

PRIVACY STATEMENT POLICY (EXTERNAL)

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1 PURPOSE

- 1.1 Feros Care collects and holds personal information, including sensitive information that is reasonably necessary to provide services and undertake the business functions as an approved provider of aged care, assessment, health and wellness, telehealth, disability and community care services. Health information and other sensitive information will be collected only with consent of the individual or their nominated representative.

2 PRINCIPLES + FRAMEWORK

- 2.1 Feros Care is bound by, the Privacy Act 1988 (Cth), including the Australian Privacy Principles (APPs) as a contracted service provider for a government contract. As a NDIS Partner in the Community (PiTC) comprising Local Area Coordination (LAC) Services), it is bound by the National Disability Insurance Scheme Act 2013 (NDIS Act).
- 2.2 In NSW, Feros Care is also bound by the Health Privacy Principles (HPPs) in the Health Records and Information Privacy Act 2002. To ensure the protection of the information gathered, all Workers sign a *Confidentiality Agreement and Code of Conduct*. Staff and Volunteers are also bound by the *Privacy and Confidentiality (Internal) Policy*.

The following principles set out how Feros Care manages personal information, including protected agency information under the NDIS Act (protected information).

3 COLLECTION OF AND PURPOSES FOR HOLDING YOUR PERSONAL INFORMATION

- 3.1 Feros Care may collect and hold information about a range of persons it comes into contact with, including:
- clients, prospective clients
 - authorised representatives, families and friends of clients and prospective clients
 - business associates and their employees;
 - job applicants; employees and volunteers;
 - suppliers and their employees;
 - contractors and consultants engaged by Feros Care
 - all individuals who visit the Feros Care website; and
 - NDIS participants or clients.

With your consent, Feros Care may collect information about you from someone other than yourself.

- 3.2 Under the APPs, we must only use and disclose personal information for the primary purpose(s) for which we collected the information, any secondary purpose that is related to the primary purpose for which you would reasonably expect us to use the collected information, and as otherwise permitted or authorised by law.
- 3.3 As a NDIS Partner, Feros Care may collect protected information for the purpose of providing NDIS Services. Feros Care will not enter or store client data in any information technology system or database other than the NDIA IT System. The protected information may include name, contact details and NDIS identification number of NDIS participants. In the absence of these details, Feros Care may not be able to provide you with NDIS Local Area Coordination services.
- 3.4 We take reasonable steps to make individuals aware of the purpose(s) for which the information we collect may be used, by notifying individuals about all relevant matters at or before the time of collecting the information (including by reference to this privacy policy).
- 3.5 Feros Care only collects and holds personal information that is necessary for it to provide you with the services you are seeking, or otherwise to enable it to operate its business so as to carry out its function as a provider of aged and community care services. We also collect personal information regarding job applicants, employees and contractors for the purposes of evaluating their suitability for roles at Feros Care and to satisfy our obligations under the law.
- 3.6 Generally, Feros Care will collect and hold your personal information for the purpose of:
 - providing services to you or someone else you know, including via contractors;
 - providing NDIS Services
 - providing you with information about other services that Feros Care offers that may be of interest or of benefit to your health, wellbeing and industry knowledge.
 - providing you with information relevant to the operation of our business;
 - facilitating Feros Care's internal business operations, including the fulfillment of any legal requirements;
 - analysing Feros Care's services and client needs with a view to developing new and/or improved services, including market research, which may be conducted by an external organisation contracted to Feros Care;
 - contacting you, in the case of an emergency involving someone else you know; and/or
 - contacting you to provide a testimonial for Feros Care.

4 TYPES OF PERSONAL INFORMATION WE COLLECT AND HOLD

- 4.1 The personal information Feros Care collects and holds about you depends on your interaction with Feros Care. It may include:
 - your name, date of birth or place of birth;
 - your contact details, organisation, occupation, job title, address, phone number, facsimile number and email address;
 - if you are a NDIS participant, all relevant data and information relating to you, in whatever form that information may exist and whether entered into, stored in, generated by or processed through software or equipment, including the NDIA IT system, by or on behalf of the NDIA or Feros Care, including protected agency information (Client Data);
 - information relating to Feros Care's performance of its services as a NDIS Partner;
 - details of your qualifications, occupation, interests and expertise;
 - copies of your identification documents, such as your driver's licence;
 - information regarding your residency status;
 - photographs or videos;
 - information regarding your family and other relationships;
 - information about your requirements for the services we provide; where necessary, financial information;
 - if you are employed with us, information about your current or former employment or engagement, including information about your training, disciplining, resignation, termination, terms and conditions, staff benefits, emergency contact details, performance, conduct, use of our IT and communications resources, payroll matters, recreation, leave and taxation, banking or superannuation affairs; and/or
 - if you apply for a role with us, information about your qualifications, experiences and character.

- 4.2 If we collect **sensitive information** about you, we will do so only where you consent, provide the information to us voluntarily or where we are otherwise authorised by law (for example, if you are employed by us, we are required and/or authorised to collect your personal information under including the Fair Work Act 2009, Superannuation Guarantee (Administration) Act 1992 and Income Tax Assessment Act 1997).
- 4.3 If you do not provide any or all of the information collected, Feros Care may be unable to provide services to you or otherwise deal adequately with your relationship with it or any requests you have made. Further, if the personal information you provide to Feros Care is incomplete and/or inaccurate, Feros Care may be unable to provide you, or someone you know, with the services you, or they, are seeking.
- 4.4 The usual types of sensitive information which is reasonably necessary to collect from individuals may include:
- if you are applying for a role with us, or are employed by us, information about your professional associations membership, drug/alcohol tests, or police and other background checks;
 - information regarding your gender, sexual orientation, ethnic origin or religious and political beliefs; health information (such as information regarding a medical condition, disability or mental health condition);
 - information about existing health conditions affecting the services we provide, including referral information; and
 - information regarding your choices and preferences, including religious, political and philosophical beliefs.

We always try to collect information about applications for employment directly from the applicant. However, we also need to rely on information from job applicants from referees and assume that the applicant has the consent of the referee to disclose his/her details.

5 HOW WE COLLECT YOUR PERSONAL INFORMATION

- 5.1 Personal information will generally be collected by Feros Care directly from you, verbally or in writing (including via feedback, application or any other forms), or from a referral agency to which you have provided consent. We also record details of our interactions with you, including any contact we have with you in person, by email, online (e.g. via web chat) or on the telephone. Our staff may also record personal information collected from you in the course of preparing notes, recommendations and decisions.
- 5.2 There may be instances where personal information about you will be collected indirectly (for example, from a family member or health practitioner) because it is unreasonable or impractical to collect personal information directly from you. We may also collect information indirectly when we:
- process transactions and administer your accounts;
 - address your queries and resolve any complaints;
 - send information updates;
 - review our quality improvement processes; and/or
 - comply with any contractual obligations owed to funding agencies.
- 5.3 We will only collect personal information via lawful and fair means and when we specifically request or take active steps to collect that information. However, personal information may at times be volunteered to us without us requesting or taking steps to collect that information. For example, we may receive unsolicited personal information when we ask an individual to provide us with certain information and that individual provides us with superfluous information. In such a situation, in accordance with our statutory obligations, we will determine whether we could have lawfully collected the information we received had we taken steps to collect that information. If not, we take steps to destroy or de-identify that information (unless we are required or authorised by law to retain the information. Where the Governor General has declared a national Emergency, the Commonwealth Government has exemptive power to which enables collection, use or disclosure of personal information during an emergency.
- 5.4 **Websites**
When you access Feros Care's website, we may collect additional personal information about you, including:
- your name, contact details and NDIS identification number via web chat;
 - the date and time of your visit;
 - the pages you visited and documents downloaded;

- your internet service provider;
- the address of the website you came from (if you accessed the website via a link from another site (such as a search engine); and/or
- your IP address (that is, the single numerical address for your computer on the internet), and/or domain name (that is, the textual address for your location on the internet which corresponds to your IP address, which the internet computers can read).

Feros Care may use cookies to monitor usage of Feros Care's website and to create a record of visits to the website and what pages are viewed so that Feros Care may operate its business more effectively. A cookie is a message given by a web server (that is, a computer that delivers or serves up pages on the world wide web such as www.feroscare.com.au) to a web browser (that is, software, such as Microsoft Edge or Google Chrome), used to locate and display pages on the world wide web.

The web browser stores the message in a text file. The message is then sent back to the web server each time the web browser requests a page from the web server. Cookies do not identify you personally, but they may link back to a database record about you. If you do not wish to receive cookies, you may be able to adjust the settings of your web browser to refuse them.

Feros Care's website may contain links to other websites. Feros Care is not responsible for the privacy practices of linked websites and so linked web sites are not subject to Feros Care's privacy policies and procedures.

5.5 **Closed Circuit Television Surveillance (CCTV) in public areas only**

Feros Care uses CCTV to maintain the safety and security of residents. These systems may but not always, collect and store Personal Inform.

5.6 **Fundraising**

Feros Care will only use or disclose personal information for fundraising or direct marketing purposes where the individual has provided consent that their personal information can be used for this purpose.

Feros Care will also provide individuals/customers with opt-out mechanisms in these circumstances and if individuals/customers request not to receive marketing and/or fundraising communications at any time, Feros Care will make all practical steps to cease the relevant marketing and/or fundraising communication.

6 **USE AND DISCLOSURE**

6.1 Generally, Feros Care only uses and/or discloses personal information about you for the primary purposes for which it was collected (as set out above, being the purposes we collect and hold your information). Client data and protected agency information will only be used for the purposes of providing NDIS Services, or where permitted by the NDIS Act.

6.2 Feros Care may also use or disclose personal information about you:

- where you ask us for a referral, to other providers of aged and community care services;
- to service providers, who assist Feros Care in operating its business, but only to the extent necessary for the service provider to provide the services Feros Care has contracted to them; and/or
- if you have applied for a job, assess your suitability to perform duties.

6.3 We will not use and/or disclose personal information collected from you for an unrelated secondary purpose unless we first obtain your written consent or a statutory exception applies (for example, if it is impracticable to obtain your consent and we believe that using or disclosing the information is necessary to lessen a serious threat to the life, health or safety of any individual).

6.4 In relation to anonymity and pseudonymity, wherever practicable, an individual may remain anonymous when communicating with Feros Care. Please note, however, if anonymity is required by you, it may not be possible or practicable to provide services.

6.5 We may disclose personal information we collect from individuals to third parties in order to fulfill one or more of the purposes for which the information was collected, any secondary purpose related to the primary purpose of collection, or as required/authorised by law. Third parties to whom your information may be disclosed include:

- your authorised representatives;
- our agents, contractors, related organisations;
- government agencies, such as the NDIA;
- third parties involved in your care (e.g. health practitioners or allied health service providers);
- a purchaser of the assets and operations of Feros Care's business, providing those assets and operations are purchased as a going concern; and/or
- Feros Care's related entities (if any).

- 6.6 We may also disclose personal information (including sensitive information) about you to a third party:
- when required by law or court order or where we are required to do so as a result of any obligations we owe under any contract;
 - if we consider it reasonably necessary to do so in order to identify, contact or bring legal action against a third party in order to defend an action brought against us or to enforce our legal rights; and/or
 - to our professional advisers, insurers and auditors for the purpose of their provision or performance of their duties owed under contract to us.
- 6.7 We endeavour to take reasonable steps to ensure that any third party to which we disclose personal information collected from or about an individual takes steps to protect the personal information so disclosed and to destroy or to de-identify the information when the information is no longer required.
- 6.8 Adoption, Use or Disclose of Government Related Identifiers
NDIS identification numbers may be collected by Feros Care for the purpose of identifying NDIS participants seeking NDIS Services. However, other government identifiers, such as Medicare or Tax File Number, will not be used by Feros Care as identifiers for clients or their personal information.

7 RECORDS AND DATA SECURITY

- 7.1 Feros Care stores your personal information in different ways, including in paper and in electronic form. If you are a NDIS Participant, Feros Care will not:
- enter or store client data in any information technology system or database other than the NDIA IT System;
 - keep copies (including hard copies) of any client data or protected agency information that has been entered into the NDIA IT System; and/or
 - migrate or allow any other person to migrate any data in the NDIA IT System, including client data and protected agency information, into any other information technology system or database.
- 7.2 The security of your personal information is important to the Feros Care. Feros Care takes all reasonable measures to ensure that your personal information is stored safely to protect it from misuse, loss, unauthorised access, modification or disclosure, including electronic and physical security measures.
- 7.3 We commit to take reasonable steps to destroy or de-identify personal information when the information is no longer required for the purpose for which it was collected or, in the case of NDIA participants, upon written direction from the NDIA after it is no longer required for the purpose for which it was originally collected. However, there may be circumstances where we are required or authorised by law or contract to retain the information. For example, Feros Care has obligations under the Aged Care Act 1997 to retain certain records for a minimum period, even if they are no longer required.
- 7.4 Feros Care will only transfer information outside of Australia with the explicit consent of the client or their Power of Attorney. However, any information collected in Feros' capacity as NDIS Partner shall not be disclosed to anyone outside Australia unless the NDIA gives its written approval, noting that the NDIA is not under any obligation to give approval. If such approval is given, Feros Care will comply with any directions given by the NDIA when providing such approval.

8 ACCESS TO YOUR INFORMATION

- 8.1 You have the right to access personal information Feros Care holds about you and can do so by making a written request from you or your authorised representative. Feros Care will endeavour to acknowledge your request within 14 days of its receipt and to provide you with access to the information requested within 30 days.

- 8.2 Requests for large amounts of information, or information not currently in use, may require further time before a response can be given. Feros Care may charge you a reasonable fee for processing your request, as permitted by law.
- 8.3 Feros Care may decline a request for access to personal information where, among other things:
- providing access would have an unreasonable impact upon the privacy of other individuals;
 - the request for access is frivolous or vexatious;
 - the information relates to existing or anticipated legal proceedings between Feros Care and you, and the information would not be accessible by the process of discovery in those proceedings;
 - providing access would reveal information generated within Feros Care in connection with a commercially sensitive decision making process;
 - providing access would be unlawful;
 - denying access is required or authorised by or under law or court/tribunal order;
 - providing access would be the intentions of Feros Care to negotiations with the individual in such a way as to prejudice negotiations between Feros Care and you;
 - Feros Care has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Feros Care's functions or activities has been, is being or may be engaged in and providing access would be likely to prejudice the taking of appropriate action in relation to the matter; and/or
 - providing access would be likely to prejudice the enforcement related activities conducted by or on behalf of enforcement bodies.
- 8.4 If, upon receiving access to your personal information or at any other time, you believe the personal information Feros Care holds about you is inaccurate, incomplete or out of date, please notify Feros Care immediately. Feros Care will take reasonable steps to correct the information so that it is accurate, complete and up to date.
- 8.5 If Feros Care disagrees with you about whether your personal information is inaccurate, incomplete or out of date, and you ask Feros Care to associate with your personal information a statement claiming that your personal information is inaccurate, incomplete or out of date, Feros Care will take reasonable steps to do so. Feros Care will provide reasons for any decision to refuse access to, or correction of, personal information.

9 FEEDBACK AND COMPLAINTS

- 9.1 You have the right to complain if you believe we have breached this policy or your rights under the APPs or HPPs (in NSW). If you have any queries or concerns about Feros Care's privacy policy or the way in which Feros Care handles your personal information, please contact the Privacy Officer via the details below and we will endeavour to promptly resolve your enquiry or concern:
- street address: Level 3, The Strand 72-80 Marine Parade, COOLANGATTA QLD 4225 (please attention to the Privacy Officer)
 - postal address: Locked Bag 1, COOLANGATTA QLD 4225 (please attention to the Privacy Officer)
 - email address: info@feroscare.com.au (please attention to the Privacy Officer)
 - telephone: (07) 5669 0555
 - facsimile: (07) 5536 7520 (please attention to the Privacy Officer)
- 9.2 We may need to verify the identity of the person making the complaint and may request additional details from you regarding your concerns. We may also need to engage or consult with other parties in order to investigate and deal with your issue. We will keep records of your request and any resolution.
- 9.3 For information about privacy generally, or if your concerns are not resolved to your satisfaction, you may contact the Office of the Australian Information Commissioner at www.oaic.gov.au or on 1300 363 992.

10 RELEVANT RESOURCES / DOCUMENTS

10.1 Internal

Confidentiality Agreement

Code of Conduct

Privacy and Confidentiality (Internal) Policy.

10.2 External

Australian Privacy Principles: <https://www.oaic.gov.au/privacy/australian-privacy-principles>

Health Records and Information Privacy Act 2002:

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-071>

Health Privacy Principles:

<https://www.ipc.nsw.gov.au/health-privacy-principles-hpps-explained-members-public>

National Disability Insurance Scheme Act 2013 (NDIS Act): [Federal Register of Legislation - National Disability Insurance Scheme Act 2013](#)

Privacy Act 1988: <https://www.legislation.gov.au/Details/C2021C00139>

11 TERMS + DEFINITIONS

Term	Definition
APPs	Australian Privacy Principles
Client	a generic term that encompasses all participants, clients, residents or their representatives. It includes an individual who benefits from the products or services administered by the Organisation or who requests information or assistance from it.
Executive Leadership Team (ELT)	Inclusive of CEO and Executive, who have delegated authority to manage different areas of the organisation.
Employee	A person that's hired to provide a service to Feros Care either on a full-time, part-time or casual basis in exchange for payment.
Governing Body	Inclusive of the Board.
HPPs	Health Privacy Principles
Manager	Refers to the worker's manager or supervisor; an employee with management responsibility for at least one direct report.
Workers	Refers to any employees or volunteer in any part of the organisation. It also includes external contractors engaged to provide support services and equipment to our client groups.

12 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority and Date	Executive Leadership Team Meeting 2 July 2024
Next Review Date	10 July 2025
Policy Version	Version 02