

Privacy of Personal Information

Current: 25 July 2022

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1. Purpose

- This is an outline about how Darwin Community Legal Service ('DCLS'):
 - collects, uses, discloses and otherwise handles personal information,
 - enables a person to check, update and obtain a copy of their personal information,
 - receives and deals with any concerns or complaints.

2. Scope

- DCLS is subject to legislative and regulatory requirements concerning information management. This includes:
 - The *Privacy Act 1988* (Cth), which includes the Australian Privacy Principles
 - The *Legal Profession Act 2006* (NT) which sets out legal professional requirements in the NT
 - Privacy obligations contained in contracts, including funding agreements.
 - Specific disclosure requirements, for example mandatory reporting requirements under the *Domestic and Family Violence Act NT 2007* (NT) and the *Care and Protection of Children Act 2007* (NT)
- This policy applies to all DCLS workers including staff, contractors, students, and volunteers.

3. Collection of personal information

- The type, nature and extent of personal information collected by DCLS depends on the nature of the interaction with DCLS (i.e. a client seeking a referral compared to legal advice or legal assistance). Generally, however DCLS will request the following personal information for service provision and/or statistical purposes:

Identification and contact details

- name
- mailing or street address
- email address
- telephone number
- age or date of birth

Family information

- family e.g. partner and dependents
- country of birth
- year of arrival in Australia
- language spoken at home

Financial information

- housing
- occupation
- financial status
- income

Sensitive information

- racial or ethnic origin
- criminal history and health information
- English proficiency
- need for an interpreter
- disability

- Other personal or sensitive information which may be collected to provide legal assistance, includes:
 - details of the services requested or enquired about,
 - services provided,
 - any additional information needed to respond or deliver those services, and
 - any additional information received in-person, by phone, in writing, by email etc.

4. Use and disclosure of personal information

- DCLS may collect, hold, use and disclose personal information, to:
 - establish, keep and update records
 - answer enquiries and provide information or advice about DCLS services
 - assess eligibility for assistance
 - provide legal services, referrals or arrange non-legal assistance
 - comply with legal or other binding obligations
 - process and respond to complaints
 - plan, manage, monitor and evaluate services
 - undertake peer review of services
 - report non-identified details to funders and other stakeholders.
- DCLS may also collect, hold, use and disclose personal information for other purposes:
 - as explained at the time of collection or which is required or authorised by law, and
 - for which the individual has provided their consent.

- DCLS does not use or disclose personal information about clients for direct marketing purposes.
- DCLS only allows access to collected personal information to:
 - DCLS workers who required access as part of their work and who are required to treat any information held as confidential
 - other agencies or lawyers where the general nature of the matter needs to be discussed to assist the person and the person has consented in advance
 - lawyers who have signed a confidentiality declaration in advance involved in the periodic DCLS cross-check. This is a Community Legal Service quality assurance measure required as part of DCLS's accreditation and insurance requirements.
- However, DCLS may be compelled to divulge personal information because of a Court order, legislative requirement (including mandatory reporting legislation outlined below) or a legal professional ethical requirement.

NT mandatory reporting of child abuse

- Under section 26(1) of the *Care and Protection of Children Act 2007* (NT), every person in the NT has a legal responsibility to report child abuse and neglect.
- To read more: <https://tfhc.nt.gov.au/contacts/report-child-abuse-or-neglect>

NT mandatory reporting of domestic and family violence

- Section 124A of the *Domestic and Family Violence Act 2007* (NT) provides that all adults in the NT must report serious incidences of domestic and family violence and serious or imminent threats to someone's life or safety due to domestic and family violence, unless the person has a reasonable excuse not to make the report.
- To read more: <https://nt.gov.au/law/crime/domestic-family-and-sexual-violence/report-domestic-family-and-sexual-violence>

5. Security and storage of personal information

- DCLS takes reasonable steps to ensure personal information is protected from misuse and loss, unauthorized access, modification, or disclosure.
- DCLS's office is in a secure building and hard copy records are kept in locked areas of the office. IT systems are password protected and anti-virus protection is regularly updated to ensure the security of the IT system.
- DCLS workers, including students and volunteers, are required to sign a confidentiality agreement which provides that they must treat personal information held by DCLS as confidential.

- DCLS workers are required to use password protected screen savers when they leave their desk. Upon return, they must re-enter their password to regain access to user information.
- All workers are kept up to date on security and privacy practices.
- Unless there are instructions to the contrary or the case or the nature of the material requires alternative arrangements, DCLS takes reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose after a period of 7 years from the time the file was closed.

6. Keeping personal information current

- DCLS workers take reasonable steps to ensure that personal information is accurate, complete, and up to date when it is collected or used.
- If a person believes that the personal information DCLS holds about them is incorrect, incomplete, or inaccurate, they may request it be amended. When this occurs DCLS will consider the request and if it is agreed that amendment is required, reasonable steps will be taken to correct the information.

7. Accessing information

- You can find out more about how your personal information is dealt with, or access or correct personal information DCLS holds about you by making a request to DCLS.
- Requested information will be provided within a reasonable time. This is normally within 14 days but may take longer depending on the nature and extent of the information held.
- This applies unless there is an exception under the *Privacy Act 1988* (Cth). For example, where DCLS has a legal duty to not disclose the information or where it may be harmful to do so. If the request is declined, you will be notified of the reason/s.
- You can access your personal information by making your request to:
 - the DCLS worker who has been working with you, or
 - the DCLS Principal Solicitor.

8. Making a complaint

- To make a complaint regarding breach of privacy you can initiate this with:
 - the DCLS worker who has been working with you, or
 - the DCLS Principal Solicitor.
- If you are dissatisfied with any action we subsequently take, you can also make a complaint to the DCLS Chief Executive Officer and/or to the Office of the Australian Information Commissioner (OAIC).

9. Additional information and contact details

- If you have any questions or concerns regarding privacy issues, please contact DCLS.

Darwin Community Legal Service

Ph: 08 8982 1111 / 1800 812 953 (free call)

Website: <http://www.dcls.org.au>

Level 2, 75 Woods St Darwin | GPO Box 3180 Darwin NT 0801

- You can alternatively contact the Office of the Australian Privacy Commissioner.

Office of the Australian Information Commissioner

Ph: 1300 363 992

Website: <https://www.oaic.gov.au/>

Website includes additional help information and online form