

WOMEN'S LEGAL CENTRE (ACT & Region Inc.)

PRIVACY POLICY

Introduction

This document explains how the Women's Legal Centre (ACT & Region) meets our obligations under the *Privacy Act 1988* (Cth) and, in particular, the National Privacy Principles set out in that Act.

This policy also recognises that the Centre deals with information about people which is often of a private and sensitive nature, and that it is important to ensure that that information remains as confidential as possible.

The Women's Legal Centre wants to make sure that:

- Clients' privacy will be protected as fully and as lawfully possible
- the personal information in our records is correct and up-to-date, and
- clients are able to access their personal information if they ask for it.

The *Human Rights Act 2008* (ACT) has been considered in the formulation of this policy, and where there are areas of interference with rights, due regard has been given to the issues of legitimate aim, proportionality and fairness.

Collection, use and disclosure of personal information

The Centre collects personal information about clients in order to provide legal services. The type of personal information that we collect will depend on the nature of the legal services provided.

Staff at the Centre will only ask for information from a client where it is relevant to the legal services being provided to that client. Solicitors will not seek information that is not relevant to services. Where information is sought from a client, and the client does not wish to provide the information, it may be that the Centre will not be able to provide the services. If this situation arises, the solicitor will explain this to the client as clearly as possible.

The Centre requires identifying information from each client, such as name, address, telephone number and date of birth. The Centre will also ask for the names of any other parties involved in the legal matter, so that the Centre can ensure that there is no conflict of interest in providing legal advice.

The Centre may also ask for some information that is used for statistical purposes. This information is required by third parties such as government funding agencies and, when we pass these statistics on to them, clients are not individually identified. The kind of statistical information we collect may include:

- country of birth
- whether the client is an Aboriginal or Torres Strait Island person
- the language spoken at home and proficiency in English
- income level and source
- family type
- whether the client has a disability, and
- whether there is a history of family violence.

The Centre may also record information including membership of any trade associations, sexual preference, and criminal record. The Centre will only record this information if it is necessary to enable the Centre to provide the advice and assistance required.

The Centre will also ask for any information which will assist in the provision of legal services. This may include detailed financial information, detailed information about family history and relationships, and detailed employment history.

The Women's Legal Centre will keep clients' information confidential and will not provide information to people outside the Women's Legal Centre without permission, and then only for the direct purpose of assisting the client. In all cases, the solicitor will have obtained appropriate instructions from the client about what action can be taken on behalf of the client by the Centre.

There are situations where the Centre may be obliged to provide client's personal information to people outside the Centre. The Centre is required, for insurance purposes, to allow lawyers from another community legal centre to randomly check our files. The lawyers from the other centre are also obliged to keep any information which they access in the course of this check, confidential.

On rare occasions, the Centre may also be obliged to provide personal information about people in answer to compulsory notices or processes, for example Court subpoenas. In such cases, the Centre will determine on a case by case basis the appropriate course of action. In determining the appropriate course of action, the Centre will consider the purpose of the compulsory notice or process, the nature of the information and all of the circumstances of the case. Before determining an appropriate course of action, the Centre will take all reasonable steps to consult with any person who may be affected by the disclosure of information. The Centre will consider the views of those people in determining an appropriate course of action.

The Centre will not use or disclose personal information for direct marketing purposes, and will not disclose personal information to any other organisation for such a purpose.

Security and storage of personal information

The Centre will make all reasonable efforts to ensure that information about you is protected from misuse, loss, and unauthorised access, modification or disclosure, other than in accordance with this policy or the *Privacy Act 1988*.

Personal information may be stored either in hard copy or electronic form in our files and/or computer systems. Generally, the Centre keeps information for a minimum of seven years from the date of last entry in our records.

The Centre takes precautions to maintain the security of information held in our records. Our premises are in a secure building and hard copy records are kept in locked cabinets. Our computer systems are password protected and we also frequently update our anti-virus protection to ensure security of the computer system.

All employees and volunteers are required, as a condition of service, to treat personal information held by the Women's Legal Centre as confidential and sign a confidentiality agreement.

Accessing information

Generally, if requested to do so, the Centre will provide clients with access to the personal information held about that client. This is the case unless the Centre is of the view that there is an exception which applies under the *Privacy Act 1988*, such as where there is a legal duty not to disclose the information or where it may be harmful to the client to do so.

The Centre will aim to deal with client request to obtain access to information in a reasonable time. If the Centre determines that it is not appropriate to provide access to the information, the Centre will inform the Client of the reasons for making that decision, including any exceptions in the *Privacy Act 1988* that we might have relied on.

Keeping your personal information up to date

The Centre will take all reasonable steps to ensure your personal information is accurate, complete and up to date when we collect it or use it.

If a client believes that any of the personal information the Centre holds about herself is inaccurate, incomplete or out of date, the client should be asked to contact the Centre. If the Centre agrees, reasonable steps should be taken to correct the information. If the Centre does not agree, then the Centre will inform the client of this at the earliest opportunity. The Centre will also inform the client that they may wish to refer the matter to the Office of the Federal Privacy Commissioner.

How to contact us

If a client wishes to complain to the Centre about a breach of privacy, access any personal information held by the Centre, correct personal information or find out more about how we deal with personal information, please contact:

The Coordinator
Women's Legal Centre (ACT & Region)
GPO Box 1726
Canberra City ACT 2601

ph (02) 6257 4377

We will respond to your enquiry as soon as possible.

Additional privacy information

Clients can get more information about privacy, including how to make complaints, by visiting the web site of the Office of the Federal Privacy Commissioner at <http://www.privacy.gov.au> or telephoning 1300 363 992.

Amended August 2009

Approved by MC 28 Sept 2009