

# Client Privacy Policy

## 1. Introduction

This policy outlines wayss' commitment to privacy and its approach to the responsible handling of personal, sensitive and health information, consistent with relevant legislation for all people who access wayss services.

## 2. Commitment Statement

wayss is a Child Safe organisation and child safety is at the forefront of our program delivery. Our policies ensure that child safety is a primary part of everyday thinking and practice. All employees, contractors and volunteers have an obligation to ensure we keep children safe from harm and abuse.

We're committed to upholding the rights of our stakeholders and creating a workplace that fosters inclusion and diversity. We believe that by bringing our authentic selves to wayss, we can contribute to building strong teams, cultivating leaders, and creating an organisation that is well-suited for every individual. It is essential to us that we establish an environment where everyone, regardless of their background, can be themselves and feel safe, valued, and respected. Regardless of whether you identify as an Aboriginal or Torres Strait Islander or LGBTIQ member, are from a culturally and linguistically diverse background, or a person living with a disability, as an individual associating with wayss, you have the right to participate and engage in an environment that is free from discrimination and bias, and we strive to create a workplace that honours that commitment.

## 3. Policy Statement

wayss respects clients' right to privacy, including the right to have information protected from security risks. wayss fosters a positive and respectful privacy culture which supports a relationship of trust between clients, wayss team members and other agencies.

wayss is bound by the legislative requirement of:

- the *Privacy and Data Protection Act 2014 (Vic) (PDP)*
- the *Victorian Information Privacy Principles (IPPs)*
- the *Health Records Act 2001 (Vic)*
- the *Victorian Health Privacy Principles (HPPs)*
- the *Privacy Act 1988 (Cth)*
- the *Australian Privacy Principles (APPs)*
- And other laws that affect privacy such as Information Sharing Schemes for family violence and child safety (FVISS and CISS).

wayss adopts a privacy by design approach to proactively incorporate privacy requirements into our processes and systems and continuously improves our privacy practices.

## 4. Scope

This policy applies to all staff (including temporary, contractors or casual staff), volunteers, and students who may be on placement at wayss (referred to together as **team member**) and people who access wayss' services (**clients**). Where wayss refers to clients this also includes people who are renters residing in wayss owned or managed housing.

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## 5. Policy Principles

### Collection

wayss will only collect personal, sensitive and health information about individuals:

- Which is necessary, in order to provide services.
- When the individual has provided informed consent to collect it.
- Specifically for individuals seeking priority access to the Victorian Housing Register (VHR).
- When required by law, or contractual arrangements with government funding bodies.
- Where the information can assist wayss in improving its service delivery to clients.

wayss will provide clients with information about:

- What personal information is collected.
- Why it is collected.
- How it will be used.
- How it will be stored.
- How long it will be kept.
- With whom it will be shared.

wayss may collect sensitive information including sexual orientation, religious affiliations, or beliefs. This information will only be collected in private settings where the client agrees. Additionally, the information collected is used to ensure the best outcome for the individual.

wayss seeks to collect personal information directly from an individual, but at times, collects information indirectly, such as when receiving a referral from Victoria Police or The Orange Door.

When information is collected from other sources, where practical, clients will be advised of the information held by wayss.

### Consent

wayss needs consent to collect, use or disclose your personal information, except in the following circumstances:

- For a related secondary purpose that the person would reasonably expect.
- To investigate or report unlawful activity.
- To lessen or prevent a serious threat to an individual or the public.
- As required or authorised by another law.
- For a law enforcement agency's purposes under specific circumstances.
- For public interest research where no identifying information is published.
- As requested by ASIO or ASIS.

Valid consent must be informed, voluntary, current, specific, and given with capacity.

### Use and Disclosure

wayss uses personal, health and sensitive information about clients to deliver and continually improve services to clients and comply with regulatory and contractual obligations.

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## Client Privacy Policy

Client information is not disclosed without the informed consent of the client unless the disclosure of the information is required or authorised by law. Client consent to the disclosure of their personal information must be in writing unless this is impractical or the situation is urgent, in which case wayss will note verbal consent. wayss team members will explain the intended purpose for disclosing their information prior to clients providing consent.

When wayss discloses personal information to other organisations, it takes reasonable steps to ensure the information will not be held, used, or disclosed by the recipient organisation inconsistent with privacy laws.

The most common disclosures are:

- To relevant regulators when wayss uses a government platform to store information about clients.
- wayss is required to report a client incident.
- wayss refers clients to other services, or
- wayss receives requests for information from other organisations and is legally required to comply (E.G warrant, summons and requests under the Child and Family Violence Information Sharing Schemes)

## Client Incidents

DFFH requires wayss to report information in relation to incidents involving clients, examples include:

- Safety and wellbeing issues.
- Physical conflicts.
- Violence or verbal abuse.

wayss only discloses personal information directly related to incidents and necessary to report and investigate the incident to DFFH, Child Protection, Family Safety Victoria, Victoria Police or Community Corrections.

## Storage

Client data will be stored on organisational or government platforms relevant to specific funded programs, such as, but not limited to:

- Specialist Homelessness Information Platform (SHIP), required by specialist Homelessness Services Collection (SHSC)
- Internal wayss SharePoint system

## Chintaro Data Quality, Security and Retention

### Information Security

Under the PDP Act, wayss have a responsibility to protect client's personal information. wayss will take reasonable steps to make sure that client personal information is protected from misuse, loss, and unauthorised access, modification, or disclosure. Access to systems and the information that wayss collects is limited to authorised team members only.

wayss team members will adhere to the information protection requirements for confidential or personal information as set out in wayss ICT policies and comply with the *Victorian Protective Data Security Standards 2.0*.

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## Client Privacy Policy

### Information Accuracy and Quality

wayss takes reasonable steps to ensure that the personal information we collect, use, and disclose is accurate, complete, and up to date. This includes ensuring that information is recorded in a consistent format, promptly adding updated or new personal information to existing records, and regularly auditing our information to check for inconsistencies.

The accuracy, completeness, and currency of the information we hold largely depends on the accuracy of the information supplied to us or which we can collect.

### Openness

wayss will ensure clients are aware of this privacy policy, and its purpose by:

- Publishing it on the wayss website.
- Displaying notices, posters and brochures at reception or meeting and waiting rooms.
- Providing verbal information to clients at the initial point of contact.

Team members must ensure clients can access the wayss Client Privacy Policy through one or more of the above means.

### Access and Correction

In accordance with the *APPs* and *Freedom of Information Act 1982 (Vic)*, clients may request access to, or correction of, documents that contain their personal information that is held by wayss.

On request, wayss will provide clients with access to the personal and health information about them and allow clients to update and amend information they have previously provided. wayss will also grant access to a person named by a client with written authority

Clients will be provided with information about how to make a request to access or correct information held about them, via the **Client File Request Form**, and if required, team members will support the client in making a request for access or correction as per the **Client File Request Procedure**.

Clients may be granted restricted access to some information, as provided for by legislation.

If wayss becomes aware that information is inaccurate, incomplete, or out of date and the information has been disclosed, wayss will advise the recipient organisation and try to correct the information.

## 6. Complaints

Where a client believes wayss has contravened this policy, or feels their privacy has been breached, they can make a complaint in accordance with the **Client Feedback and Complaints Policy**.

wayss will support clients to access this complaints process if required. An individual may complain to the Victorian Information Commissioner (OVIC), Australian Information Commissioner (OAIC) or the Health Services Commissioner about wayss' management of privacy.

The Chief Executive Officer will respond in a timely manner according to the **Client Feedback and Complaints Procedure**.

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## Client Privacy Policy

If you have a query in relation to this Client Privacy Policy, please contact:

The Privacy Officer  
WAYSS LTD  
20 Princes Highway  
Dandenong VIC 3175  
Phone: (03) 9791 6111  
Email: [feedback@wayss.org.au](mailto:feedback@wayss.org.au)

### Accountability Statement:

**wayss Board:** Provide appropriate strategic governance, direction, and guidance across the organisation.

**wayss Leadership Team:** Ensure that all Team Members are aware of all policies, procedures, documents and how they apply to the person's role.

**Team Member:** Comply with all aspects of wayss policies, procedures, documents, and guidelines as required to meet professional standards and practices.

## 7. Review

wayss will review this document every two years or sooner if there are legislative changes and in line with wayss' Policy Review Schedule, or wayss receives feedback or complaints about service delivery that may impact on this document.

## 8. Definitions

Personal Information	Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, but does not include health information.
Health Information	Information or an opinion about an individual's physical, mental, or psychological health; a disability; health services provided or future provision of health services; and a variety of other health matters (including information about organ or body substance donation and genetic information)
Sensitive information	A special category of personal information that requires more protection. It includes the following information about an individual: racial or ethnic origin; political opinion; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association or a trade union; sexual orientation or practices; criminal record
Information Security	The practice of protecting information by mitigating information risks. It typically involves preventing unauthorised access to information, ensuring that information is available to those that need it and ensuring that information remains accurate and complete.

## 9. Related Documents and Resources

- Code of Conduct
- Client Rights and Responsibilities Policy
- Client Privacy Procedures
- Client Feedback and Complaints Policy
- Client Feedback and Complaints Procedure
- Client File Request Procedure
- DFFH Homelessness Services Guidelines
- Housing Registrar Performance Standards for Registered Housing Agencies

## Relevant Legislation and Regulations

- *Privacy and Data Protection Act 2014 (Vic) (PDP)*
- *Victorian Information Privacy Principles (IPPs)*
- *Health Records Act 2001 (Vic)*
- *Victorian Health Privacy Principles (HPPs)*
- *Privacy Act 1988 (Cth)*
- *Australian Privacy Principles (APPs)*
- *Victorian Protective Data Security Standards 2.0*
- *Part 5A of the Family Violence Protection Act 2008 - the Family Violence Information Sharing Scheme*

## 10. Change History

Date	Version	Summary of changes	Approver
17/11/2020	2.0	Various changes and new format	CEO
15/12/2022		Updated template	
21/10/2024	V.3	Full review, new template and Moores information included	
10/02/2025	V.3	Recommended CEO changes made to document and approved.	CEO

**QRC Reviewed**

**Date: 21/10/2024**

**Reviewer: Kristy A**