

## Privacy of Personal Information & Data

Autism Spectrum Australia (Aspect) respects every person's right to privacy, dignity and confidentiality and operates in accordance with the Australian Privacy Principles under the Commonwealth Privacy Act (1988). This Privacy policy provides information about how Aspect collects and handles information; and how Aspect's stakeholders can enquire or provide feedback on how personal information is being used.

### Types of information collected

Aspect collects personal information that is necessary for our work and helps us to engage with each stakeholder. If you do not wish to provide some or all of the personal information requested, Aspect may not be able to do what was intended by collecting your personal information, for example, we may not be able to manage or provide you with supports/services, process your donation, progress your employment application or respond to your queries.

### How information is collected

Aspect collects personal information from you by various methods including (but not limited to) the following:

- through your interactions with our representatives;
- when you access and use our website;
- when you contact us by telephone, letter, fax or email;
- by contracting with us or completing in-take forms;
- when you make payments via our payment gateway;
- by completing surveys, providing feedback or complaints to us;
- when you agree to support us through donations or by other means.

Where reasonable and practical Aspect will collect your personal information only directly from you. However, Aspect will also collect information about you from third parties including but not limited to other individuals and companies, health professionals, social and community workers and the government, with your consent or as legally required.

If you provide personal information to us about someone else, you must ensure that you are entitled to disclose that information to us, as Aspect may collect, use and disclose that information as outlined in this policy.

## Why information is collected and how it is used

Aspect uses the personal information provided to Aspect in a variety of ways. Uses of the information may include, but are not limited to:

- communications;
- service delivery and procurement;
- fundraising and marketing activities;
- the administration of Aspect's business operations;
- research;
- government funding requirements and legal obligations;
- employment processes;
- membership processes;
- partnerships;
- fees and transactions;
- website management;
- updating our records and keeping your contact details up to date;
- processing and responding to any feedback or complaint made by you; and
- complying with any legal requirements.

## Direct Marketing and Fundraising

Aspect keeps the personal information we collect through service delivery separate from our supporter database. We identify our donors and supporters through fundraising and direct marketing, and do not directly market to the people we support unless they have elected to be on our supporter database.

Donors' and supporters' personal information, in addition to the other methods outlined in this policy, may also be collected from a publicly maintained record or purchased through lists from organisations offering such lists for marketing purposes.

From time to time Aspect may use the personal information of donors and supporters to provide you with current information about our current services, special offers you may find of interest, changes to our organisation, or new services being offered by us or any company with which we are associated. Aspect may also use your personal information as part of our fundraising initiatives. By providing Aspect with your personal information, you consent to us using your information to contact you on an ongoing basis for these purposes, including by mail, email, SMS, social media and telephone.

If you do not wish to receive marketing information or do not wish to be contacted by us for fundraising purposes, you may decline at any time to receive such information by contacting Aspect Fundraising using the contact details below. You can choose to opt-out of receiving some or all of

our direct marketing material. For example, by contacting us you may opt-out of receiving our regular newsletters but may still consent to receiving calls from us during our fundraising drives.

We will not charge you for giving effect to your request and will take all reasonable steps to meet your request at the earliest possible opportunity.

### **Storage and protection of information and data**

Aspect takes all reasonable steps to protect all of the personal information Aspect and third party service providers store from misuse, interference and loss, and from unauthorised access, modification or disclosure. Personal information is stored for the required timeframes in accordance with the applicable legislative requirements, and when the information is no longer needed for any purpose for which the information may be used or disclosed, it will be destroyed or permanently de-identified.

Aspect may store your data in:

- electronic information management systems;
- web or cloud based platforms;
- internal server storage;
- hard-copy files in locked cabinets;
- external server data storage used by Aspect approved software systems;
- contracted third party database storage or cloud hosting services in Australia or overseas.

We engage third party data storage and cloud based application providers that may transfer personal information outside Australia to countries whose privacy laws may not provide the same level of protection as Australia's privacy laws. When engaging third party offshore data storage or cloud based application providers, Aspect will take reasonable steps through our contract and agreement arrangements to try and make sure they are compliant with Australian Privacy Principles and the Australian Privacy Act. By providing Aspect with your personal information, you give consent to us disclosing your information to entities located outside Australia and, when permitted by law, to do so.

Hard copy information is stored in our offices when not in active use for the delivery of a service, which are secured to prevent entry by unauthorised people. Archived hardcopy information is stored with a contracted third party secure storage provider.

Purchases, donations or payments made to Aspect using our online system are secured by encryption.

## **Disclosure of information and data relating to the people we support**

At the commencement of a service or a support with Aspect we will ask for consent to release information to the relevant funding bodies, government or partnering organisations as detailed in the relevant Aspect procedure.

In the course of providing our services, we may disclose your personal information to:

- companies and contractors retained to provide services for us, such as IT developers, lawyers, consultants and auditors, who will need to have access to your personal information to provide those services; and
- other individuals or companies consented to by you.

This consent will be updated whenever the intended use of the information needs to change. Consent to disclose information can be changed or revoked at any time by notifying Aspect in writing.

Aspect may disclose de-identified data to meet regulatory obligations or for other purposes (for example statutory reporting, research or quality assurance).

On occasion, Aspect is required or authorised by law to disclose your personal information. For example:

- the service user has a notifiable disease or there is some statutory notification requirement (for example, notification of a case of child abuse);
- a court or other agency authorised by statute has issued a subpoena for specific information; or
- Aspect is seeking information or has been requested to provide information under State or National legislation.

## **Disclosure of supporter information and data related to Aspect Fundraising**

- Personal information is sometimes supplied to, or collected by, contractors who perform tasks on our behalf, and is de-identified where possible, for the purposes of fundraising. These contractors may include research agencies, telemarketing agencies, printers and mailing houses that send our letters.
- Whenever we propose to disclose your personal information to a third party not outlined above, we will provide you with a collection notice which explains the circumstances in which we might disclose your personal information and ensure you have the opportunity to opt-out.

## Managing actual or potential privacy breaches

Aspect regularly reviews its data security systems and those of any engaged third party providers to ensure that all data is kept secure and confidential according to the Australian Privacy Principles.

In the unlikely event of a breach of Aspect's data security, Aspect works promptly to reduce the risk of exposure to your information and inform the relevant stakeholders who provided the information as to the potential or actual breach. Aspect reports privacy and data breaches to the relevant regulatory bodies, including the Office of the Australian Information Commissioner for Notifiable Data Breaches, as required by the type of service and location the service is provided.

## Accessing and correcting information, or lodging a query or complaint about privacy and data management

We take reasonable steps to ensure that the quality of the information we hold about you is accurate, up-to-date, complete and relevant. You should contact us if you think your personal information is wrong. We will take reasonable steps to verify your identity before granting access or making any corrections to your information.

If you would like to access or correct your personal information, have a query or complaint about how we manage your personal information, or would like to know more, please contact the manager / school principal of the service, school or support. Alternatively you can contact at any time:

- Aspect Customer Service: 1800 277 328 or email [customerservice@autismspectrum.org.au](mailto:customerservice@autismspectrum.org.au).
- Aspect Fundraising: 1800 288 476 or email [fundraising@autismspectrum.org.au](mailto:fundraising@autismspectrum.org.au) for fundraising related matters.

If any National or State legislation prevent us providing access to, or amending your records, you will be given an explanation and told of the processes available to you.

Any feedback or complaints provided to Aspect will be managed through the feedback and complaints management processes, which are outlined on the Feedback and Complaints page on Aspect's website. .

## External Framework

The Privacy of Personal Information and Data policy illustrates Aspect's adherence to the:

- NDIS Practice Standards (2018) and NDIS Code of Conduct, specifically within the NDIS Practice Standards and Quality Indicators:
  - Core Module: 1. Rights and Responsibilities, under the relevant Outcomes.
  - Core Module: 2. Provider Governance and Operational Management, under the relevant Outcomes.
  - Core Module: 3. Provision of Supports, under the relevant Outcomes.

- Core Module: 4. Support Provision Environment, under the relevant Outcomes.
- Supplementary Module: 2. Specialist Behaviour Support Module, under the relevant Outcomes.
- Supplementary Module: 2a. Implementing Behaviour Support Plans, under all Outcomes.
- Supplementary Module: 3. Early Childhood Supports, under the relevant Outcomes.
- Supplementary Module: 4. Specialist Support Coordination, under the relevant Outcomes.
  
- Disability Standards for Education (2005), specifically:
  - Part 8: Standards for Harassment and Victimisation.
  
- NESA Registered and Accredited Individual Non-government Schools (NSW Manual), specifically:
  - 3. Requirements for Registered Non-government Schools, under requirements for Safe and Supportive Environments.
  
- Standards for Registration and Review of Registration of Schools in South Australia, specifically the relevant quality related criteria for:
  - Standard 1 School Governance.
  - Standard 3 Student Safety, Health and Welfare.

## Critical Definitions

**Aspect Stakeholders** - are organisations and individuals with whom Aspect regularly interacts, namely:

- people on the autism spectrum
- families and carers of people on the autism spectrum
- governments
- donors and supporters
- strategic alliance partners
- Aspect's staff

**Data** - refers to personal information, including sensitive information that is collected, stored, used or disclosed digitally.

**Personal Information** - is any information or an opinion about an identified or reasonably identified person, regardless if the information is true or is stored in a material form. This can be identifying information (for example, name, contact details, etcetera) and may include sensitive information, which is given additional protection in the Privacy Act (for example, information regarding a

person's health, political, philosophical or religious beliefs and affiliations, sexual orientation and practices, criminal record, etcetera).

*Privacy* - protection from unwanted actions or unauthorised disclosure or use of personal information (including sensitive information) that is collected, stored, used or disclosed in any hardcopy, digital or immaterial form. .

## **Legislation References**

### **National**

Australian Education Act 2013 (Cth)

Disability Services Act 1986 (Cth)

Disability Standards for Education 2005 (Cth)

Freedom of Information Act 1982 (Cth)

National Disability Insurance Scheme Act 2013 (Cth)

National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and other measures) Bill 2017 (Cth)

Privacy Act 1988 (Cth)

Privacy Amendment (Enhancing privacy protection) Act 2012 (Cth)

Privacy Amendment (Notifiable data breaches) Act 2017 (Cth)

Privacy Amendment Act (Private Sector) Act 2000 (Cth)

Spam Act 2003 (Cth)

### **New South Wales**

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)

Education Act 1990 (NSW)

Health Records and Information Privacy Act 2002 (NSW)

Health Services Act 1997 (NSW)

Privacy and Personal Information Protection Act 1998 (NSW)

### **Victoria**

Children Youth and Families Act 2005 (VIC)

Freedom of Information Act 1982 (VIC)

Health Records Act 2001 (VIC)

Health Services Act 1988 (VIC)

Privacy and Data Protection Act 2014 (VIC)

### **South Australia**

Children's services Act 1985 (SA)

Education Act 1972 (SA)

Freedom of Information Act 1991 (SA)

Health Care Act 2008 (SA)

Ombudsman SA Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG) SA

State Records Act 1997 (SA)



**Australian Capital Territory**

Children and Young People Act 2008 (ACT)

Freedom of Information Act 1989 (ACT)

