



KWY ParentsNext Client Privacy and Confidentiality Policy Statement

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Kornar Winmil Yunti

Adelaide, SA 5000

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Acknowledgement

Kornar Winmil Yunti Aboriginal Corporation acknowledges that we operate on the many different lands of the traditional owners.

We acknowledge and pay respect to the ancestors and traditional owners that walked and managed these lands for many generations before us.

We acknowledge the great diversity in language, cultures and histories of Aboriginal and Torres Strait Islander people. We acknowledge and recognise all Aboriginal people who have come from their own country and who have now come to call this country their home.

We acknowledge and respect:

- Elders both past and present who are our knowledge holders, our teachers.
- Youth who are our hope for a brighter and stronger future.
- Community members who have gone before us and recognise their contribution to our people and community.

We acknowledge the resilience and strengths of families and the community. We will draw on these strengths and use culture to protect and heal our children, families and communities. We believe that strategies and initiatives developed and led by local Aboriginal people are the most appropriate for addressing the current difficulties that impacting Aboriginal people, families and communities.

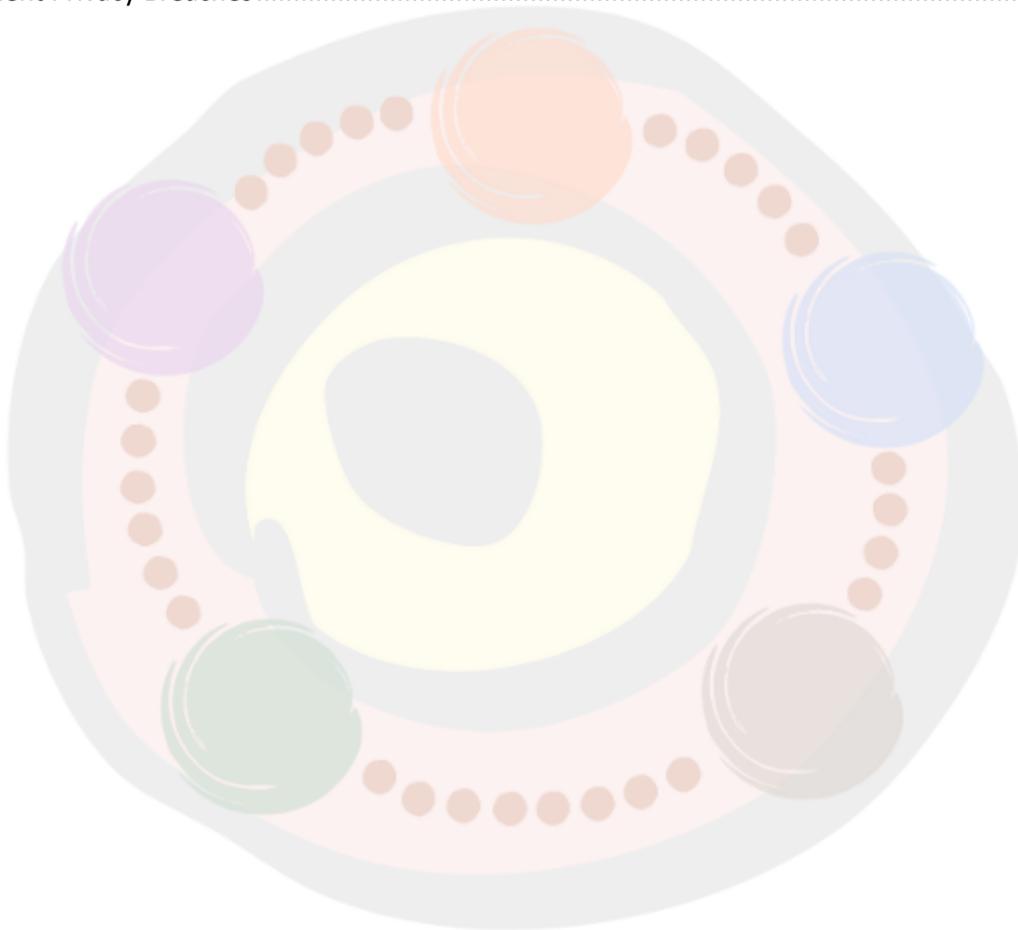
From an Aboriginal perspective, the current difficulties that impact-Aboriginal families are embedded in the history and impacts of white settlement and systematic ongoing racism since then. This includes:

- Dispossession of land and traditional culture;
- Breakdown of community kinship systems and Aboriginal law;
- Racism and vilification;
- Economic exclusion and entrenched poverty;
- Alcohol and other drug abuse;
- The effects of institutionalisation and child removal policies;
- Inherited grief and trauma; and
- Loss of traditional roles and status (Strong Culture, Strong Peoples, Strong Families 2008).



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Definitions

Term	Definition
Administration Act	<i>Social Security (Administration) Act 1999.</i>
Archives Act	<i>Archives Act 1983.</i>
Agency	<p>Has the same meaning as under the Privacy Act, being any of the following:</p> <ul style="list-style-type: none"> • a Minister; • a department; • a body (whether incorporated or not), or a tribunal, established or appointed for a public purpose by or under a Commonwealth enactment, not being: <ul style="list-style-type: none"> ○ an incorporated company, society or association; ○ an organisation that is registered under the <i>Fair Work (Registered Organisations) Act 2009</i> or a branch of such an organisation; ○ a body established or appointed by the Governor-General, or by a Minister, otherwise than by or under a Commonwealth enactment; ○ a personal holding or performing the duties of an office established by or under, or an appointment made under, a Commonwealth enactment, other than a person who, by virtue of holding that office, is the Secretary of a department; ○ a person holding or performing the duties of an appointment, being an appointment made by the Governor-General, or by a Minister, otherwise than under a Commonwealth enactment; ○ a federal court; ○ the Australian Federal Police; ○ a Norfolk Island agency; ○ an eligible hearing service provider; or ○ the service operator under the <i>Healthcare Identifiers Act 2010</i>.
APP entity	Has the same meaning as under the Privacy Act, being an agency or organisation.
APPs	The Australian Privacy Principles as set out at Schedule 1 of the Privacy Act.
Consent	<p>Consent may be express consent or implied consent. The four key elements of consent are:</p> <ul style="list-style-type: none"> • the individual is adequately informed before giving consent; • the individual gives consent voluntarily; • the consent is current and specific, and • the individual has the capacity to understand and communicate their consent. <p>Express consent is given explicitly, either orally or in writing. This could include a handwritten signature, an oral statement, or use of an electronic medium or voice signature to signify agreement.</p> <p>Implied consent arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and the APP entity.</p>



Data breach	Occurs when personal information that an entity holds is subject to unauthorised access or disclosure, or is lost.
FOI Act	<i>Freedom of Information Act 1982.</i>
Host Organisation	The abbreviation for 'Activity Host Organisation' as defined under the Deeds.
Individual	Has the same meaning as under the Privacy Act, being a natural person.
Lead Provider	A Provider assigned to that role in accordance with the rules set out in the Guidelines.
Loss	Accidental or inadvertent loss of personal information held by an entity, in circumstances where it is likely to result in unauthorised access or disclosure.
Must	Compliance is mandatory.
NDB	Notifiable Data Breach.
OAIC	Office of the Australian Information Commissioner.
Organisation	<p>Has the same meaning as under the Privacy Act, being any of the following:</p> <ul style="list-style-type: none"> • an individual; • a body corporate; • a partnership; • any other unincorporated association; or • a trust <p>that is not a small business operator, a registered political party, an agency, a State or Territory or a prescribed instrumentality of a State or Territory.</p>
Participant	Has the same meaning as in the relevant Deeds.
Personal Information	<p>Has the same meaning as under the Privacy Act, being information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"> • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or not.
Primary purpose	The purpose for which the Provider collects the personal information.
Privacy Act	<i>Privacy Act 1988.</i>
Protected information	Has the same meaning as under the section 23 of the Social Security Act.
Provider/s	An entity contracted to the Commonwealth to provide Services as defined under the Deeds.
Secondary purpose	Any purpose that is not the primary purpose.
Sensitive Information	<p>Has the same meaning as under the Privacy Act, being a subset of personal information and is:</p> <ul style="list-style-type: none"> • information or an opinion about an individual's: <ul style="list-style-type: none"> ○ racial or ethnic origin; or ○ political opinions; or ○ membership of a political association; or ○ religious beliefs or affiliations; or ○ philosophical beliefs; or ○ membership of a professional or trade association; or ○ membership of a trade union; or ○ sexual orientation or practices; or



	<ul style="list-style-type: none"> ○ criminal record; that is also personal information; or ● health information about an individual; or ● genetic information about an individual that is not otherwise health information; or ● biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or ● biometric templates.
Serious harm	Serious physical, psychological, emotional, financial, or reputational harm.
Services Australia	Formerly the Department of Human Services (DHS) (at https://www.humanservices.gov.au).
Should	Compliance represents best practice for Providers.
Small business operator	Has the same meaning as under the Privacy Act, being an individual, body corporate, partnership, unincorporated association or trust that: <ul style="list-style-type: none"> ● carries on one or more small business; and ● does not carry on a business that is not a small business. A small business operator is not a contracted service provider for a Commonwealth contract (whether or not a party to the contract).
Social Security Act	<i>Social Security Act 1991.</i>

Introduction and Purpose

ParentsNext client privacy and confidentiality policy and procedures follow strict KWYs guidelines which Department of Education Skills and Employment (DESE) requires KWY to have as a ParentsNext provider. KWY has obligations as a ParentsNext provider to collect client information under strict privacy requirements when collecting, using, disclosing and holding personal information.

KWY are required to comply with the Australian Privacy Principles outlined in the Privacy Act 1988 (Cth) and the [Social Security \(Administration\) Act 1999](#). We are committed to ensuring the appropriate use and collection of personal information by observing the Australian Privacy Principles when handling and managing an individual's personal information.

All personal information collected by us is used only for the purpose of undertaking business functions or service provision.

The Department of Education Skills and Employment (DESE), including its employees, contractors and agents, is subject to the Privacy Act 1988 (Privacy Act) and the requirements of the Australian Privacy Principles (APPs) as set out in Schedule 1 of the Privacy Act.

All KWY staff take client confidentiality and privacy seriously, with commitments, training and agreements in place within each specific program, including ParentsNext, which guide and regulate the preparation and management of information.

ParentsNext participants are determined by DESE into either Compulsory or Voluntary and Intensive stream categories. Participant requirements vary according to the categories. Participants information is gathered, held and stored irrespective of categories allocated.

KWY ParentsNext clients/ participants are entitled to have their stories and information kept private and confidential. Both the Department and KWY are committed to this.



This policy statement supplements KWY's information sharing management guidelines (ISG) and, its privacy and confidentiality policies, and strict client and staff information management systems.

Purpose of this policy

The purpose of this privacy policy is to guide ParentsNext staff on the gathering and storage of client information including:

- what kinds of personal information we collect, use and disclose;
- how we collect, use, disclose and hold it; and
- the purposes for which we collect, use and disclose it.

This privacy policy also sets out what you can do if you have a query, concern or complaint regarding the department's and KWYs handling of your personal information, as well as how you can access your personal information held by KWY and seek correction of that information (if necessary).

Scope

This policy applies to all KWY staff (employees, volunteers and contractors) and to:

- any person who receives services from us;
- information provided by or to a third party relating to a person who receives services from us; and
- any other person who may interact with us where the collection of personal information is required.

Staff requirements

KWY ParentsNext staff are trained to abide by ESSWeb strict guidelines and access requirements. This includes client information gathering, storage and management.

KWY staff are regularly supervised in the ParentsNext program, this includes monitoring the gathering and entering of client details onto the ESSWeb is done correctly.

Each client information gathered is approved by the clients, no other client information is to be gathered by KWY staff without client approval for inclusion on their client files.

KWY will only gather, use or disclose client personal information for the purpose for which it was collected or for a directly related purpose (unless otherwise required or authorised by law).

KWY will seek each client consent at the time information is collected or as soon as practicable thereafter.



How is client information to be managed?

KWYs ParentsNext staff will:

- Conduct initial interviews with allocated ParentsNext clients and to confirmation information gathering and release is consented signing at initial interview Client Consent form; and then determine Participation Plans (see Guidelines provided by Department) with each participant within 20 days of the initial interview, confirming participants interest in KWY ParentsNext program.
- Gather and hold information about clients and their family information e.g. number of children, relationships status etc and construct a client Participation Plan as they agree sharing information in the face to face interviews conducted as part of the KWY ParentsNext program. Staff will **not** gather irrelevant personal information, such as detailed personal information or details of medical conditions and medications.
- Conduct initial client interview, record and write information onto Client files stored on ESSWeb page.
- Confirm information gathered and recorded with each client, who will then sign printed hard copies, are then given a copy and a copy is stored in KWY secure filing system, in secure KWY office environment, accessible only to KWY ParentsNext staff. Each office environment has passed Departmental security requirements for client data storage.
- Provide KWY ParentsNext clients requested face to face interviews with KWY ParentsNext workers to change or update their information as needed or if situation varies after initial interviews.
- Support each ParentsNext client information to access their ESSWeb page for reviewing reporting and payment information. Commonwealth officers within Department of Human Services also have access to all ParentsNext client information written up and agreed to on their ParentsNext.
- KWY is not contracted or enabled to disclose any client information for any other purpose than it was gathered.
- KWY will with ParentsNext participants, review a Participant's Participation Plan at each quarterly Appointment, and where necessary, update and can change that plan. Detailed update requirements are outlined in Participation Plans and Activities – ParentsnextGuidelines available on the DESE <https://www.employment.gov.au/parentsnext> website.
- KWY will respond to any privacy complaints within 30 days. (as per below).

All information will be kept on individuals' Federal governments DESE ESSWeb case files.

Keeping client's information confidential is a requirement that is covered by contracted obligations, KWY's ISG Appendix and KWY's Communications Policy. Each KWY staff member undertakes a commitment at their induction to comply with regulations governing and managing client's privacy and confidentiality.

The DESE provides the table below outlining types of information collected, why and what it is used for.

This information is collected to enable the department to properly and efficiently carry out its functions and deliver services to participants.



Information may be collected by:	Type of information:	Information collected to:
Internet browser Cookies Google Analytics Social media platforms Qualtrics	Your browser type Your browser language Your server address Your location (where location services are enabled on your device) Your top level domain name (e.g. '.com', '.gov', '.au', '.uk') Date and time you accessed a page on our site Pages accessed and documents viewed on our site How our website was accessed (e.g. from a search engine, link or advertisement)	Measure the effectiveness of our content Better tailor our content to our audience
the department	Name Email address Phone number Education history Employment history	Deliver services to you Contact you Identify you Subscribe you to a service or update you have requested Evaluate our programs Inform policy development

Client Privacy Breaches

KWY's staff management of privacy breaches and client notification, are covered in its National Data Breach Plan 2020 and in its ISG guidelines Appendix pertaining to all KWY information sharing, gathering and data management.

KWYs clients within the ParentsNext program have the right to contact the department (DESE), to query how their personal information is handled, request access to or correction of their personal information, or make a privacy complaint in relation to the department or a Provider.

An individual who considers that their privacy has been interfered with can contact the Department of Education Skills and Employment (DESE) and/or OAIC to make a complaint.

KWY will respond to any privacy complaints within 30 days. Where a Provider receives a privacy complaint, it will:

- Contact the complainant to advise:
 - the Provider's understanding of the conduct complained about;
 - the Provider's understanding of the privacy obligations at issue;
 - that the Provider is conducting an investigation;
 - the name, title and contact details of the Provider staff member handling the complaint;
 - how that staff member is independent of the person or persons responsible for the alleged conduct; and



- when the Provider will contact the complainant again.
- Conduct an investigation into the issues raised.
- Respond to the complainant and include an invitation for the complainant to reply to the Provider's response and, if appropriate, offer a meeting or discussion.
- Assess any reply or further information from the complainant.
- Consider any systemic issues raised by the complainant and possible responses such as:
 - an apology;
 - privacy training;
 - amendment of policies, forms and/or collection notices;
 - providing additional accessible information;
 - improving security and storage measures; and
 - steps to improve data accuracy.

Make a record of any changes made and evaluate the changes within 12 months as well as against any future privacy complaints.

Each of these requirements are also outlined in KWY National Data Breach Plan.



Call your KWY ParentsNext worker if you require further information or support with management of your file and the information gathered and stored on ESSWeb.

