Approved by Board on	9 th July 2024
Responsible person	Anthony Edler	Scheduled review date	July 2026

1. INTRODUCTION

- 1.1 The Board of TasBC is committed to protecting the privacy and confidentiality of personal information collected, held, and administered by the organisation. Personal information is any data that directly or indirectly identifies an individual. This policy outlines our commitment to upholding privacy rights and the measures we take to ensure the security and confidentiality of personal information.
- 1.2 The Tasmanian Bike Collective (TasBC) is committed to upholding its legal and ethical obligation to protect the right to privacy of our participants and their families, TasBC, employees, volunteers, board members, and representatives of agencies and organisations we deal with, and to maintain the confidentiality of the personal, health and sensitive information we hold about them.

2. PURPOSE

- 2.1 The purpose of this policy is to establish a clear framework that outlines TasBC's commitment to protecting personal and sensitive information. It describes the principles and procedures we follow to meet our legal and ethical obligations, and it guides our staff, volunteers, board members, and contractors in managing personal information responsibly and transparently.

3. SCOPE

- 3.1 This policy applies to all TasBC employees, board members, consultants, contractors and volunteers. It governs the collection, use, storage, disclosure, sharing, and destruction of all personal, health, and sensitive information, regardless of format.
- 3.2 Compliance with this policy is mandatory, and failure to adhere to it may result in disciplinary action
- 3.3 All confidential and privacy-related TasBC procedures, work instructions and other guiding documents and information are to comply with this Policy.

4. DEFINITIONS

The Tasmanian Bike Collective, through our values and practices acknowledge the sovereignty of Tasmanian Aboriginals, the original owners of lutruwita (Tasmania). Tasmanians represent many cultures, social and economic backgrounds, all abilities, genders, sexualities and stages of life. We see strength in them all and embrace this diversity. Central to the Tasmanian Bike Collective is the commitment to the safety and wellbeing of children and young people, and by listening and responding to their voice in matters that affect them.

- 4.1 **Privacy** refers to the right of individuals to keep their personal information free from public disclosure and to control how their personal information is collected, used, and shared.
- 4.2 **Confidentiality** refers to the obligation to protect personal and sensitive information from unauthorised access and disclosure, ensuring it is only shared under specific, authorised circumstances. Confidentiality also applies to organisational information which is not to be used or disclosed by board members, staff, volunteers, or contractors without authorisation.
- 4.3 **Personal information** refers to any information that may identify a person. Personal information includes a person's name or address, and can include photos, bank details, a person's place of employment and any other information that could reasonably identify them.
- 4.4 **Health information** refers to any information relating to a person's physical, mental or psychological health or disability.
- 4.5 **Sensitive information** may refer to information including a person's racial or ethnic origin and immigration status, political opinions, religious beliefs or affiliation, trade union or other professional or trade association membership, membership of a political association, sexual identity or practices, gender identity, philosophical beliefs, criminal record and current or former occupation or employment status.

5. POLICY

- 5.1 TasBC collects and administers a range of personal information for the purposes including but not limited to:
 - 5.1.1 Program administration
 - 5.1.2 Delivery of services
 - 5.1.3 Human resource and volunteer management
 - 5.1.4 Research and evaluation
- 5.2 TasBC is committed to protecting the privacy of personal information it collects, holds and administers.
- 5.3 As a community service provider, TasBC has a special obligation to protect and uphold the right to confidentiality of our participants/clients. All employees, volunteers, board members and contractors are required to follow the confidentiality procedure.
- 5.4 TasBC recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one

hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and also reflected in our Privacy Policy, which is compliant with the following legislation:

- 5.4.1 Privacy Act 1988 (Commonwealth)
- 5.4.2 Personal Information Protection Act 2004 (Tasmania)
- 5.4.3 Right to Information Act 2009 (Tasmania)
- 5.4.4 Fair Work Act 2009 (Commonwealth)
- 5.5 TasBC is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards in relation to handling personal information.
- 5.6 TasBC will
 - 5.6.1 Collect only information which the organisation requires for its primary function;
 - 5.6.2 Ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
 - 5.6.3 Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
 - 5.6.4 Store personal information securely, protecting it from unauthorised access; and
 - 5.6.5 Provide stakeholders with access to their own information, and the right to seek its correction.

6. AUTHORISATION



Tim Hynes

Chair of the Board – Tasmanian Bike Collective

09.07.2024

PRIVACY and CONFIDENTIALITY PROCEDURES

Drafted by:	Anthony Edler	Version	V1.1
Input from:	Staff & Board Members	Approved by Board on	09.07.2024
Responsible person	Anthony Edler	Scheduled review date	July 2026

1. RESPONSIBILITIES

- 1.1 Tasmanian Bike Collective's (TasBC) Board is responsible for developing, adopting and reviewing this policy.
- 1.2 TasBC's CEO is responsible for the implementation of this policy, for monitoring changes in privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

2. COLLECTION OF INFORMATION

TasBC will:

- 2.1 Only collect information that is necessary for the performance and primary function of TasBC.
- 2.2 Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- 2.3 Ensure individuals are informed about the purpose of data collection, how their information will be used, and their rights regarding access and correction.
- 2.4 Collect personal information from the person themselves wherever possible.
- 2.5 If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- 2.6 Collect Sensitive information only with the person's consent or if required by law. (Sensitive information includes health information and information about religious beliefs, race, gender and others).
- 2.7 TasBC will also collect sensitive information about an individual if such collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - 2.7.1 is physically or legally incapable of giving consent to the collection; or

The Tasmanian Bike Collective, through our values and practices acknowledge the sovereignty of Tasmanian Aboriginals, the original owners of lutruwita (Tasmania). Tasmanians represent many cultures, social and economic backgrounds, all abilities, genders, sexualities and stages of life. We see strength in them all and embrace this diversity. Central to the Tasmanian Bike Collective is the commitment to the safety and wellbeing of children and young people, and by listening and responding to their voice in matters that affect them.

- 2.7.2 physically cannot communicate consent to the collection; or
- 2.8 Collect health information only with the person's consent and if:
 - 2.8.1 the information is necessary to provide a safe and informed service to the individual; and
 - 2.8.2 the information is collected as required or authorised by or under law and in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.
- 2.9 As a non-profit, TasBC must satisfy the following conditions when collecting information:
 - 2.9.1 the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - 2.9.2 at or before the time of collecting the information, TasBC inform the individual whom the information concerns that it will not disclose the information without the individual's consent;
- 2.10 Handle unsolicited information by assessing its relevance and necessity, and if not needed, securely destroying it and notifying the individual concerned.

3. USE AND DISCLOSURE

TasBC will:

- 3.1 Only use or disclose information for the primary purpose for which it was collected or for a secondary purpose that is directly related and reasonably expected by the individual.
- 3.2 Obtain consent from the individual for any other use or disclosures.
- 3.3 In relation to a secondary purpose, use or disclose the personal information only where:
 - 3.3.1 a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for such purposes; or
 - 3.3.2 the person has consented; or
 - 3.3.3 certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- 3.4 Provide all individuals access to personal information except where it is a threat to life or health or it is authorised by law to refuse and, if a person is able to establish

The Tasmanian Bike Collective, through our values and practices acknowledge the sovereignty of Tasmanian Aboriginals, the original owners of lutruwita (Tasmania). Tasmanians represent many cultures, social and economic backgrounds, all abilities, genders, sexualities and stages of life. We see strength in them all and embrace this diversity. Central to the Tasmanian Bike Collective is the commitment to the safety and wellbeing of children and young people, and by listening and responding to their voice in matters that affect them.

that the personal information is not accurate, then [organisation] must take steps to correct it. [organisation] may allow a person to attach a statement to their information if [organisation] disagrees it is inaccurate.

- 3.5 Where for a legal or other reason we are not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
- 3.6 Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.
- 3.7 If TasBC has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.
- 3.8 Only collect sensitive information necessary to carry out a primary function of the organisation, and only with the person's consent. (See definition for examples of sensitive information)

4. STORAGE

TasBC will:

- 4.1 Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure.
- 4.2 Ensure that all electronic and physical storage systems comply with privacy standards and legal requirements.
- 4.3 Ensure that TasBC's data is up to date, accurate and complete.

5. DESTRUCTION AND DE-IDENTIFICATION

TasBC will:

- 5.1 Ensure that all legal and regulatory record retention requirements are met before disposing of any personal information.
- 5.2 Destroy personal information once it is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.
- 5.3 Change information to a pseudonym or treat it anonymously if required by the person whose information TasBC holds.

- 5.4 Use secure methods to destroy personal information that is no longer needed, including shredding physical documents and securely deleting electronic records.

6. DATA QUALITY

- 6.1 TasBC will take reasonable steps to ensure the information TasBC collects is accurate, complete, up to date, and relevant to the functions we perform.

7. DATA SECURITY AND RETENTION

- 7.1 TasBC will take reasonable steps to protect the information it holds from misuse, loss, unauthorised access, modification or disclosure.

8. OPENNESS

TasBC will:

- 8.1 Ensure stakeholders are fully informed about the Privacy Policy and its purposes.
- 8.2 Make this information easily accessible on the organisation's website and available upon request.
- 8.3 On request by a person, TasBC must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

9. ACCESS AND CORRECTION

- 9.1 TasBC will ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.

10. IDENTIFIERS

- 10.1 TasBC will not apply unique government related identifiers (such as a Medicare number) to individuals.

11. ANONYMITY

- 11.1 TasBC will allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

12. MAKING INFORMATION AVAILABLE TO OTHER ORGANISATIONS

- 12.1 TasBC will release personal information to third parties only with the explicit consent of the individual, except where required by law.

13. PORTABLE STORAGE DEVICES

- 13.1 To minimise the information security risks associated with using portable storage devices staff will:
- 13.1.1 Only use encrypted portable storage devices to store personal information.
 - 13.1.2 Avoid storing personal information on portable storage devices, where possible.
 - 13.1.3 Secure portable storage devices when unattended such as locking them in a drawer or cabinet.
 - 13.1.4 Report lost or stolen portable storage devices immediately to their manager.

14. VIDEO SURVEILLANCE

- 14.1 TasBC will:
- 14.1.1 Only use video surveillance for security purposes and ensure footage is only accessed by authorised personnel.
 - 14.1.2 Clearly inform individuals about the presence and purpose of video surveillance through visible signage.
 - 14.1.3 Ensure the footage is stored securely and not publicly accessible.
 - 14.1.4 Prohibit the use of surveillance cameras in areas which privacy is expected such as bathrooms or change room facilities.

15. WORK ENVIRONMENT

- 15.1 TasBC will:
- 15.1.1 Implement a clear desk policy to ensure personal information is not left unattended in work areas.
 - 15.1.2 Ensure the use of screen locks on computer's when unattended.

- 15.1.3 Only print documents that contain personal or sensitive information when absolutely necessary and to securely store or dispose of such documents.
- 15.1.4 Store portable storage devices and any documents containing personal information in locked drawers or cabinets when not in use.

16. PROTECTION

- 16.1 All staff, board members, contractors and volunteers of the organisation are required to sign a confidentiality agreement.

17. REPORTING PRIVACY INCIDENTS

- 17.1 Where a data breach, breach of this policy or privacy incident has been identified the employee, volunteer or contract must notify their manager as soon as practically possible.
- 17.2 Where a data breach is likely to result in serious harm to any individuals whose personal information is involved in the breach, TasBC is required to report the breach under the Notifiable Data Breaches (NDB) scheme under Part IIIC of the Privacy Act 1988.
- 17.3 Examples of situations from which incidents may arise include:
 - 17.3.1 Accidental download of a virus onto an agency computer
 - 17.3.2 Accidental disclosure of private email addresses in a group email
 - 17.3.3 Discussing or sharing of personal information on a social networking website such as Facebook
 - 17.3.4 Loss or theft of a portable storage device containing personal information
 - 17.3.5 Non-secure disposal of hard copies of personal information (i.e. placing readable paper in recycle bin or hard waste bin)
 - 17.3.6 Documents sent to the wrong fax number or email address
- 17.4 Privacy incidents can occur due to accidental or deliberate actions. They may result from human error or technical failures, and apply to information in any form, whether electronic or hard copy.
- 17.5 A breach of this policy may result in the employee being disciplined, including the termination of their employment, or for a contractor, volunteer, their services no longer being required.

18. RELATED DOCUMENTS

- 18.1 TasBC Code of Conduct
- 18.2 TasBC Child Protection Policy

19. AUTHORISATION



Anthony Edler

CEO – Tasmanian Bike Collective