

# Privacy – Confidentiality

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## Who we are?

We are Sandringham Aged Care Association Inc, trading as Fairway ABN 36 771 155 427.

## Our commitment to you

Fairway understands how important it is to protect your personal information. This document sets out our privacy policy commitment in respect of personal information we hold about you and what we do with that information.

Any personal information we collect about you will only be used for the purposes we have collected it or as allowed under law.

Fairway is committed to protecting the privacy of all personal information collected from our services users and abiding by the Australian Privacy Principles and Guidelines endorsed by the Office of the Australian Information Commissioner, and the Common Care Standards, Standard 3 Expected outcome 3.2.

## Personal Information

When we refer to personal information we mean information from which your identity is reasonably apparent. This information may also include sensitive information such as health information. This may include information or an opinion about your health or disability, your expressed wishes about the future provision of health services, or a health service that is provided to you. We will only collect sensitive information with your consent.

The kinds of personal information we may collect about you include name, address, date of birth, email address, health information, social circumstances information, details of your health care professionals, details of your next of kin or responsible person, your health fund or insurer, any additional information provided to us by you, and any other information we may need to identify you.

## Why we collect your personal information

We collect information so we can:

- provide quality Aged Care services to you;
- administer and manage those services
- conduct research and develop our services
- assist your treating doctors, nursing staff, other health professionals or carers in providing Aged Care to you at our facilities
- for internal administration, insurers and legal representatives
- for quality review, clinical audit, service-monitoring, planning, evaluation and accreditation activities.

We may also collect your personal information for the purposes of direct marketing and managing our relationship with you.

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## **How do we collect your personal information?**

We understand that your personal information needs to be looked after and is not something you leave lying around. So unless it is unreasonable or impracticable, we will try to collect personal information directly from you or your family prior to admission, at admission and as an ongoing process. It is important that you or your family help us to do this and keep your contact details up-to-date.

We may also collect your personal information from your health care professionals, pharmacists, government departments and agencies, your family or your responsible person. We also collect information from third parties who provide services to you.

We may collect information when you or your family fill out a form with us, give us a call, use our website or makes an enquiry in person. We may use electronic means, such as email or SMS, to communicate with your family or responsible person.

## **What if you do not want to provide us with your personal information?**

If you do not provide your personal information to us, we may not be able to:

- provide you with the care and services you require;
- manage or administer your care and services; or
- communicate with your nominated representative on aspects of your care and on updates in activities at Fairway.

## **Do we disclose your personal information?**

For the purposes of providing quality care services to you, there will be times when we need to disclose your personal information to third parties. These third parties may include:

- your general practitioner, or other health care providers;
- our service contractors;
- associate business that may want to market products to you;
- the department of Health and Ageing
- your representatives including your Guardians, or Administrators; and
- investors, agents or advisers, or any entity that has an interest in our business.

Prior to disclosing any of your personal information to another person or organisation, Fairway will take all reasonable steps to satisfy ourselves that:

- (a) the person or organisation has a commitment to protecting your personal information which is at least equal to our commitment or
- (b) you have consented to us making the disclosure.

## **How do we take care of your personal information?**

We store information in different ways, including in paper and electronic form. The security of your personal information is important to us and we take reasonable steps to protect it from misuse,

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interference and loss, and from unauthorised access, modification or disclosure. Some of the ways we do this are:

- confidentiality requirements of our employees;
- document storage security policies;
- security measures for access to our systems;
- only giving access to personal information to a person who is verified to be able to receive that information;
- control of access to our buildings; and
- electronic security systems, such as firewalls and data encryption on our websites.

We can store personal information physically or electronically with third party data storage providers. Where we do this, we use contractual arrangements to ensure those providers take appropriate measures to protect that information and restrict the uses to which they can put that information.

## **What happens when we no longer need your information?**

We will only keep your information for as long as we require it for our purposes. We are also required to keep some of your information for certain periods of time under law, such as the Aged Care Act, the Corporation's Act, and the Financial Transaction Reports Act. When we no longer require your information, we' will ensure that your information is destroyed.

## **Direct Marketing**

From time to time we may use your personal information to provide you with current information about our services, changes to our organisation, or new services being offered by us or any company with whom we are associated.

If you do not wish to receive marketing information, you may at any time decline to receive such information by telephoning us on 03 9599 4199 or by writing to us here at ([http://reception@fairwayagedcare.org.au](mailto:reception@fairwayagedcare.org.au)) or at 195 Bluff Road, Sandringham, Victoria, 3191. We will not charge you for giving effect to your request and will take all reasonable steps to meet your request at the earliest possible opportunity.

## **Updating your personal information**

It is important to us that the personal information we hold about you is accurate and up to date. During the course of our relationship with you we may ask you to inform us if any of your personal information has changed. While we take care to ensure that your personal information that we collect use and disclose is correct and up to date, we ask that you;

- let us know if you know of any errors in your personal information; and
- keep us informed of any changes to your personal information.

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If you wish to make any changes to your personal information, you may contact us. We will generally rely on you to ensure the information we hold about you is accurate or complete.

## **Access and correction to personal information**

We will provide you with access to the personal information we hold about you. You may request access to any of the personal information we hold about you at any time.

Depending on the type of request you make we may respond to your request immediately, otherwise we usually respond within seven days of receiving your request. We may need to contact other entities to properly investigate your request.

There may be situations where we are not required to provide you with access to your personal information, for example, if the information relates to existing or anticipated legal proceedings or if your request is vexatious. An explanation will be provided to you if we deny you access to the personal information we hold about you.

If you have any concerns, you can access our external dispute resolution scheme or make a complaint to the Office of the Australian Information Commissioner.

If any of the personal information we hold about you is incorrect, inaccurate or out of date you may request that we correct the information. If appropriate we will correct the personal information at the time of the request otherwise, we will provide an initial response to you within seven days of receiving your request. We may need to consult with other entities as part of our investigation.

If we agree to correct your information, we will do so within 30 days from when you asked us, or a longer period if that has been agreed by you.

If we cannot make corrections within a 30 day time frame or the agreed time frame, we must:

- let you know about the delay, the reasons for it and when we expect to resolve the matter;
- ask you to agree in writing to give us more time; and
- let you know you can complain to our external dispute resolution scheme or the Office of the Australian Information Commissioner.

If we refuse to correct personal information we will provide you with our reasons for not correcting the information.

## **Using Government related identifiers**

If we collect government identifiers, such as your tax file number or Medicare number, we do not use or disclose information other than authorised by law.

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## Who do we share your personal information with?

To make sure we can meet your specific needs we sometimes need to share your personal information with others. We may share your information with your representative or any person acting on your behalf (for example, financial advisers, lawyers, settlement agents, accountants, executors, administrators, trustees, guardians, brokers or auditors). **We may disclose your relevant personal information to third parties outside of the organisation, including:**

- those involved in providing, managing or administering your care and services
- medical professionals, allied health service providers or health authorities who are involved in provision of care for you;
- government or regulatory bodies as required or authorised by law;
- organisations involved in debt collecting, including purchasers of debt;
- our accountants, auditors or lawyers and other external advisers;
- any party authorised by you who is involved in managing your financial affairs, including re-those with your Power of Attorney, trustees and guardians, where applicable;
- organisations that assist with our product planning, research and development where de-identified data is required;
- other organisations involved in our normal business practices, including our agents and contractors; and
- where you have given your consent.

## What are the other ways we use your information?

We may use your personal information to:

- identify those nominated to act on your behalf;
- tell you about other services, activities or events that may be of interest to you or you nominated contacts (this can be via email, telephone, SMS, mail, or any other electronic means), unless you tell us not to;
- allow us to run our business and perform administrative and operational tasks, such as:
  - train staff;
  - develop and market products and services;
  - risk management;
  - systems development and testing, including our websites and other online channels;
  - undertake planning, research and statistical analysis;
- determine how and when your beneficiary will be paid a benefit;
- prevent or investigate any fraud or crime, or any suspected fraud or crime;
- as required by law, regulation or codes binding us; and
- for any purpose for which you have given your consent.

## Sharing outside of Australia

We do not share your information with organisations outside Australia.

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## Data Storage

We may store your information in cloud or other types of networked or electronic storage. As electronic or networked storage can be accessed from various countries via an internet connection, it's not always practicable to know in which country your information may be held

## Data Breach

The passage of the *Privacy Amendment (Notifiable Data Breaches) Act 2017* established the Notifiable Data Breaches (NDB) scheme in Australia. The NDB scheme introduced an obligation to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm.

A data breach occurs when personal information is lost or subjected to unauthorised access, modification, use or disclosure or other misuse. Personal information is information about an identified individual, or an individual who is reasonably identifiable.

An eligible data breach occurs when the following criteria are met:

- there is unauthorised access to or disclosure of personal information held by Fairway (or information is lost in circumstances where unauthorised access or disclosure is likely to occur).
- this is likely to result in serious harm to any of the individuals to whom the information relates
- Fairway has been unable to prevent the likely risk of serious harm with remedial action.

A data breach may be caused by malicious action (by an external or insider party), human error, or a failure information handling or security systems.

If there is a data breach we will conduct a quick assessment of a suspected data breach to determine whether it is likely to result in serious harm. If the data breach is likely to result in serious harm we will promptly notify the Australian Information Commissioner and the individuals at likely risk of serious harm implementing our Data Breach Response Plan.

We will provide the Commissioner the following information:

- the identity and contact details of the organisation
- a description of the data breach
- the kinds of information concerned and;
- recommendations about the steps individuals should take in response to the data breach

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## How do you make a complaint

If you have a complaint about how we handle your personal information, we want to hear from you. You are always welcome to contact us.

You can contact us by:

- submitting an online Compliments, Suggestions or Complaints form via [reception@fairwayagedcare.org.au](mailto:reception@fairwayagedcare.org.au)
- calling our reception on **03 9599 4199**
- speaking to us in Person at Fairway.

We are committed to resolving your complaint and doing the right thing by our residents and their authorised contacts. Most complaints are resolved quickly, and you should hear from us within five business days.

If we cannot fix things within 30 days, we will let you know why and how long we think it will take. We will also ask you for an extension of time to fix the matter. If you have any concerns, you may take your complaint directly to the Aged Care Quality and Safety Commission ([www.agedcarequality.gov.au/making-complaint](http://www.agedcarequality.gov.au/making-complaint)) on 1800 951 822.

We will let you know about our decision within 30 days or any longer agreed time frame. If you have any concerns, you may take your complaint directly to the Aged Care Quality and Safety Commission ([www.agedcarequality.gov.au/making-complaint](http://www.agedcarequality.gov.au/making-complaint)) on 1800 951 822.

## Contact us

We care about your privacy. Please contact us if you have any questions or comments about our privacy policies and procedures. We welcome your feedback.

You can contact us by:

- complete an Compliments, Suggestions or Complaints form
- telephoning Fairway on **03 9599 4199** to speak to us in person at the Reception Office.

## Changes to this Privacy Policy

This Policy may change. We will let you know of any changes to this Policy by posting a notification on our website. Any information collected after an amended privacy statement has been posted on the site, will be subject to that amended privacy statement.

Issued: 2015  
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