

# Cherry Tree

## Privacy and Information Management Policy and Procedures

### Policy

Cherry Tree will comply with:

- the Privacy Act 1988 and the Privacy Amendment Act 2012 to protect the privacy of individuals' personal information
- Privacy and Personal information and Protection Act 1998 NSW

This includes having in place systems governing the appropriate collection, use, storage and disclosure of personal information, access to and correction and disposal of that information.

### Outcome

Compliance with legislative requirements governing privacy of personal information.

All Cherry Tree PL participants are satisfied that their personal information is kept private and only used for the intended purpose

### Background

The [Privacy Act 1988](#) (Privacy Act) is an Australian law which regulates the handling of personal information about individuals by private sector organisations. Amendments were made to this legislation in 2012 (the Privacy Amendment Act 2012) which updates the [Australian Privacy Principles](#) (APP) and came into effect in March 2014. The amendment requires an organisation to explicitly state how they will adhere to the APP and inform their participants on how their privacy will be protected. The APP cover the collection, use, storage and disclosure of personal information, and access to and correction of that information. The APP are summarised in Appendix 1 of this document.

Privacy and Personal information and Protection Act 1998 NSW governs how long personal health information must be kept.

### Definitions

'Personal information' means information (or an opinion) we hold (whether written or not) from which a person's identity is either clear or can be reasonably determined.

'Sensitive information' is a particular type of personal information - such as health, race, sexual orientation or religious information.

### Procedure

*Ensuring all Cherry Tree PL Staff Understand Privacy and Confidentiality Requirements*

1. The Director of Cherry Tree will review their Privacy Policy annually and ensure staff understand their responsibility to protect the privacy of individuals' personal information.
2. All Staff will undergo training related to Privacy and Confidentiality Requirements at the time of induction and then annually.

### ***How Cherry Tree Pty Limited collects information***

1. You may provide basic information such as your name, phone number, address, and email address to enable us to send information, provide updates and process your product or service order. We may collect additional information at other times,

including but not limited to, when you provide feedback, when you provide information about your personal or business affairs, change your contact or email preference, respond to surveys and/or promotions, provide financial or credit card information, or communicate with our customer support.

2. Additionally, we may also collect any other information you provide while interacting with us. How we collect your personal information
3. Cherry Tree Pty Limited collects personal information from you in a variety of ways, including when you interact with us electronically or in person, when you access our website and when we provide our services to you. We may receive personal information from third parties. If we do, we will protect it as set out in this Privacy Policy.

### ***Managing Privacy of Participant Information Storage***

- Participant information collected is kept in an individual participant record.
- Each participant record has a unique identification number
- A participant record includes:
  - personal information
  - investigations
  - photographs
  - video footage
  - feedback forms
  - support plan
- A Firewall is used in the Cherry Tree PL computer system as a means of protecting information stored on the computer. Other security related procedures such as user access passwords, multi-factorial authentication also assist with the protection of information.
- Paper records are kept in locked, fireproof cabinets.
- Participant information is stored for seven years post the date of last discharge. In the case of participants aged under 18 years, information is kept until their 25th birthday and 7 years post discharge.
- Participant related information, or any papers identifying a participant are destroyed by shredding and deleting from the computer and all databases once no longer required to store.
- User access to all computers and mobile devices holding participant information is managed by passwords and automatic inactive logouts.

### ***Managing privacy on our website***

1. When you visit our website When you come to our website ([www.cherrytreecooks.com](http://www.cherrytreecooks.com)) we may collect certain information such as browser type, operating system, website visited immediately before coming to our site, etc. This information is used in an aggregated manner to analyse how people use our site, such that we can improve our service.

2. Cookies We may from time-to-time use cookies on our website. Cookies are very small files which a website uses to identify you when you come back to the site and to store details about your use of the site. Cookies are not malicious programs that access or damage your

computer. Most web browsers automatically accept cookies, but you can choose to reject cookies by changing your browser settings. However, this may prevent you from taking full advantage of our website.

3. Our website may from time-to-time use cookies to analyses website traffic and help us provide a better website visitor experience. In addition, cookies may be used to serve relevant ads to website visitors through third party services such as Google AdWords. These ads may appear on this website or other websites you visit.

4. **Third party sites** Our site may from time to time have links to other websites not owned or controlled by us. These links are meant for your convenience only. Links to third party websites do not constitute sponsorship or endorsement or approval of these websites. Please be aware that Cherry Tree Pty Limited is not responsible for the privacy practises of other such websites. We encourage our users to be aware, when they leave our website, to read the privacy statements of each website that collects personal identifiable information.

### ***Managing Privacy and Confidentiality Requirements of Participants***

1. Cherry Tree refers to their Privacy Policy on the participant's NDIS Service Agreement.
2. The NDIS Service Agreement includes 5 Consents:
  - I. Consent for sharing and obtaining Information
  - II. Consent for receiving services
  - III. Consent for photography
  - IV. Consent to participate in Participant Satisfaction Surveys
  - V. Consent to participate in Quality Management Activities
  - VI. Consent to collecting dietary requirements

These consents are discussed with the participant and /or their decision maker in a way they can understand prior to the commencement of service.

3. Persons contacting Cherry Tree PL with an enquiry do not need to provide personal details. However, once a decision is made to progress to utilising Cherry Tree's PL services, personal and sensitive information will need to be collected.
4. Permission to share information is sought from the participant prior to the delivery of services and as required at other points of intervention as / if required.
5. Personal information is not disclosed to third parties outside of Cherry Tree, other than for a purpose made known to the participant and to which they have consented, or unless required by law.
6. Participants are informed there may be circumstances when the law requires Cherry Tree PL to share information without their consent (Legal reasons) .

### ***Keeping Accurate Participant Information***

Participants are informed of the need to provide us with up to date, accurate and complete information.

Cherry Tree staff update information on the participant record at the time of reviews or when they become aware of change in information.

Teaching staff at Cherry Tree Pty Limited update the participant record, where necessary, as soon as practical after the delivery of services to ensure information is accurate and correct.

### ***Using Participant Information for Other Purposes***

Under no circumstances will Cherry Tree Pty Limited use personal details for purposes other than stated above, unless specific written consent is given by the participant or their representative.

### ***Participant Access to Their Information***

Participants have the right to access the personal information Cherry Tree Pty Limited holds about them. To do this, participants must contact the Director of Cherry Tree Pty Limited.

### ***Modifying our Privacy Policy***

Please be aware that we may change this Privacy Policy in the future. We may modify this Policy at any time, in our sole discretion and all modifications will be effective immediately upon our posting of the modifications on our website or notice board. Please check back from time to time to review our Privacy Policy

### ***Management of a Privacy Complaint***

1. If a person has a complaint regarding the way in which their personal information is being handled by Cherry Tree Pty Limited, in the first instance they are to contact Jennifer Chate . The complaint will be dealt with as per *the Complaints Management Policy*. If you have any complaints about our privacy practices, please feel free to send in details of your complaints to 227 North Rocks Road, North Rocks. 2151 NSW. We take complaints very seriously and will respond shortly after receiving written notice of your complaint
2. If the parties are unable to reach a satisfactory solution through negotiation, the person may request an independent person (such as the [Office of the Australian Privacy Commissioner](#)) or the [NDIS Quality and Safeguards Commission](#) to investigate the complaint. Cherry Tree Pty Limited will provide every cooperation with this process.

### **Reference**

- ['Guidelines on Privacy in the Private Health Sector', Office of the Australian Information Commissioner](#)

## **Appendix 1: Summary of the 13 Australian Privacy Principles**

### **APP 1 — Open and transparent management of personal information**

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

### **APP 2 — Anonymity and pseudonymity**

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

### **APP 3 — Collection of solicited personal information**

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

### **APP 4 — Dealing with unsolicited personal information**

Outlines how APP entities must deal with unsolicited personal information.

### **APP 5 — Notification of the collection of personal information**

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

### **APP 6 — Use or disclosure of personal information**

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

### **APP 7 — Direct marketing**

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

### **APP 8 — Cross-border disclosure of personal information**

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

### **APP 9 — Adoption, use or disclosure of government related identifiers**

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

### **APP 10 — Quality of personal information**

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

### **APP 11 — Security of personal information**

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

### **APP 12 — Access to personal information**

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

### **APP 13 — Correction of personal information**

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.