



THE BUTTERY

ENRICHING LIVES

Personal Information Management Plan

Document Number	Version No#	Date	Author / Reviewer	Approved by	Significant changes to previous
TB.GEN.PLAN.001	1 .0	07 July 2022	Stuart Nunan Ari Soemardi	QA Committee	New Doc

Table of Contents

1. EXECUTIVE SUMMARY	4
1.1. Introduction	4
1.2. Privacy Management	4
1.3. Definitions	4
2. ROLES AND ACCOUNTABILITIES	5
2.1. The Buttery's Board	5
2.2. Executive Management and Leadership Team.....	5
3. PERSONAL AND HEALTH INFORMATION	7
3.1. What is Personal Information?	7
3.2. What is not Personal Information?	7
3.3. What is Health Information?	8
3.4. What is not Health Information?	8
4. INFORMATION HELD BY THE BUTTERY	8
4.1. Types of Personal Information held by The Buttery	8
5. MANAGEMENT OF PERSONAL AND HEALTH INFORMATION AT THE BUTTERY	9
5.1. Collection	9
5.1.1. Collection for lawful purposes.....	9
5.1.2. Requirements when collecting personal and health information.....	10
5.1.3. Relevance of the information collected	10
5.2. Storage, Retention and Security	11
5.3. Accuracy and Access.....	12
5.3.1. Accuracy.....	12
5.3.2. Access	12
5.4. Use.....	12
5.5. Disclosure	13
5.6. Identifiers and Anonymity	14
6. Enquiries and Complaints	14
6.1. How to make an informal complaint	14
6.2. How to make a formal complaint with The Buttery	14
7. Exemptions	15
7.1. Exemptions relating to health information	15
8. Linked Legislation	16
8.1. Commonwealth Privacy Act 1988	16

8.2. State Records Act 1998 (NSW).....	16
9. Related Documents.....	16
APPENDIX 1	17

1. EXECUTIVE SUMMARY

1.1. Introduction

The Buttery is required to comply with the Health Privacy Principles (HPPs) under the *Health Records & Information Privacy Act 2002 (NSW)* (HRIP Act) with respect to health information.

This Personal Information Management Plan includes the following:

- a) how The Buttery develops policies and practices to ensure compliance with HRIP Act;
- b) how The Buttery communicates these policies and practices within the organisation to ensure all staff and volunteers understand and complies with the requirements;
- c) what you can do if you have any concerns about how The Buttery has managed your privacy; and
- d) other general matters The Buttery considers to be relevant to privacy and the personal or health information it holds.

This Personal Information Management Plan details who you should contact with questions about your personal or health information that is collected and held by The Buttery, how to access and amend your personal or health information and what to do if you are concerned that The Buttery has not managed your personal or health information in a way that follows the HRIP Act. This plan applies to all of The Buttery's staff (as defined).

1.2. Privacy Management

The Buttery has developed a comprehensive Privacy Framework. This framework supports all of The Buttery's staff to make sure that all forms of privacy is managed effectively and consistently throughout the organisation.

The Buttery's Privacy Framework consists of the following:

- (a) The Communications Policy;
- (b) This Personal Information Management Plan; and
- (c) The Privacy Information Notice.

1.3. Definitions

Collection	the way that The Buttery acquires personal or health information, which can include a written or online form , a verbal conversation, a voice recording, or a photograph.
Disclosure	when The Buttery makes known to an individual or entity personal or health information not previously known to them.
Employee	All permanent, temporary, and casual employees, as well as secondees, work experience students and volunteers.
Health Information	information or an opinion about a person s physical or mental health or disability, or a person's express wishes

	about the future provision of their health services or a health service provided or to be provided to a person. See the definition at section 6 of the HRIP Act.
HPPs	the Health Privacy Principles set out in Schedule 1 of the HRIP Act. They are the minimum standards for the handling of health information. See Appendix 1 of this Personal Information Management Plan.
NSW Privacy Laws	<i>Health Records and Information Protection Act 2002 (NSW)</i> .
The Buttery's staff	any individual employed by The Buttery on a permanent, part time, temporary or casual basis and all individuals performing work in any capacity for The Buttery, such as contractors, subcontractors, agents, consultants, and those undertaking work experience, secondment and volunteer work.

2. ROLES AND ACCOUNTABILITIES

The following sets out the responsibilities for various positions and divisions within The Buttery in relation to their privacy management obligations.

2.1. The Buttery's Board

The Board of Directors are aware of and understand the obligations of The Buttery under NSW Privacy Laws. In complying with their governance disclosure requirements, the Board will ensure that any personal or health information that is disclosed to shareholders is done so in accordance with the HRIP Act.

In addition to their compliance with NSW Privacy Laws, the Board will as part of their fiduciary duties, at all times avoid the disclosure of confidential information.

2.2. Executive Management and Leadership Team

The Chief Executive Officer (CEO) the Executive Management and Leadership team reinforce transparency and compliance with the NSW Privacy Laws at The Buttery by:

- a) endorsing the Privacy Framework including this Personal Information Management Plan;
- b) identifying and addressing privacy issues when improving systems or implementing new systems;
- c) holding everyone at The Buttery accountable for reporting identified privacy risks and breaches;
- d) committing to continual learning with a focus on training for all The Buttery's staff and ongoing support to ensure that all The Buttery's Staff are aware of sound privacy management practices; and
- e) supporting best practice in respect to privacy across all business functions.

The CEO, together with the Executive Management and Leadership team, has overall responsibility for promoting public awareness of the Personal Information Management Plan and will ensure it is:

- written in plain English;
- readily available on the The Buttery's website;
- provided in hard copy on request;
- referred to when The Buttery's staff, Participants, stakeholders and members of the public are completing forms or surveys that collect personal or health information; and
- referred to when answering enquiries regarding the management of, or access to, personal information.

The CEO handles all matters related to privacy, including the handling of personal and health information and will:

- ensure this Plan remains up to date (including monitoring and continuously improving this Plan);
- make a copy of this Plan available to all current and new Buttery Staff and contractors upon request;
- train and educate staff (with the assistance of members of the Leadership team) in aspects of the HRIP Act where required;
- provide advice to staff on privacy and the application of the HRIP Act as requested;
- provide a first point of contact for members of the public for all matters related to privacy and the handling of personal and health information within The Buttery;
- participate in the development of new initiatives within The Buttery that have a potential privacy impact;
- handle formal complaints about how The Buttery has managed privacy; and
- liaise with the NSW Information and Privacy Commission and other government agencies where required.

All of The Buttery's staff need to be aware of the privacy obligations and act on any areas of weakness by notifying and liaising with the CEO. The CEO will ensure that all levels of management and supervision members are aware of the policies and procedures at The Buttery that support the Privacy Framework, including how and to whom they should report privacy concerns.

The Buttery's staff must comply with the requirements of their employment contract which requires that The Buttery's staff uphold all confidentiality and privacy obligations,

including those related to the personal information of The Buttery's staff, participants, contractors, and stakeholders.

The Buttery's staff are aware of and understand this Personal Information Management Plan and how it applies to the work that they do.

Specific ways that The Buttery ensures all The Buttery' staff are aware of their privacy obligations include:

- providing privacy training, including specific training in relation to this Personal Information Management Plan, in induction packs and providing ongoing training in relation to privacy as part of the internal training schedule and otherwise as required;
- publishing this Personal Information Management Plan in a prominent place on The Buttery's website, further supported by the Communications Policy and Privacy Information Notice which are available on The Buttery's intranet (internal network);
- including privacy obligations as a condition of employment; and
- highlighting and promoting the Personal Information Management Plan internally as required and in particular when relevant to emerging issues and projects.

3. PERSONAL AND HEALTH INFORMATION

3.1. What is Personal Information?

Personal information is defined as:

Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

In summary, personal information is any information or any opinion that is capable of identifying an individual. Common examples of personal information that The Buttery could hold include a person's name, address, a photograph or video, medical records or correspondence from third parties.

3.2. What is not Personal Information?

There are several types of information that are not considered to be personal information and the IPPs do not apply to the handling of this information.

These include:

- information about an individual who has been dead for more than 30 years;
- information about an individual that is contained in a publicly available publication (for example, information provided in a newspaper or a court judgement available on the internet); and

- information or an opinion about an individual's suitability for appointment or employment as a public sector official (for example, recruitment records, referee reports and performance appraisals).

3.3. What is Health Information?

Under section 6 the HRIP Act, health information means:

- a) personal information that is information or an opinion about:
 - i. the physical or mental health or a disability (at any time) of an individual; or
 - ii. an individual's express wishes about the future provision of health services to him or her; or
 - iii. a health service provided, or to be provided, to an individual; or
- b) other personal information collected to provide, or in providing, a health service; or
- c) other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances; or
- d) other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual; or
- e) healthcare identifiers;

but does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information for the purposes of this Act generally or for the purposes of specified provisions of the Act.

3.4. What is not Health Information?

Any information that is not covered in the above categories is not health information for the purposes of the HRIP Act.

4. INFORMATION HELD BY THE BUTTERY

4.1. Types of Personal Information held by The Buttery

The Buttery through its support services, collects the personal information of participants and other stakeholders as part of these functions and activities. The Buttery also holds personal information in relation to The Buttery's Staff.

Some examples of the main types of personal information The Buttery holds are:

- Participant names, address, phone number, email;
- Participants medical information;

- Participant concession information
- Images on CCTV at various sites with appropriate signage to notify of its presence;
- Staff name, address, email address, phone number, date of birth, payroll, attendance and leave records;
- Staff bank account details
- Staff training records, performance management and evaluation records;
- Staff qualifications, certifications, resume.
- Records of gender, ethnicity and disability of employees for equal employment opportunity reporting purposes.

5. MANAGEMENT OF PERSONAL AND HEALTH INFORMATION AT THE BUTTERY

5.1. Collection

5.1.1. Collection for lawful purposes

The Buttery will only collect personal and health information if it is:

- a) for a lawful purpose that is directly related to one of The Buttery's functions; and
- b) reasonably necessary for The Buttery to have the information.

Direct collection

The Buttery will collect personal and health information that you specifically give us in a variety of ways, including but not limited to:

- telephone;
- writing;
- email;
- fax;
- in person
- Participant surveys;
- The Buttery's website, including by enquiries, online forms and donations.

Indirect collection

The Buttery may collect personal or health information about you from a third party, usually with your authority. For example:

- from an organization or person referring you to a Buttery Service;

- an organisation or individual that can provide required and relevant information e.g. clinician or Government agency;
- if you apply for employment or a contract with The Buttery you will authorise us to collect personal information about you from your referees and educational or vocational institutions regarding your qualifications and you will authorise us to perform a police check if you do not provide your own.

The Buttery may collect personal information from someone else, but only where this has been authorised by the person (or if the person is under 16 years and it is collected from their parent/guardian). The Buttery may collect health information from someone else where this has been authorised (or if the person is under 16 years and it is collected from their parent/guardian) or where it is unreasonable and impractical to collect it from the individual.

Unsolicited collection

Where an individual provides The Buttery with unsolicited personal or health information, then that information will still be treated in accordance with this Personal Information Management Plan and the Communications Policy. However, such information is not considered collected by The Buttery for the purposes of the HRIP Act. This means the collection principles do not apply to unsolicited personal or health information.

5.1.2. Requirements when collecting personal and health information

When collecting personal information or health information from an individual, The Buttery takes reasonable steps to tell the individual to whom the information relates:

- that the information is being collected;
- what it will be used for;
- what other parties (if any) routinely receive this type of information from us;
- whether the collection is required by law or if voluntary;
- what the consequences will be for the person if they do not provide the information to The Buttery; and
- the right of the person to access and/or correct their personal information.

Notification may be made in a number of ways including by way of a collection notice, on The Buttery s website, by audio recording or in person. If notification cannot be made prior to collection of the personal information, it will be made as soon as practicable afterwards.

5.1.3. Relevance of the information collected

When collecting information from an individual, The Buttery will take reasonable steps to ensure it:

- a) does not collect excessive personal information or health information;

- b) collects only the minimum amount of information necessary to ensure the purpose/s to which it was collected are satisfied;
- c) does not collect personal or health information in an unreasonably intrusive manner; and
- d) ensures that personal and health information collected is relevant, accurate, up-to-date and complete.

5.2. Storage, Retention and Security

The Buttery takes reasonable security safeguards to protect personal and health information from loss, unauthorised access, use, modification or disclosure, and against all other misuse. The Buttery will ensure that personal and health information is stored securely, not kept longer than necessary, and disposed of appropriately.

Where it is necessary for personal or health information to be transferred to a person in connection with the provision of a service to The Buttery, we will take reasonable steps to prevent unauthorised use and disclosure of that information.

The Buttery stores personal and health information in a variety of ways including:

- a) on The Buttery's client management system (database)
- b) secure cloud storage;
- c) on its server;
- d) by third parties who are engaged to perform services in relation to The Buttery score functions; and
- e) in physical office locations.

The Buttery implements and maintains reasonable security measures to protect and secure personal and health information from unauthorised access and misuse. This includes measures around technical, physical and administrative controls. Examples of The Buttery security measures include, but are not limited to:

- restricting and managing access to IT systems and electronic files to those who require access to perform their day to day functions;
- protecting computer access with individual passwords and requiring that such passwords meet strong thresholds and are changed regularly;
- providing The Buttery's Staff with access to secure storage spaces at work stations;
- physically separating business areas from others as needed to ensure confidentiality and security;
- training in relation to security requirements (where required);
- requiring mandatory adherence to the Communications Policy and terms of employment, with any breaches potentially leading to disciplinary action up to and including termination; and
- ensuring the confidential destruction of personal information when no longer required.

5.3. Accuracy and Access

5.3.1. Accuracy

The Buttery relies on the accuracy of the personal information provided by the individual. In some instances, The Buttery will verify the accuracy of certain records it holds, including when a Participant contacts The Buttery to discuss their account or their personal information.

There are certain circumstances when The Buttery independently verifies the personal information provided, for example, in respect to a applicable personal and health records. Consent is obtained prior to this action.

The Buttery's staff can request to have their personal information updated or amended by contacting Human Resources and/or Finance.

5.3.2. Access

The Buttery allows staff and participants to access their personal and health information without excessive delay or expense:

- Participants can access their personal or health information by contacting the relevant The Buttery business section or via The Buttery intake and assessment line.
- Staff can access some of their personal or health information via Deputy system or by making a request to Human Resources.

5.4. Use

Before using personal information or health information, The Buttery will take reasonable steps to ensure that the information is relevant, accurate, up-to-date, complete and not misleading.

The Buttery will use personal and health information for:

- a) the primary purpose for which it was collected being the delivery of The Buttery's functions to provide a service;
- b) a directly related secondary purpose;
- c) another purpose where it is reasonably necessary to prevent or lessen a serious and imminent threat to life or health;
- d) another purpose for which you have consented; or
- e) another purpose where permitted or required by law or contained in an exemption in the HRIP Act (see below).

Examples of where The Buttery may use personal information for a secondary purpose include, but are not limited to:

- i. quality assurance activities such as monitoring, evaluating and auditing;
- ii. to ensure the safety of The Buttery's staff;

- iii. investigating a breach of The Buttery Code of Conduct, employment conditions or other disciplinary matters;
- iv. where the information relates to a persons suitability for appointment or employment;
- v. finding a missing person; and
- vi. preventing a serious threat to public health and safety.

5.5. Disclosure

The Buttery may disclose personal or health information if:

- a) the disclosure is directly related to the purpose for which the information was collected, and we have no reason to believe the individual concerned would object to the disclosure, e.g. disclosure of current mental health deterioration to a participants treating psychiatrist or clinician;
- b) the individual has been made aware in our privacy information notice that information of the kind in question is usually disclosed to the recipient;
- c) we instruct a debt collection agency to collect a debt on behalf of The Buttery;
- d) the individual authorises the disclosure, e.g. if you provide us with an authority for a nominate representative to deal with us, such as spouse or family member;
- e) we can reasonably assume you have consented, e.g. where a Participant instructs a solicitor to act on their behalf;
- f) The Buttery reasonably believes that the disclosure is necessary to prevent or lessen a serious and imminent threat to life or health; or
- g) the disclosure is otherwise authorised or required by law, e.g.:
 - i. where Police have a warrant;
 - ii. where a subpoena or notice to produce has been issued;
 - iii. to resolve a participant complaint to the a relevant legislated government of independent agency;
 - iv. to SafeWork NSW in the event of a work health and safety investigation;
 - v. to superannuation trustees and/or administrators in relation to staff;
 - vi. accordance with other legislation e.g. by bodies that regulate The Buttery's activities;
 - vii. to provide a participant of a property the details of outstanding debts and payment arrangement options eg HASI Plus.

The Buttery mayor may not consult with you before releasing your personal information to a third party depending on the circumstances .

Greater protections usually apply in relation to health information.

The Buttery will only disclose sensitive information without consent to deal with a serious and imminent threat to any persons health or safety. Sensitive information includes information about ethnic or racial origin, political opinions, religious or philosophical beliefs and sexual activities.

5.6. Identifiers and Anonymity

The Buttery will only identify individuals by using unique identifiers if it is reasonably necessary for The Buttery to carry out its functions.

Where possible, The Buttery gives its people and participants a right to remain anonymous or use a pseudonym when dealing with The Buttery.

6. Enquiries and Complaints

An organisation, person or participant who wishes to make an enquiry or lodge a complaint in relation to how The Buttery has managed their privacy may do any of the following:

- make an informal complaint via telephone or in writing by emailing info@buttery.org.au; or
- make a formal complaint in writing to the Chief Executive Officer; or
- make a complaint to the Office of the Australian Information Commissioner.

6.1. How to make an informal complaint

We encourage you to first try to resolve your privacy concerns with us informally. This can be done by emailing info@buttery.org.au or writing to us at PO Box 42, Bangalow NSW 2479 or calling us on 02 6687 1111 (option 2).

6.2. How to make a formal complaint with The Buttery

If you consider The Buttery has not dealt with your personal or health information in accordance with NSW Privacy Laws, you can lodge a formal complaint with The Buttery.

A formal complaint should be made in writing:

- a) via the online feedback and complaints form on The Buttery's website at www.buttery.org.au; or
- b) by letter or email, addressed to The Buttery Chief Executive Officer at the address outlined above.

The complaint should include as many details as possible and include an Australian postal address or valid email address for return correspondence.

The handling of a formal complaint will follow the process set out in The Buttery Communications Policy.

6.3. How to make a complaint to the Australian Information Commissioner

Write to:

Office of the Australian Information Commissioner
Level 8, Piccadilly Tower, 133 Castlereagh St,
Sydney NSW 2000 GPO Box 5218, Sydney, NSW,
2001

1300 363 992 Toll free: 1800 620 241

Fax: (02) 9284 9666

www.privacy.gov.au

privacy@privacy.gov.au

7. Exemptions

7.1. Exemptions relating to health information

Section 17 of the HRIP Act states that it does not apply to the following agencies, except in connection with the exercise of their administrative and educative functions:

- Independent Commission Against Corruption
- Inspector of the Independent Commission Against Corruption
- Staff of the Inspector of the Independent Commission Against Corruption
- NSW Police Force
- Law Enforcement Conduct Commission
- Inspector of the Law Enforcement Conduct Commission
- Staff of the Inspector of the Law Enforcement Conduct Commission
- New South Wales Crime Commission

The HRIP Act also has exemptions relating to:

- certain translation services provided by Multicultural NSW
- news media
- courts, tribunals and Royal Commissions
- personal or family household affairs.

There are four other sources of exemptions to the HRIP Act:

- exemptions written in the Health Privacy Principles (HPPs) directly
- exemptions written in a regulation made by the Minister for Health
- exemptions written in a Health Privacy Code of Practice, made by the Minister for Health
- exemptions written in a Health Public Interest Direction, made by the Privacy Commissioner.

There are currently none of these that apply to The Buttery, except those outlined in the HRIP Act, which have already been discussed in this Personal Information Management Plan.

8. Linked Legislation

8.1. Commonwealth Privacy Act 1988

The Buttery is a file number recipient for the purposes of the *Privacy Act 1988 (Cth)* (Privacy Act) because it holds records of employees that contain tax file number information. As such, The Buttery must comply with any rules relating to tax file number information issued under section 17 of the Privacy Act by the Australian Information Commissioner, such as Privacy (Tax File Number) Rule 2015. For more information please refer to the website of the Office of the Australian Information Commissioner: www.oaic.gov.au.

8.2. State Records Act 1998 (NSW)

The Buttery is required to comply with the NSW State Records Act 1998 and the associated Standard on Records Management issued by the State Archives & Records Authority of NSW. Those requirements provide overall guidance on the practical requirements for effective records and information management including retention periods and disposal of records and should be considered in conjunction with the NSW Privacy Laws.

9. Related Documents

External Documents

- Health Records & Information Privacy Act 2002 (NSW)
- Privacy Act 1988 (Cth)
- NSW Information and Privacy Commission website: www.ipc.nsw.gov.au
- NSW Civil and Administrative Tribunal website: www.ncat.nsw.gov.au
- Office of the Australian Information Commissioner website: www.oaic.gov.au
- Internal Documents of The Buttery
 - Communications Policy
 - Privacy Information Notice.

APPENDIX 1

Health Privacy Principles

Schedule 1 of the HRIP Act contains 15 HPPs that The Buttery complies with. Below is an overview of the principles.

Collection

1. Lawful

An organisation can only collect your health information for a lawful purpose. It must also be directly related to the agency or organisations activities and necessary for that purpose.

2. Relevant

An organisation must ensure that your health information is relevant, accurate, up-to-date and not excessive. The collection should not unreasonably intrude into your personal affairs.

3. Direct

An organisation must collect your health information directly from you unless it is unreasonable or impracticable to do so.

4. Open

An organisation must inform you of why your health information is being collected, what will be done with it and who else might access it. You must also be told how you can access and correct your health information, and any consequences if you decide not to provide it.

Storage

5. Secure

An organisation must store your personal information securely, keep it no longer than necessary and dispose of it appropriately. It should also be protected from unauthorised access, use or disclosure.

Access and accuracy

6. Transparent

An organisation must provide you with details regarding the health information they are storing, why they are storing it and what rights you have to access it.

7. Accessible

An organisation must allow you to access your health information without unreasonable delay or expense.

8. Correct

Allows a person to update, correct or amend their personal information where necessary.

9. Accurate

Ensures that the health information is relevant and accurate before being used.

10. Limited

An organisation can only use your health information for the purpose for which it was collected or a directly related purpose that you would expect (unless one of the exemptions in HPP 10 applies). Otherwise, separate consent is required.

Disclosure

11. Limited

An organisation can only disclose your health information for the purpose for which it was collected or a directly related purpose that you would expect (unless one of the exemptions in HPP 11 applies). Otherwise, separate consent is required.

Identifiers and anonymity

12. Not identified

An organisation can only give you an identification number if it is reasonably necessary to carry out their functions efficiently.

13. Anonymous

Give the person the option of receiving services from you anonymously, where this is lawful and practicable.

Transferrals and linkage

14. Controlled

Only transfer health information outside New South Wales in accordance with HPP 14.

15. Authorised

Only use health records linkage systems if the person has provided or expressed their consent.