



Privacy Policy

Summary: KWY is committed to keeping personal information safe. This document outlines KWY's policies and requirements in handling data, which comply with The Australian Privacy Principles, as well as the Information Sharing Guidelines and relevant applicable laws.

Responsible division & unit	Corporate Services
Supporting documents	Case Note Recording Policy & Procedure Child and Vulnerable Person Safeguarding Policy & Procedure Code of Conduct Complaints Policy and Procedure Data Breach Response Plan Information and Communication Technology Policy and Procedure Information Sharing Consent Form Information Sharing Guidelines (ISG) ISG Appendix
Relevant legislation	Child Safety (Prohibited Persons) Act 2016 (SA) Children and Young People (Safety) Act 2017 (SA) Children and Young People (Safety) Regulations 2017 (SA) Competition and Consumer Act 2010 (Cth) Competition and Consumer Regulations 2010 (Cth) Family and Community Services Act 1972 (SA) Freedom of Information Act 1982 (Cth) Information Privacy Principles (SA) Privacy Act 1988 (Cth) Australian Privacy Principles State Records Act 1997 (SA) Spam Act 2003 (Cth)
Standards	ACNC Governance Standards Australian Association of Social Workers (AASW) Code of Ethics Australian Charter of Healthcare Rights AASW Practice Standards Bringing Them Home Report ISO 9001-2015 Quality Management ISO 31000 Risk Management Standard

	National Principles for Child Safe Organisations The Charter of Health and Community Services Rights The Charter of Rights for Children and Young People in Care The Charter of Health and Community Services Rights United Nations Convention on the Rights of the Child
Closing the Gap target outcomes	17. People have access to information and services enabling participation in informed decision-making regarding their own lives
Date endorsed	13 October 2025
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Version	2.0
Approved by	Dan Mitchell – Acting CEO

Date	Version	Approved by	Revision description
7 April 2021	1.0	Craig Rigney - CEO	Policy created.
13 October 2025	2.0	Dan Mitchell – Acting CEO	Significant updates.

1. Acknowledgement

Kornar Winmil Yunti (KWY) acknowledges that we operate on the many different lands of Aboriginal and Torres Strait Islander peoples, the traditional owners of this country.

We acknowledge and pay respect to our ancestors, the traditional owners that walked and care taken this country for generations since time immemorial.

We acknowledge the great diversity in language, cultures and histories of Aboriginal and Torres Strait Islander people. We recognise all Aboriginal peoples who have come from their own countries and have made a life on the country and communities in which we operate.

We pay respect to Aboriginal Elders both past and present who are our knowledge holders, our teachers and guides to both country and lore.

We pay respect Aboriginal youth who are our hope for a brighter and stronger future.

We pay respect the highest respect to our matriarchs, our women, who are the life givers and nurtures of our families.

We pay respect to our men, who walk alongside us and hold a significant role in change and accountability.

We pay respect to those community members who have gone before us and recognise their contribution to our people and community.

We acknowledge the resilience and strengths of families, community and country. 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 complexities and vulnerabilities that are impacting Aboriginal peoples, families and communities.

We are committed to supporting this work through creating and space for change.

Note - the word Aboriginal is used and respectfully acknowledges both Aboriginal and Torres Strait Islander peoples. This also signifies that KWY is located on, works and operates on various Aboriginal lands.

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3. Definitions

Term	Definition
Australian Privacy Principles	13 principles (replacing the Information Privacy Principles and National Privacy Principles) that apply when handling personal or sensitive information in order to conduct its business. Formed as part of the Privacy Amendment (Enhancing Privacy Protection) Act 2012.
Culturally appropriate	The accepted and traditionally patterned ways of behaving and a set of common understandings shared by members of a group or community. Includes land, language, ways of living and working, artistic expression, relationships, and identity. Culture includes a number of practices and ceremonies centred on a belief in the Dreamtime. Reverence for the land and oral traditions are emphasized. Language groupings and tribal divisions exhibit a range of individual cultures.
Information	Includes information forming part of a database, and information recorded in a material form or not.
Informed consent	Informed consent is a person's decision, given voluntarily, to agree once the provision of accurate and relevant information has been received and understood.
ISG	The Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG) is a state-wide policy approved by the SA Government; it outlines overarching principles and practices for information sharing for both government agencies and non-government agencies in South Australia. The ISG provide clear and consistent steps to determine if information sharing is appropriate while maintaining the balance between the right to safety and wellbeing and their rights to privacy.
Personal information (includes sensitive information)	Is defined as information (in any form) that can identify a particular person. Apart from computer and paper records, this can cover anything from video images to entries in the phone book. Personal information includes “sensitive information”, such as health information.
Privacy Act 1988	An Australian law which regulates the handling of Personal Information about individuals. This includes the collection, use, storage and disclosure of Personal Information, and access to and correction of that information.

4. Purpose

This policy seeks to explain:

- How we protect, collect, retain, use, and disclose personal information.
- When and how your personal information is collected, disclosed, used, held, and otherwise handled by us.
- How you may access your personal information and your rights.
- How you may make a complaint, and how we will deal with any such complaint.

5. Scope

This policy applies to all board members, employees, volunteers, students and/or contractors engaged or involved with KWY.

Throughout this policy, the term 'worker' will encompass board members, employees, volunteers, students and contractors.

This policy applies to the data and information of workers, clients and research participants.

6. Policy Statement

KWY is committed to safeguarding the confidentiality of any personal information collected about our clients and workers. Individuals have the right to control how their personal information is collected and used. KWY have procedures in place that protect privacy with regard to the collection, storage, and disclosure of personal information. KWY is required to comply with the Australian Privacy Principles outlined in the Privacy Act 1988 (Cth).

7. Collection of personal information

The personal information KWY collects and holds about you is dependent on your interaction with KWY.

It may include:

- Your name, date of birth or place of birth.
- Your contact details, occupation, address, phone number and email address.
- Copies of your identification documents, such as your driver's license.
- Information regarding your family and other relationships.
- Information about your requirements for the services we provide, i.e. court orders.
- Sensitive information about you that may include your gender, health, disability, physical and mental health, criminal convictions, religious affiliation, racial origin, cultural beliefs and other particulars required as part of our funding obligations and/or that are relevant for the proper provision of the services that we provide.
- Photographs, video and sound recordings.
- Information associated with web browsing, email, text messaging, phone calls or other electronic interaction with you including your phone number and username.
- Survey and questionnaire responses.

8. How we collect personal information.

KWY collects personal information in a number of ways, including:

- Directly from you in person



- Electronic forms
- In hard copy
- In ways which are culturally appropriate
- Correspondence with us i.e. by letter, email, or phone
- Via third parties where you are referred to us for the services that we provide
- Transfers between our own services provided it relates to the primary purpose for which it was collected.
- As a provider of services to governments, we may collect personal information from relevant government departments and agencies.
- Our website and third-party sites occasionally used (such as Survey Monkey or MS Teams forms)
- Our social media accounts
- At events, training sessions, conferences and forums

9. Use of your personal information

We collect, hold and use personal information only for the primary purposes for which it was collected or as set out below including:

- To provide our services to you or someone else you know.
- To provide you with information about our other services that KWH offer that may be beneficial to you.
- To provide you with information relevant to the operation of our business.
- To facilitate KWH internal business operations, including the fulfilment of any legal requirements.
- To comply with the requirements of funding bodies as part of a funding agreement with us
- To facilitate proper governance processes such as risk management, incident management, internal audit and external audits
- To gather feedback about the quality of service that we provide so that we can continuously improve

10. Sharing your personal information

KWH will endeavour at all times to gain your informed consent for information sharing outside our organisation. When seeking consent to use or disclose personal information, including sensitive information, KWH has an 'Information Sharing Consent' form which must be completed, signed or verbally agreed to, by you prior to sharing information. We will generally only use and disclose your Personal Information for the purpose for which it has been collected. However, we may be required to use or disclose information without your consent. This may occur if we reasonably believe use or disclosure is necessary to lessen or prevent a serious threat to the life, health, or safety of any individual, or to public health or safety, or we are required by law. Such as:

Children and Young People (Safety) Act 2017

KWH employees are obliged by law to notify child protection services within 24 hours if they suspect on reasonable grounds that a child/young person has been or is being abused or neglected, and the suspicion is formed during the person's work (paid or voluntary) or in carrying out official duties.



Disclosure to service providers

At times we may be required to disclose your Personal Information to other service providers. Examples of service providers we frequently work with include, but are not limited to:

- Department for Child Protection (DCP)
- Department of Human Services (DHS)
- Women's Safety Services SA (WSSSA)
- Department of Health (DHW)

Information Sharing Guidelines (ISG)

In addition to compliance with the Australian Privacy Principles, KWAY adheres to the SA Governments' Information Sharing Guidelines (ISG) for promoting safety and wellbeing, has a contractual obligation to comply with the requirements of the Master Agreement. South Australian Cabinet has endorsed the ISG to apply to all government agencies and relevant non-government organisations. The ISG endorses the sharing of information without consent, when it is believed a person is at risk of harm (from others, or as a result of their own actions) and adverse outcomes can be expected unless appropriate services are provided.

If disclosure without consent is required by law (for example, under mandatory reporting obligations) or is necessary to prevent a serious risk of harm, KWAY will limit the information to what is strictly necessary, inform the client of the disclosure wherever it is safe and appropriate to do so, and record the rationale, recipients and content of any disclosure in the client's record. All information sharing will occur through secure channels and in accordance with the Privacy Act 1988 (Cth), Australian Privacy Principles and the South Australian Information Sharing Guidelines to ensure lawful, ethical and transparent practice.

KWAY will only share a client's personal and clinical information with their families, carers or other services when the consumer has given informed, documented consent via our Information Sharing Consent Form.

11. Protecting and storing your personal information

KWAY holds personal information as either a physical or electronic record and have processes in place to ensure the security of personal information. We apply appropriate security to personal and sensitive information to ensure only workers that require access have access to carry out the delivery of services and programs.

KWAY will take all reasonable steps to keep secure any information that is held about individuals and to keep this information accurate and up to date, including information that is stored electronically. Our employees are obliged to respect the confidentiality of any personal information held by us.

All documents containing client information is stored on approved and monitored systems.

12. Data breach

A data breach happens when personal information is lost, stolen or accessed without permission. This could involve scenarios such as hacking, the loss or theft of a notebook or electronic device or sharing of sensitive information with the wrong person.

KWY is committed to safeguarding the data we collect. KWY's Information and Communication Technology Policy and Procedure includes a Data Breach Policy, which is designed to ensure a prompt and effective response to any breaches, minimizing potential harm.

If we become aware of or suspect a data breach, we are obligated to notify both the affected individuals and the Office of the Australian Information Commissioner (OAIC). Any data breach involving personal health info is also reported to SafeWork SA in line with Work Health and Safety legislation.

13. Access to your personal information

You have the right to access personal information that KWY holds about you and can do so by making a written request to the relevant Director or Executive Director which outlines the reasons and purpose of the request and any preferred methods of receiving the information, such as support letters or case summaries. KWY will only provide information pertaining to the person who has applied for access to personal information and your identity will need to be verified. Case file information will not be provided unredacted and in full. The request for access to your personal information will be noted on KWY's case management system, Penelope. KWY will endeavor to acknowledge and respond to your request within 30 days and in an appropriate manner.

KWY may decline a request for access to personal information where:

- Providing access would pose a serious threat to the life, health, or safety of any individual, or to public health or public safety.
- Providing access would have an unreasonable impact upon the privacy of other individuals.
- The information relates to existing or anticipated legal proceedings between KWY and you, and the information would not be accessible by the process of discovery in those proceedings.
- Providing access would reveal information generated within KWY 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 likely to prejudice the enforcement related activities conducted by or on behalf of enforcement bodies.

Requests to correct or change information held on file will be assessed in line with this policy.

14. Data Portability

Where a client requests portability of their personal information, KWY will provide their data in a structured, commonly used and machine-readable format. At the client's direction, and where technically feasible, we will securely transmit that information



directly to another organisation nominated by the client. This process will be treated as a standard part of our access and correction procedures and completed within the statutory timeframe for responding to access requests (30 days).

15. Non-disposal of records

In line with recommendation 21 of the Bringing Them Home Report, any records relating to Aboriginal and Torres Strait Islander individuals, families or communities, or to any children removed from their families for any reason, are protected from destruction and will be archived in perpetuity under secure, safe conditions.

16. Complaints or Enquiries

If you have any questions or concerns regarding privacy, or if at any time, you believe we may have wrongfully disclosed your personal information or breached our Privacy Policy, you have a right to lodge a complaint. We take all feedback seriously.

Complaints may be made by:

- Submitting a form on our website at www.kwy.org.au/contact-us
- Email complaints may be sent to feedback@kwy.org.au
- Written complaints may be sent to:
 - PO Box 3160, Unley SA 5061 or
 - L1 180 Greenhill Road, Parkside SA 5063
- Verbally via telephone on 08 8377 7822
- Verbally to a KWy worker or Manager
- Anonymous complaints can also be made via our website above.

We will aim to respond and resolve your enquiry or complaint in a timely and appropriate manner, and there may be a delay to processing anonymous complaints.

If you are not satisfied with our response you are entitled to contact:

- The Office of the Registrar of Indigenous Corporations (ORIC) regarding any incident or issue that occurs during the delivery of our services, or in connection with our services.
- You can be supported to make a complaint to ORIC if you are not satisfied with KWy's response to your original complaint
- The Office of the Australian Information Commissioner, by emailing enquiries@oaic.gov.au, phoning 1300 363 992, or in writing to the Director of Privacy Case Management Office of the Australian Information Commissioner, GPO Box 5218, Sydney NSW 2001.

17. Communicating this policy

KWy's Privacy Policy is made readily available and explained verbally at service commencement and throughout service delivery. In the event of any amendments, KWy will advise clients, and where relevant their families and carers, of changes to our Privacy Policy before they take effect.



18. Document Control and Review

This policy will be reviewed every year or sooner if:

- An incident or breach arises
- Legal or regulatory changes require updates
- Feedback from workers, clients or community or audits suggests improvements are needed

