

Privacy Policy

1 Purpose and application

1.1 Purpose

The Aged Care Act and the Privacy Act set out obligations on entities relating to the collection, use, disclosure and retention of Personal Information and Protected Information.

This policy has been adopted to ensure that:

- (a) the appropriate systems and processes relating to the collection, use, disclosure and retention are:
 - (i) in place to comply with the Aged Care Act and the Privacy Act; and
 - (ii) communicated to Aged Care Workers, individuals accessing FACS, their Supporters and all other relevant individuals,
- (b) individuals are aware of (in relation to both the Aged Care Act and the Privacy Act):
 - (i) their rights to have their personal privacy respected and Personal Information protected;
 - (ii) when they can access or request copies of their Personal Information;
 - (iii) what Personal Information may be collected;
 - (iv) when their Personal Information may be used, held, or disclosed; and
 - (v) how their Personal Information must be protected.

1.2 Application

This policy applies to:

- (a) all Responsible Persons;
- (b) all Aged Care Workers;
- (c) all individuals receiving FACS, their Supporters;
- (d) potential employees; and
- (e) all employees and contractors involved in the collection, use, disclosure, handling, or retention of Personal Information.

2 Regulatory obligations and guidance material

2.1 Obligations

This policy has been developed with reference to the following regulatory obligations, Quality Standards and guidance material:

- (a) the Aged Care Act, particularly Chapter 3, Part 4 and Chapter 7, Part 2;
- (b) the Aged Care Rules, particularly Chapter 4, Part 7, Division 1 and 2;
- (c) the Aged Care Quality Standards;

- (d) the Revised Explanatory Memorandum relating to the Aged Care Act;
- (e) the Privacy Act, particularly Schedule 1; and
- (f) the OAIC's Guidelines to the Australian Privacy Principles.

3 What is Personal Information, Protected Information and Relevant Information?

3.1 Privacy Legislation

- (a) **Personal Information** is defined in the Privacy Act as information or 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 material form or not.
- (b) **Sensitive Information** is a subset of Personal Information that is afforded higher levels of protection under the Privacy Act. As we provide Health Services under the Privacy Act, all information we collect in providing, or to provide such services is classified as Health Information, and is therefore Sensitive Information.
- (c) Depending on where you are located, your information may still be classified as Personal Information for a period after your death.

3.2 Aged Care Act

- (a) **Relevant Information**, a broader category of information, is governed under the Aged Care Act. Relevant Information is information obtained or generated by a person in the course of or for the purposes of:
 - (i) performing functions or duties, or exercising powers, under the Aged Care Act; or
 - (ii) assisting another person to perform functions or duties, or exercise powers, under the Aged Care Act.
- (b) Relevant Information is **Protected information** if it is Personal Information; or it is information (including commercially sensitive information) that the disclosure of which could reasonably be expected to found an action by an entity (other than the Commonwealth) for breach of a duty of confidence.
- (c) Personal Information is defined as having the same meaning as under the Privacy Act.

4 Collection of Personal Information

In order to provide you with FACS, we often need to collect your Personal Information. If we do not collect the Personal Information or if any of the Personal Information you provide is incomplete or inaccurate, we may not be able to provide the FACS or those FACS may be compromised. Under the Aged Care Rules, we are required to collect various Personal Information, and if we do not collect such information, we cannot provide FACS to you.

If we are unable to collect Personal Information, some or all of the following may occur:

- (a) we may be unable to provide FACS to you to the requested standard (or at all);
- (b) we may be unable to communicate with you to provide information about FACS;

- (c) we may be unable to tailor the content of our marketing communications to suit your preferences; or
- (d) your interactions with us may be deferred or not effective.

5 Types of Personal Information we collect

Depending on the nature of the FACS we provide to you, the Personal Information we collect may include:

- (a) contact details (such as your name, gender, date of birth, postal address, email address and phone number);
- (b) demographic information (such as whether you are an Aboriginal or Torres Strait Islander);
- (c) contact details for any Supporters or medical professionals;
- (d) health information, such as your medical history, vaccination status and mobility capabilities;
- (e) registration numbers for government services such as Medicare, the Department of Veteran Affairs and a pension card;
- (f) health fund details, if applicable;
- (g) information required for you to do business with us including bank account details, credit card information and any other relevant financial information;
- (h) information concerning any relevant attorneys, legal personal representatives or other decision makers authorised to act on your behalf.
- (i) information on prior dealings with us;
- (j) details of any complaints or feedback lodged by you or regarding FACS provided to you;
- (k) information regarding any individual contributions made by you;
- (l) Personal Information relevant to the FACS we provide; and
- (m) any other information you may provide to us from time to time.

6 Methods of collection of Personal Information

To provide our tailored and personalised FACS, we collect Personal Information from you in various ways. Unless it is unreasonable or impracticable for us to do so, we will generally collect information from you directly and not from third parties.

By providing us with your information (including Sensitive Information such as health information) or nominating someone else to provide it, you consent to us collecting your information.

We may also sometimes collect Personal Information through:

- (a) our Online Platforms (including your interactions with us on our social media platforms);
- (b) forms (hardcopy and electronic) filled out by you in the course of delivering FACS;

- (c) third party service providers;
- (d) requests to join our mailing or distribution lists or to be contacted for further information about our products and/or FACS;
- (e) provision of customer service and support;
- (f) referrals from existing clients receiving FACS;
- (g) debt collection agencies if you default in a payment to us;
- (h) family members or attorneys authorised to act on your behalf; and
- (i) responses to surveys or research conducted by us or on our behalf.

We only collect and handle your Personal Information that is provided by you, with your consent or where otherwise permitted by law. We will assume that you have consented to us collecting all information that is provided to us in accordance with this Privacy Policy unless you tell us otherwise at the time you provide it to us.

Please note that if you provide us with Personal Information about a third party, for example your legal personal representative or emergency contact, you represent to us that the person consents to us collecting and handling their Personal Information in accordance with this Privacy Policy, and we will collect it on this basis.

7 Use of Personal Information

In accordance with the Aged Care Act and the Privacy Act, we will only use your Personal Information for the purpose for which the Personal Information was given by you or on your behalf, or purposes connected to the delivery of a FACS by us, or where you (or your attorney) have consented to such use of your Personal Information. These may include:

- (a) to supply FACS;
- (b) to notify our clients about our new or existing products and services;
- (c) to notify you about our upcoming occasions, promotions, and open days;
- (d) to distribute material and general information relating to our FACS;
- (e) to obtain FACS from our suppliers;
- (f) to respond to enquiries from existing or prospective clients seeking information about the FACS we deliver;
- (g) to enforce agreements between you and us;
- (h) to undertake research and surveys and analyse statistical information;
- (i) to comply with contractual, legislative and policy requirements including in relation to occupational health and safety and environmental matters;
- (j) to improve our delivery of FACS;
- (k) to comply with any requirements imposed by the Aged Care Act and the Aged Care Rules;
- (l) if applicable, to comply with any requirements imposed under state or territory based health legislation or procedures; and

- (m) as otherwise permitted or required by law.

8 Disclosure of Personal Information

- (a) Unless we have your consent, we will only disclose your Personal Information for the following reasons:
 - (i) a purpose connected with the delivery of a FACS to you by us or one of our Associated Providers;
 - (ii) for the purpose for which the Personal Information was given to us by you or on your behalf;
 - (iii) to comply with our obligations under the Aged Care Act;
 - (iv) if applicable, to comply with our obligations imposed under state or territory based health legislation or procedures; or
 - (v) where disclosure is required to be provided to a court, tribunal, authority or person with the power to request such disclosure.
- (b) You can, at any time, nominate another person who may receive information about your health status and care. This person does not have to be a next of kin.

9 Storage and security

We take the security of your Personal Information seriously. Your Personal Information is stored in a manner and is protected by the appropriate security safeguards to, as far as is reasonable, protect it from misuse and loss and from unauthorised access, modification or disclosure. Those who work with us are aware of the importance we place on protecting your privacy and their role in helping us to do so.

When the Personal Information that we collect is no longer required, we will take all reasonable steps to remove or de-identify the Personal Information. We may, however, retain Personal Information for as long as is necessary to comply with any applicable law, for the prevention of fraud, for insurance and governance purposes, in our IT back-up, for the collection of any monies owed and to resolve disputes. For example, under the Aged Care Rules, we are required to retain information regarding the vaccination status of individuals receiving residential care for a period of seven years.

10 Access to and correction of Personal Information

You, are always welcome to request that we provide you with access to the Personal Information we hold about you, and any other information specified in the Aged Care Rules, by contacting us using the details listed in paragraph 20 below. Where requested or consented to by you, we can also provide the required information to your Supporter, your legal counsel, an Independent Aged Care Advocate, to a new service provider, or an aged care volunteer visitor. Generally, we will provide you or the relevant individual with access to the information requested unless applicable laws allow us to refuse, or prevent us from giving you, access to the Personal Information we hold about you. We will never unreasonably refuse requests to access Personal Information.

Where we agree to provide you with access to your Personal Information, sometimes we may make this conditional on us recovering our reasonable costs of doing so. No fee will be incurred for requesting access, but if your request for access is accepted, you will be notified of the fee payable (if any) for providing access if you choose to proceed with your access request.

You may also lodge a request to correct Personal Information we hold about you if you believe it is inaccurate, incomplete, irrelevant, misleading or out of date. There is no fee for doing this. To do so, please contact us at the contact details listed in paragraph 20 below. Upon receiving such steps, we will take such steps as are reasonable in the circumstances to correct your Personal Information to ensure that it accurate, up-to-date, complete, relevant and not misleading.

11 Promotions and marketing

Like most businesses, marketing is important to our continued success and viability. However, we want to communicate with you only if you want to hear from us.

We may use Personal Information we hold about you, from time to time, to send marketing materials to current or prospective customers. Generally, we only do so where you consent or where allowed by applicable laws. Our communications to you may be sent in various forms such as by post or by electronic means (including email and SMS).

If you wish to cease receiving this marketing information, please contact us directly on the contact details listed in paragraph 20 below asking to be removed from our mailing lists, or use the "unsubscribe" or "update your preferences" facilities included in all our marketing communications.

12 Quality of Personal Information

We take reasonable steps to ensure the Personal Information we hold, use and disclose is accurate, complete and up to date, including at the time of using or disclosing the information.

If we become aware that any Personal Information that we hold is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information.

Please let us know if you have provided us with any Personal Information that is incorrect or becomes out of date.

13 Our Online Platforms

We sometimes use cookie technology on our Online Platforms. Cookies are pieces of information that a website transfers to your computer's hard disk for record keeping purposes and are a necessary part of facilitating online transactions. Most web browsers are set to accept cookies. We use them because cookies are useful to estimate our number of visitors and determine overall traffic patterns through our websites.

We may also collect statistical information regarding the use of our Online Platforms, including the domains from which website users visit, IP addresses, the dates and times of visits, activities undertaken on our Online Platforms and other clickstream data. In addition, we sometimes use web beacon technology to monitor internet activity on our websites. A web beacon is a clear-pixel image that generates an anonymous de-identified notice of a websites visit when viewed. A web beacon usually works in conjunction with a cookie.

If you do not wish to receive any cookies you may set your browser to refuse cookies. However, this may mean you will not be able to take full advantage of the services on our Online Platforms. If you set your browser to refuse cookies, a web beacon may still be able to generate a notice of your visit but it will not be associated with the information contained in cookies.

14 Third parties

Where reasonable and practicable to do so, we will collect your Personal Information only from you. However, in some circumstances we may be provided with information about you by third parties. In such cases, we will take reasonable steps to ensure that you are made aware of the information provided to us by the third party and about your rights under this Privacy Policy.

Our Online Platforms may sometimes contain links to other websites operated by third parties for your convenience. We cannot provide any guarantees regarding third-parties' information handling policies or the content of third-party websites you may visit. Before disclosing your Personal Information on any other platform, we recommend that you examine the terms and conditions and privacy policy of the relevant platform. Please note that we are not responsible for any practices on linked platforms that might breach your privacy.

15 Employment and recruitment

If you send us an application to be considered for an advertised position (or unsolicited), this information may be used to assess your application or suitability for employment with us. This information may be disclosed to our related bodies corporate and service providers for purposes such as aptitude and psychological testing or other human resources management activities.

As part of the application process, you may be asked for your consent to the use and disclosure of certain Personal Information about pre-employment testing. We may also ask you to consent to the disclosure of your Personal Information to those people who you nominated to provide references. A refusal to provide any of this information, or to consent to its proposed disclosure, may affect the success of the application.

This Privacy Policy does not apply to our handling of information about our employees. Our handling of employee records is exempt from the APPs under the Privacy Act if the act or practice is directly related to:

- (a) either a current or former employment relationship between us and the individual; and
- (b) an employee record held by us relating to the individual.

For information about our practices relating to employee records, please contact us at the contact details listed in paragraph 20 below.

16 Mental capacity and consent

Where a resident lacks the mental capacity to consent to our collection or use of their Personal Information, we will seek consent from their representative or guardian in accordance with Commonwealth, state and territory guardianship laws.

17 Automated decision making

No personal information collected by us will be used by us in conjunction with the operation of a computer program or artificial intelligence to make, or do a thing that is substantially and directly related to making a decision that could reasonably be expected to significantly affect the rights or interests of an individual.

18 Notifiable data breaches

A notifiable data breach scheme is currently in place in Australia. We are committed to adhering to this scheme as an important step in preventing and managing serious privacy breaches.

We, including all our people, take breaches of privacy very seriously. If we suspect a Data Breach has occurred, our priority is to contain and assess the suspected breach. In doing so, we will:

- (a) take any necessary immediate action to contain the breach and reduce the risk of harm;
- (b) determine the cause and extent of the breach;
- (c) consider the types of information involved, including whether the Personal Information is sensitive in nature;
- (d) analyse the nature of the harm that may be caused to affected individuals;
- (e) consider the person or body that has obtained or may obtain Personal Information as a result of the breach (if known); and
- (f) determine whether the Personal Information is protected by a security measure.

If we believe an Eligible Data Breach has occurred we will, as soon as practicable, notify the OAIC and all affected individuals or, if it is not possible to notify affected individuals, provide public notice of the breach (in a manner that protects the identity of affected individuals).

19 Changes to our Privacy Policy

We reserve the right to change this Privacy Policy and notify you by posting an updated version of the policy on our website. In light of this, we strongly recommend that you review our Privacy Policy each time you visit or use our website or provide us with any of your Personal Information.

20 Getting in touch

If you have any inquiries or complaints about how we handle your Personal Information, or if you have any questions about this Privacy Policy, we welcome you to get in touch with us by contacting our Privacy Officer at:

Attention: Ian Kelleher
Privacy Officer, Rockpool Residential Aged Care

Post: Rockpool RAC Management Pty Ltd
PO Box 903
Hamilton QLD 4007

Email: info@rockpoolrac.com

We will endeavour to assess and respond to your query promptly and consistently with our legal obligations. All complaints received will be taken seriously and handled with impartiality and discretion.

More information about your rights and our obligations in respect to privacy and information on making a privacy complaint are available from the OAIC at:

Website: www.oaic.gov.au

Post: GPO Box 5218
Sydney NSW 2001

Email: enquiries@oaic.gov.au

Alternatively, information about your rights and our obligations in respect to FACS and information on making a complaint about the FACS received are available from the Commission at:

Website: <https://www.agedcarequality.gov.au/>

Post: GPO Box 9819
In Your Capital City

Email: info@agedcarequality.gov.au

21 Dictionary

Aged Care Act	means the <i>Aged Care Act 2024</i> (Cth).
Aged Care Rules	means the <i>Aged Care Rules 2025</i> (Cth).
Aged Care Worker	means: (a) an individual employed or otherwise engaged (including as a volunteer) by us to deliver FACS; or (b) an individual who: (i) is employed or otherwise engaged (including as a volunteer) by an associated provider; and (ii) is engaging in conduct under the associated provider's arrangement with us relating to the Registered Provider's delivery of FACS; or (c) an individual who is a Registered Provider.
APPs	means the Australian Privacy Principles under the Privacy Act which govern: (a) the standards, rights and obligations around the collection, use and disclosure of Personal Information; (b) privacy governance and accountability; (c) integrity and correction of Personal Information; and (d) the rights of individuals to access their Personal Information.
Commission (ACQSC)	means the Aged Care Quality and Safety Commission.
OAIC	means the Office of the Australian Information Commissioner.
Data Breach	means unauthorised access to, or disclosure, alteration, loss, or destruction of, Personal Information—or, an action that prevents us from accessing Personal Information on either a temporary or permanent basis.
Eligible Data Breach	means a data breach that is likely to result in serious harm to any of the individuals to whom the information relates and we are unable to prevent the likely risk of serious harm with remedial action.
FACS	means funded aged care services as defined in section 9 of the Aged Care Act.

Health Information	(a) means information or an opinion about: (i) the health, including an illness, disability or injury, (at any time) of an individual; or (ii) an individual's expressed wishes about the future provision of health services to the individual; or (iii) a health service provided, or to be provided, to an individual; that is also personal information; (b) other personal information collected to provide, or in providing, a health service to an individual; (c) other personal information collected in connection with the donation, or intended donation, by an individual of his or her body parts, organs or body substances; (d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual; as defined in section 6FA of the Privacy Act.
Health Service	means activity that is intended or claimed (expressly or otherwise) by the individual or the person performing it: (a) to assess, maintain or improve the individual's health; or (b) where the individual's health cannot be maintained or improved—to manage the individual's health; or (c) to diagnose the individual's illness, disability or injury; or (d) to treat the individual's illness, disability or injury or suspected illness, disability or injury; or (e) to record the individual's health for the purposes of assessing, maintaining, improving or managing the individual's health; as defined in section 6FB of the Privacy Act.

Independent Aged Care Advocate	means a person who: (a) is independent of the System Governor, the Commission and any Registered Providers; and (b) is employed or otherwise engaged by a person or body that receives financial assistance under the Aged Care Act; and (c) provides either or both of the following to individuals accessing, or seeking to access, FACS: (i) free, independent and confidential support, information and advocacy; (ii) education about the rights of individuals under the Statement of Rights; and (d) where providing free, independent and confidential support, information or advocacy, acts at the direction of the individual, reflecting the individual's expressed wishes, will, preferences, interests and rights.
Online Platforms	means the online platforms we operate including rockpoolrac.com and any of our other websites or social media pages (including Facebook, Instagram, TikTok and LinkedIn managed by us.
Personal Information	means information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.
Privacy Act	means the <i>Privacy Act 1988</i> (Cth), as amended from time to time.
Privacy Officer	means our first point of contact for all privacy related inquiries and matters, who can be contacted using the details set out in paragraph 20.
Privacy Policy	means this document setting out the policy of Rockpool Holdings 2 Pty Ltd ACN 690 444 592 and its wholly owned subsidiaries relating to the handling of Personal Information.
Protected Information	means Relevant Information that is: (a) Personal Information; or (b) information (including commercially sensitive information) for the disclosure of which could reasonably be expected to found an action by an entity (other than the Commonwealth) for breach of a duty of confidence.
Quality Standards	means the standards set out in Chapter 1, Part 6, Division 2 of the Aged Care Rules.

Registered Provider	means a registered provider as defined under section 11(2) of the Aged Care Act.
Relevant Information	means information obtained or generated by a person in the course of or for the purposes of: (a) performing functions or duties, or exercising powers, under the Aged Care Act; or (b) assisting another person to perform functions or duties, or exercise powers, under the Aged Care Act.
Responsible Person	means: (a) any person who is responsible for executive decisions (including members of the governing body); (b) any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling our activities; (c) any person who has responsibility for overall management of the nursing services delivered by us, or overall management of the nursing services delivered at one of our approved residential care homes, and who is a registered nurse; (d) any person who is responsible for the day-to-day operations of an approved residential care home or service delivery branch.

Sensitive Information	means: (a) information or an opinion about an individual's: (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual orientation or practices; or (ix) criminal record; that is also personal information; or (b) health information about an individual; or (c) genetic information about an individual that is not otherwise health information; or (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or (e) biometric templates.
Supporter	of an individual, means an individual registered as a supporter of the individual under section 37 of the Aged Care Act.
System Governor	means the Secretary of the Department of Health and Aged Care.