

<b>ADO POL.038</b>	<b>ANIMAL DEFENDERS OFFICE—PRIVACY POLICY</b>
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<b>Applies to:</b> ADO Board, ADO volunteers
<b>Specific responsibility:</b> Executive Director, Directors, volunteer lawyers and interns

<b>Version:</b> 1.4
<b>Date reviewed:</b> 13/06/20
<b>Next review date:</b> 13/06/23

<b>Policy context:</b> This policy relates to	
Standards or other external requirements	Standard 6: Management of Information and Data (NAS CLC Phase 3)
Legislation or other requirements	<i>Privacy Act 1988</i> (Cth)
Contractual obligations	ADO confidentiality agreements

## POLICY STATEMENT

The Animal Defenders Office (“ADO”) is committed to protecting and upholding the right to privacy of clients, volunteers, Board members and representatives of agencies we deal with. In particular, the ADO is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

The ADO requires volunteers and Board members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

Broadly, the ADO collects personal information in relation to our:

- legal services
- volunteers
- clients
- contractors and suppliers.

The ADO is not an organisation subject to obligations under the Commonwealth *Privacy Act 1988* (“Privacy Act”). As a matter of policy, however, the ADO collects, holds, uses and discloses personal information (including sensitive information) in a manner consistent with the Australian Privacy Principles (“APPs”).

The ADO will ensure that:

- we meet our legal and ethical obligations as a volunteer service provider in relation to protecting the privacy of clients and organisational volunteers.
- clients are provided with information about their rights regarding privacy.
- clients and organisational volunteers are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
- all Board members and volunteers understand what is required in meeting these obligations.

This policy applies to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

The ADO collects personal information for the purpose of providing legal services to our clients across a range of legal matters and issues. This personal information may include the names, addresses, contact details, dates of birth, gender, occupations, employment histories, family backgrounds, pet and veterinary information and financial records (including tax file numbers and debts) of individuals who are:

- taking legal action
- the subject of legal action
- third parties as an incidence of legal action
- in an employee, commercial, business or other form of relationship with an ADO client, that relationship being the subject of, or incidental to, a legal matter in which ADO is acting for that client.

The ADO collects relevant personal information about our volunteers for the purposes of recruitment, performance management and professional and personal development, as well as general administrative functions such as office key agreements.

Clients provide personal information to ADO as part of the normal client-lawyer relationship. Clients will be told at interview what information is being collected, how their privacy will be protected and their rights in relation to this information.

Contractors and suppliers may provide personal information to the ADO from time to time in relation to the services rendered.

On occasions, we may need to gather personal information from other sources such as public records and third parties, for example, veterinary or other reports on clients' animals, reports from referees of prospective volunteers or potential contractors.

## **PROCEDURES**

### **Dealing with personal information**

In dealing with personal information, the ADO will:

- ensure privacy for clients, volunteers or Board members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation and our activities
- use fair and lawful ways to collect personal information
- collect personal information with consent from an individual, unless otherwise permitted by law and/or accepted legal practice and procedure and, depending on the circumstances, ensure that reasonable steps are taken to ensure that the individual concerned is, or has been, made aware of:
  - our identity and how to contact us
  - the fact and circumstances of collection
  - whether the collection is required or authorised by or under law
  - the purposes of collection
  - the consequences if personal information is not collected
  - our usual disclosures of personal information of the kind collected by us
- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.

We will only collect sensitive information (for example, medical information) about an individual if:

- the individual has consented and the information is reasonably necessary for one or more of the ADO's functions or activities
- the collection is required or authorised by or under law
- it is unreasonable or impracticable to obtain the consent of the individual about whom the information concerns, and the collection is necessary to prevent or lessen a serious threat to the life, health or safety of any individual, or to public health and safety
- the collection is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being, or may be engaged in, and we reasonably believe that the collection is necessary in order for us to take appropriate action
- the collection is reasonably necessary for the purposes of a confidential alternative dispute resolution process.

We use and disclose personal information for the primary purpose for which it was collected, namely to enable us to carry out our business of providing legal and related services. We may also use and disclose personal information for reasonably expected secondary purposes directly related (for sensitive information) or related (for other personal information) to the primary purpose of collection, or for other purposes consistent with the Privacy Act.

The people or organisations with whom we might share personal information include:

- our clients (with respect to personal information we have gathered in relation to a legal matter we are undertaking for those clients)
- barristers and other individuals or organisations who assist us in providing legal services
- courts, tribunals and regulatory authorities
- law enforcement agencies, where appropriate
- contractors or agents providing services to us, for example, banks that transmit payments on our behalf.

The ADO will not use or disclose personal information for a secondary purpose (ie a purpose other than the primary purpose for which the information was collected) except in accordance with permitted exceptions under the Privacy Act, including:

- the individual has consented to a secondary use or disclosure
- the individual would reasonably expect the ADO to use or disclose their personal information for the secondary purpose, and that purpose is related to the primary purpose of collection, or, in the case of sensitive information, directly related to the primary purpose
- the secondary use or disclosure is required or authorised by or under law
- it is unreasonable or impracticable to obtain the consent of the individual about whom the information concerns, and the secondary use or disclosure is necessary to prevent or lessen a serious threat to the life, health or safety of any individual, or to public health and safety
- the secondary use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim
- we have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being, or may be engaged in, and we reasonably believe that the secondary use or disclosure is necessary in order for us to take appropriate action
- the secondary use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process
- we reasonably believe that the secondary use or disclosure is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

The ADO uses a range of physical and electronic security measures to protect personal information from misuse and loss, and from unauthorised access, modification or disclosure. These measures include restricted physical access to the ADO office, secure databases, computer-user identifiers and passwords.

In addition to the above, the ADO's obligations to protect personal information arise from legal professional obligations arising from Commonwealth, State and Territory law.

### **Responsibilities for managing privacy**

- All volunteers are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- The Executive Director is responsible for content in ADO publications, communications and our website and must ensure that:
  - appropriate consent is obtained for the inclusion of any personal information about any individual including ADO personnel
  - information provided by other agencies or external individuals conforms to privacy principles
  - the ADO website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website (that statement may be this policy if included on the ADO website).
- The Executive Director is responsible for safeguarding personal information relating to ADO Board members, volunteers, contractors and ADO members.
- The Executive Director is the ADO's Privacy Contact Officer. In this role the Executive Director is responsible for:
  - ensuring that all personnel are familiar with the Privacy Policy and administrative procedures for handling personal information
  - ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy
  - handling any query or complaint about a privacy issue.

### **Privacy for interviews and personal discussions**

To ensure privacy for clients or volunteers when discussing sensitive or personal matters:

- The ADO will ensure there is an appropriately limited number of volunteers in the ADO office at any one time.
- Volunteers are encouraged to step out of the office for personal calls if they wish ie for their own privacy.
- Clients will be offered alternative locations for interviews and/or interviews outside opening hours.

### **Participants in research projects**

People invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used, and
- given copies of any subsequent publications.

The collection of personal information will be limited to that which is required for the project. Individual participants will not be identified.

Organisational participants in research projects will generally be identified in ADO research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

## DOCUMENTATION

Documents related to this policy	
Related policies	ADOPOL.028 – Client Records_11.9.5 ADOPOL.037 – Access confidential information_11.11.4
Forms, record keeping or other organisational documents	Confidentiality agreements (volunteers; consultants)

Reviewing and approving this policy		
Approval frequency	Person responsible for reviewing	Approval
Every 3 years	Executive Director	ADO Board

Policy review and version tracking			
Review	Date Approved/Reviewed	Approved/Reviewed by	Next Review Due
1	15/12/2016 v1.0 (approved final)	ADO Board	15/12/2017
2	17/04/2017 v1.1 (minor amendments)	Executive Director	15/12/2017
3	1/12/17 v1.2 (minor amendments)	Executive Director	30/11/2018
4	27/05/2019 v1.3 (minor amendments)	Executive Director	27/05/2020
5	13/06/2020 v1.4 (minor amendments)	Executive Director	13/06/2023

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