

## United Protestant Association of NSW Limited

### Privacy Policy

The United Protestant Association of NSW (ABN 71 050 057 620) (**UPA, We, Us**) recognises that We hold a position of trust in collecting, using and disclosing personal information (including health information and sensitive information).

We are committed to protecting the confidentiality and privacy of personal information which we collect and hold.

#### 1 Introduction and our approach to privacy

UPA is required to comply with relevant privacy laws including the *Privacy Act 1988 (Cth)* (including the Australian Privacy Principles), the *Aged Care Act 2024 (Cth)* and the *Health Records and Information Privacy Act 2002 (NSW)*.

UPA facilitates consumers to be involved, as far as practicable, in any decision-making process and will make reasonable endeavours to support and facilitate use of additional resources such as an interpreter services or alternative communication methods.

UPA will discuss privacy issues with them in a way that is understandable to them.

If a consumer does not have capacity to provide a privacy consent, even with support or supply of additional resources UPA will take into consideration who can act on the individual's behalf. Substitute decision makers include:

- (a) the registered supporter under the Aged Care Act;
- (b) a guardian appointed under an enduring guardian,
- (c) an attorney appointed under an enduring power of attorney,
- (d) a guardian or financial manager appointed by the NSW Civil and Administrative Tribunal
- (e) a person recognised by other relevant laws, for example in NSW, a 'person responsible' under the *Guardianship Act, 1987 (NSW)* (this may be an individual's spouse, partner, carer, family member or close friend), or
- (f) a person who has been nominated in writing by the individual while they could give consent.

A key aspect of dignity and respect is ensuring consumer's privacy is respected.

It is essential that all stakeholders respect a consumer's right to privacy, how personal information is collected, used, and communicated.

Privacy will be extended to others when they visit our premises with the provision of personal rooms or areas to undertake confidential discussions, when it is applicable and with the consent of the consumer or their substitute decision maker.

Our staff receive ongoing education and training regarding privacy, confidentiality, dignity, and respect which includes talking to consumers, family members and visitors and how they are to enter a consumer's room or home.

## **2 Collection, use and disclosure of personal information**

### **2.1 What personal information do we collect and how do we collect it?**

UPA collects, personal information (including health information and sensitive information) for the primary purpose of collection, including for the purpose of delivering care and services.

The nature and extent of the personal information collected varies depending on the consumers interaction with us.

### **2.2 Method of collection**

Personal information may be collected using in-person interviews, intake, registration, application processes, online or electronic registration or communications and via telephone.

We may also collect personal information when assessing applications for employment.

Whilst we endeavour to collect personal information directly from the relevant individual, we may collect personal information from substitute decision makers, family members, healthcare providers, community service providers or government agencies such as the Commonwealth Department of Health, Disability and Ageing concerning approvals for funding for aged care consumers.

If the personal information is not collected from the individual, we will take reasonable steps to ensure the individual (or their substitute decision maker or registered supporter) is informed about the collection unless the individual has provided express or implied consent to the collection.

### **2.3 What if we cannot collect personal information or anonymity is requested?**

If we do not collect your personal information or you require your personal information to be anonymised, we may be unable to provide health and care services for you or your family member.

### **2.4 What personal information do we use and disclose**

UPA uses and discloses personal information (including health information and sensitive information) for the primary purpose of collection, including for the purpose of delivering care and services.

We may also use and disclose personal information (including health information and sensitive information) with your consent or for secondary purposes directly related to the

primary purpose including for billing purposes, quality assurance, managing processes with service delivery and our business.

We may disclose personal information to other external organisations such as funding bodies, contractors, health care professionals, other regulatory bodies, or our professional advisors or insurers.

UPA's Aged Care Code of Conduct outlines the expectations of stakeholders and contractors to take all reasonable steps to protect personal information.

All service providers who are contracted to UPA are required to sign a confidentiality and privacy agreement to that effect.

We may also use or disclose your personal information without your express consent as permitted by law. This includes:

- (a) where there is serious threats to health and safety; or
- (b) when the disclosure is necessary by or for a law enforcement agency (e.g., prevention, investigation, prosecution or punishment of criminal offences, protection of public revenue, preparation or implementation of a court or tribunal order).

### **3 Data security**

UPA ensures that reasonable safeguards are in place to protect personal information, it holds against loss, interference, unauthorised access, inappropriate disclosure, modification, or other misuse.

These safeguards include reasonable physical and technical steps for both electronic and hard copy records. Some of these include, but are not limited to:

- (a) securing personal information in lockable storage cabinets,
- (b) not storing personal information in public areas,
- (c) restricting physical access,
- (d) positioning electronic equipment so that they cannot be seen or accessed by unauthorised persons, and/or,
- (e) using passwords, different levels of information systems access, anti-viral software, and firewalls to restrict unauthorised use.

### **4 Accuracy**

UPA takes all reasonable steps to ensure that the personal information that it collects is accurate, up-to-date, and complete. This may include maintaining and updating personal information either proactively or when we are advised by individuals that the personal information has changed.

It is a criminal offence for any individual to falsify records, any stakeholder who is aware of this occurring is to report it immediately to their manager or senior management.

You can request UPA to correct your personal information held by UPA.

## **5 Access to personal information**

A consumer or other individuals can request access to their own personal information held by Us unless a legally accepted exception applies. including:

- (a) that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- (b) giving access would have an unreasonable impact on the privacy of other individuals; or
- (c) the request for access is frivolous or vexatious; or
- (d) the information relates to existing or anticipated legal proceedings between UPA and the individual, and would not be accessible by the process of discovery in those proceedings; or
- (e) giving access would be unlawful; or
- (f) denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- (g) both of the following apply:
  - (i) UPA has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to UPA's functions or activities has been, is being or may be engaged in;
  - (ii) giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- (h) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- (i) giving access would reveal evaluative information generated within UPA in connection with a commercially sensitive decision-making process.

Requests for access to personal information can be made in writing and addressed to a UPA Manager or Privacy Officer (contact details below).

All consumers are offered a copy of their care and service plan at their request. As required changes will be made to the individualised plan in consultation with the consumer based on their goals, choices and wishes.

Before we grant access, We will need to verify the identity of the person making the request, particularly if they are not one of our existing clients.

We will provide in writing the reasons for declining access to requested personal information.

## **6 Storage and disposal of personal information**

We will retain personal information for so long as it is required to be used or as required by law.

When personal information is no longer required, it will be destroyed in a secure manner, deleted or de-identified in accordance with legal or compliance requirements.

## **7 Cross border disclosure**

UPA may engage third party service providers to support our internal operations. These third party service providers may be located overseas, including in the USA, Canada and Ireland.

This may mean that your personal information will be required by those service providers to be stored electronically overseas.

When we engage the services of such third parties, we take reasonable steps to ensure that they do not breach the APPs and maintain the privacy and confidentiality of any personal information.

We may also send your personal information overseas with your consent or the consent of your substitute decision maker, for example, if you ask for your medical and/or care records to be sent to a family member who is located overseas.

## **8 Direct marketing**

We will only use your sensitive information for direct marketing with your consent.

## **9 Website**

Your continued use of Our website indicates that you accept this Privacy Policy and consent to the collection and use by UPA of any personal information you provide while using Our website.

### **9.1 We take your privacy very seriously.**

We may collect personal information via our website when:

- (a) You send us an email; or
- (b) You subscribe to receive our newsletter and other information material; or
- (c) You give us any personal information when using the 'Contact Us' form.

If we require further information from you, we will contact you either by phone, in writing & or email.

## **9.2 What personal information is collected from our website?**

If your personal information is collected through Our website, it will generally be limited to:

Your personal contact details (name, address, phone number, email address)

## **9.3 Security of your personal information on the web**

Our website has security measures designed to protect against the loss, misuse and/or alteration to your personal information under our control. However, information exchanged via the Internet may be accessed and used by people other than those for whom it is intended. If you send us any personal information by email it is sent at your own risk.

## **9.4 Cookies**

If you use our website or any online facility we confirm that we may utilise tracking software and cookies. A cookie is a small file of letters and numbers downloaded on to a device when the user accesses certain websites. A cookie will allow a website to recognise a user's device.

A cookie will contain the name of internet location (the domain) from which the cookie has come and the lifetime of the cookie (a cookie will usually expire after a certain period of time).

Two types of cookies are used on this website:

- (a) Session cookies which are temporary cookies that remain in the cookie file of your browser until you leave the site; and
- (b) Persistent cookies which remain in the cookie file of your browser for much longer (though how long will depend on the lifetime of the specific cookie).

## **10 How we use cookies on our site and what personal information we collect**

### **10.1 Session cookies**

We use session cookies to allow you to carry information across pages of our site and avoid having to re-enter information.

### **10.2 Persistent cookie**

We use persistent cookies from time to time to help us recognise you as a unique visitor when you return to our website and to monitor your use of our website;

### **10.3 Use of web beacons and other tracking software**

Some of our web pages may contain web beacons which allow us to count users who have visited web pages. Web beacons collect only limited information including a cookie number, time and date of a page view, and a description of the page on which the web beacon resides. These beacons do not carry any personally identifiable information and are used to track the effectiveness of a particular communication or marketing campaign.

## 11 Artificial intelligence

We or our service providers may use artificial intelligence including in the following circumstances:

- (a) to assist the assessment of employment applications;
- (b) Epicor for care is aged care management software supporting compliance and quality care;
- (c) for financial processes; and
- (d) de-identified data is used for benchmarking purposes;

In using AI:

- (e) data is de-identified; or
- (f) personal information is used in a controlled access system to maintained confidentiality to UPA. .

## 12 My Health Record

This policy applies to the My Health Record which is managed by the Australian Government. There are additional requirements concerning the My Health Record under the *My Health Records Act 2012 (Cth)*, please refer to our My Health Record Policy.

## 13 Contact

Any requests for access or correction or concerns or complaints regarding Privacy and confidentiality can be directed to UPA Privacy Officer Contact details:

Email: [PrivacyOfficer@upa.org.au](mailto:PrivacyOfficer@upa.org.au).

It is our intention to resolve any complaints or concerns as quickly as possible.

As required concerns or complaints can be forwarded to Office of the Privacy Commissioner for further consideration – GPO Box 5218 SYDNEY NSW 2001, Phone: 1300 363 992, Lodge a privacy complaint: [www.oaic.gov.au](http://www.oaic.gov.au)

## 14 Definitions

**Confidentiality:** implies the relationship of confidence between the organisation and individuals.

**health information** as defined by the Privacy Act 1988):

- (a) information or an opinion about:
  - (i) the health, including an illness, disability or injury, (at any time) of an individual; or

- (ii) an individual's expressed wishes about the future provision of health services to the individual; or
- (iii) a health service provided, or to be provided, to an individual;  
that is also personal information;
- (b) other personal information collected to provide, or in providing, a health service to an individual;
- (c) other personal information collected in connection with the donation, or intended donation, by an individual of his or her body parts, organs or body substances;
- (d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

**personal information** (as defined by the Privacy Act 1988): means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not, and
- (b) whether the information or opinion is recorded in a material form or not.

**Privacy:** keeping certain personal information free from public knowledge and having control over its collection, use and disclosure.

**sensitive information** (as defined by the Privacy Act 1988): means:

- (a) information or an opinion about an individual's:
  - (i) racial or ethnic origin; or
  - (ii) political opinions; or
  - (iii) membership of a political association; or
  - (iv) religious beliefs or affiliations; or
  - (v) philosophical beliefs; or
  - (vi) membership of a professional or trade association; or
  - (vii) membership of a trade union; or
  - (viii) sexual orientation or practices; or
  - (ix) criminal record,  
that is also personal information; or
- (b) Health Information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or

- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.



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