



## GP7 - PRIVACY

The MS Queensland Privacy Policy describes the organisation's commitment to the protection of personal information of clients, volunteers and supporters based on legislative and regulatory requirements including the *Privacy Act 1988* and the *Queensland Information Privacy Act 2009*. The MS Queensland Privacy procedure (this document) provides more detailed information about how personal information is protected by MS Queensland.

### Procedure

#### 1. Scope

The MS Queensland Privacy policy and procedure applies to all MS Queensland members, volunteers (including Board members), employees, clients, donors, participants, customers, business partners, suppliers and online users.

The *Privacy Act 1988*, the *Queensland Information Privacy Act 2009*, the MS Queensland Privacy Policy and this Privacy Procedure do not apply to acts or practices which directly relate to employee records of MS Queensland's current and former employees.

#### 2. Definitions

- The **Act** – *Privacy Act 1988*
- **Business partners** – corporate sponsors and partners. An individual or company who has some involvement with MS Queensland's business operations/dealings
- **CALD** – culturally and linguistically diverse
- **Clients** – people with MS or a progressive neurological disease, who are receiving services
- **Customers** – the recipient of a good, service, product, or idea
- **Donors** - a person who donates something voluntarily
- **Enquirers** – anyone that has sought information from MS Queensland
- **Members** – financial members of MS Queensland
- **NDB** - Notifiable data breach
- **OAIC** – Office of the Australian Information Commission
- **Online users** refers to any users of any online platforms or social media from which MS Queensland accesses personal information
- **Participants** – event participants, community fundraising participants
- **Personal information** as defined by the *Privacy Act 1988* is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in a material form or not
- **Sensitive information** as defined by the *Privacy Act 1988* is information or opinion (that is also personal information) about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices or criminal record or health, genetic, biometric information or biometric templates, that is also personal information
- **Suppliers** - A party that supplies goods or services to MS Queensland including a contractor or consultant
- **Volunteers** – people who donate their time, free of charge, to the mission and objectives

#### DOCUMENT CONTROL INFORMATION

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 01/08/2018

Version Number: 4/ GP7

- of the organisation
- The **website** means [www.msqld.org.au](http://www.msqld.org.au) and any affiliated or sub-branded website

### 3. Purpose

The purpose of this Privacy Procedure is to:

- clearly communicate the personal information handling practices of MSQ
- enhance the transparency of MSQ operations, and
- give individuals a better and more complete understanding of the types of personal information that MSQ holds, and the way MSQ manages that information, and
- outline the procedures that will be implemented if a Notifiable Data Breach is detected.

This document sets out MS Queensland's obligations under the *Act* and the Australian Privacy Principles (APPs) in the *Act* which regulate how organisations may collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.

### 4. Overview

MS Queensland is a non-profit organisation that is the first-choice for MS information, education, treatment, care and support across Queensland. Our vision is a world free from multiple sclerosis (MS) and its devastating impact. In carrying out this mission MSQ engages volunteers and employees, and receives donations, funding and support from members of the community, corporations, groups and governments.

MSQ is funded through fundraising activities, State and Commonwealth government programs and other grants and complies with relevant state and national privacy principles and any additional contractual obligations.

MSQ collects, holds, uses and discloses personal and sensitive information as required in order to carry out its functions and activities, under the *Act* including:

- Providing care and services to clients
- Fundraising
- Promotional activities and information/education services

### 5. Collection of Personal and Sensitive Information

The nature and extent of personal and sensitive information collected by MS Queensland varies depending on the particular interaction with MS Queensland.

MSQ collects personal and sensitive information from members, volunteers, employees, clients, donors, participants, customers, business partners, suppliers and online users. Further information about the kind of information collected from each of these groups and the usage of such information is detailed below.

Clients are not able to access MSQ services on an anonymous basis or using a pseudonym, except for accessing information and educational services. Lottery customers are not able to purchase tickets on an anonymous basis or using a pseudonym.

Donors and event participants can participate on an anonymous basis where safe, practicable and permitted by law but may not be able to access a full range of services.

#### DOCUMENT CONTROL INFORMATION

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7

### 5.1. MS Queensland **Clients**

Kind of information collected:

- contact details (name, address, email etc.)
- personal details including: date of birth, gender, employment situation and income, religion and CALD information
- information on personal issues and experiences, relationships
- government issued identity cards and numbers (e.g. Centrelink, pension cards, NDIS SDC recipient ID)
- next of kin and contact details
- family background, supports clients may have in the community
- areas of interest
- health information and/or medical history including health care provider details
- credit card or bank account details
- expiration date of credit card
- information to support loan applications

How the information is collected:

- client registration applications
- personal contact with staff members and MS Queensland service providers
- online registration
- telephone/ e-mail

Purpose for which MS Queensland uses the information:

- to provide care and services to clients
- promotional activities and information/ education services
- to meet any requirements of government funding for programs
- to monitor and evaluate existing services and plan for future services
- to produce annual reports and for research purposes which may involve contracted organisations
- to comply with legal obligations

### 5.2. MS Queensland **Donors (including customers and participants)**

Kind of information collected:

- contact details (name, address, telephone numbers, email etc.)
- personal details including: date of birth, gender
- areas of interest and relationships
- donation history
- credit card or bank account details of all our donors
- expiration date of credit card
- connection to MS (either themselves or know people with MS).

MS Queensland may seek health information if pertinent (eg event participants).

How the information is collected:

- communications: mail, email, registration forms, flyers
- online registration and web forms

#### **DOCUMENT CONTROL INFORMATION**

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7

- telephone and personal contact – Fundraising staff, Telemarketers or the supporter services team

Purpose for which MS Queensland uses the information:

- fundraising and events
- promotional activities and information/ education services
- to process donations, ticket purchase and event registration and to provide accurate receipts
- to comply with legal obligations
- to provide transparency relating to donated funds, particularly for Appeals for public donations

### 5.3. MS Queensland **Business partners**

Type of information collected:

- contact person's name, email address and position title
- the name of the organisation that employs the person,
- telephone numbers, fax number,
- street and postal address,
- areas of interest by category and industry
- bank details (if MS Queensland is to receive payment or make payment for services received)
- Australian Business Number (ABN)
- type of support (eg. workplace giving, goods in kind, program support, volunteering)

How the information is collected:

- communications: mail, email, formal documents
- online registration
- telephone /email

Purpose for which MS Queensland uses the information:

- Fundraising and events
- Promotional activities and information services
- to process donations and provide accurate receipts
- to establish and manage relationships with individual business partners
- to receive services from an individual or their organisation
- to manage MS Queensland 's relationship with the business partner
- to provide information about MS Queensland 's services
- to update the company on MS Queensland appeals for public donations, programs and services

### 5.4. MS Queensland **Members**

Type of information collected:

- contact details (name, address, telephone numbers, email etc.)
- date of birth
- occupation
- health information
- credit card or bank account details

#### **DOCUMENT CONTROL INFORMATION**

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7

- expiration date of credit card
- areas of interest

Purpose for which MS Queensland uses the information:

- to provide information services
- to process donations and provide accurate receipts
- to facilitate ongoing fundraising and marketing activities
- to communicate about MS Queensland and its operations including general updates, Appeals as well as upcoming events and activities
- to recognise support of MS Queensland

### 5.5. Online Users

MS Queensland collects personal information from its website, electronic forms and various social networking services. To the extent that this Privacy Procedure applies to online privacy issues, it is to be read as forming part of the terms and conditions of use for the MSQ website.

Type of information collected:

- contact details (name, address, telephone numbers, email, date of birth, connection to MS)
- credit card number
- expiration date of credit card
- non-personal information eg. visitor navigation and statistics
- server/IP address, browser type, date and time of visit
- personal information

Purpose for which MS Queensland uses the information:

- fundraising, lotteries and events
- promotional activities and information services
- to process donations, purchase orders, event registration, ticket purchase, purchases/ transactions (eg. booking First Aid Health & Safety courses)
- to analyse website usage and make improvements to the website, and for marketing purposes

### 5.6. Additional Information

The website may from time to time contain links to other websites. MSQ stresses that when an online user accesses a website that is not the MS Queensland website, it may have a different Privacy policy. To verify how that website collects and uses information, the user should check that particular website's Privacy policy.

## 6. How Personal Information is collected

Where possible, MS Queensland collects personal and sensitive information directly from the individual. Information is collected through various means, including telephone and in-person interviews, appointments, forms and questionnaires and online processes. If an individual does not wish to provide the information requested, they should raise their concerns immediately and directly with MS Queensland.

At the time of collecting the personal information MSQ notifies the purpose of the collection and provides advice regarding updating of personal information and amending ongoing contact. In some situations personal information about an individual is obtained from a third party source. This may be for example as part of providing a health service to clients e.g. from a health care

### DOCUMENT CONTROL INFORMATION

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7

professional, such as the GP or allied health practitioner (see Health Information below), or for fundraising purposes (see Collection of Personal Information from a Third Party, below).

## **7. Health Information**

As part of administering the delivery of MS Queensland services, MSQ will collect health information, e.g. MS Queensland collects medical history from all clients participating in MS Queensland programs. Whilst most of the information is collected directly from the client some health information will be collected from third party sources (eg doctors). As part of the development of a client's personal plan a client will be made aware of the collection, use and disclosure of their sensitive information, and be asked to sign a consent form regarding this information.

MSQ will not use health information beyond the consent provided by the client, unless further consent is obtained or in accordance with one of the exceptions under the Act or in compliance with another law.

MSQ may use client health information for statistical and reporting purposes, but it will be de-identified before being used.

## **8. Collection of personal information from a third party**

From time to time MS Queensland will use acquisition lists for the purpose of fundraising, lotteries and events. All lists are purchased with a formal agreement in place that ensures that the personal information collected and used is subject to the Act and the Australian Privacy Principles.

## **9. Use and disclosure of personal information**

MS Queensland only uses personal information for the purposes for which it was given to us, or for purposes which are related to one of our functions or activities.

MSQ may also disclose personal information to other external organisations including:

- Government departments/agencies who provide funding for MS Queensland services
- Consultants and contractors who manage some of the services we offer, such as distribution centres who may send information on behalf of MSQ. Steps are taken to ensure they comply with the APPs when they handle personal information and are authorized only to use personal information in order to provide the services or to perform the functions required by MS Queensland;
- Doctors and health care professionals, who deliver services to clients;
- Our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, MSQ will not disclose an individual's personal information to a third party unless one of the following applies:

- the individual has consented (e.g. via the client planning process and/or the MSQ Consent to Use & Release or Obtain Information form)
- the individual would reasonably expect MS Queensland to use or give that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected)
- it is otherwise required or authorised by law or it is reasonably necessary for the enforcement of a law conducted by an enforcement body
- it is necessary to provide a health service

### **DOCUMENT CONTROL INFORMATION**

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7

- it will prevent or lessen a serious threat to somebody's life, health or safety or to public health or safety
- it is reasonably necessary for MSQ to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities
- it is reasonably necessary to assist in locating a missing person
- it is reasonably necessary to establish, exercise or defend a claim at law or for a confidential dispute resolution process
- it is necessary for the management, funding or monitoring of a health service relevant to public health or public safety or for research or the compilation or analysis of statistics relevant to public health or public safety.

#### **10. Disclosure of personal information overseas**

MS Queensland does not usually send personal information out of Australia however from time to time MS Queensland engages staff who may be employed in overseas locations such as the United Kingdom and Europe. These staff members are obliged to comply with:

- the Australian Privacy Principles, under the *Act*
- MSQ Privacy Policy and Privacy Procedures
- strict confidentiality clauses in employment contracts.

If MS Queensland is otherwise required to send information overseas appropriate measures will be taken to protect personal information either by ensuring that the country of destination has similar protections in relation to privacy or that the contractual arrangements entered into with the recipient of the personal information adequately safeguards privacy to Australian standards.

A social network provider and its partners may collect and hold personal information when an individual communicates with MS Queensland through social network services (such as Facebook or Twitter).

#### **11. Storage & Security of Personal and Sensitive Information**

MS Queensland takes reasonable steps to protect personal and sensitive information held against misuse, interference, loss, unauthorised access, modification and disclosure.

These steps include firewalls, use of encryption, digital certificates and password protection for accessing our electronic IT system, securing paper files in locked cabinets and physical access restrictions. Only authorized personnel are permitted to access these details. Personal information stored by MSQ is not held on servers located overseas and will remain subject to the *Act*.

When the personal information is no longer required to be held, it is destroyed in a secure manner.

#### **12. Access to and correction of personal information**

If an individual requests access to the personal information held about them, or requests a change to that personal information, MS Queensland will allow access or make the changes unless it is considered that there is a sound reason under the *Act* or other relevant law to withhold the information, or not make the changes.

Requests for access and/or correction should be made by telephone to MS Queensland on (07) 3840 0888, or by email on [hello@msqld.org.au](mailto:hello@msqld.org.au). For security reasons, MS Queensland may require the request in writing and will require proof of identity.

In the first instance, MS Queensland will provide a summary of the information held about the individual. MS Queensland will permit an individual to inspect, take notes or print out personal

#### **DOCUMENT CONTROL INFORMATION**

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7

information that is held. MS Queensland will take all reasonable steps to provide access or the information requested within 21 days of a request. In situations where a request is complicated or requires access to a large volume of information, all reasonable steps will be taken to provide access to the information requested within 30 days.

MS Queensland may charge reasonable reimbursement fees for the cost incurred in complying with the information request, including photocopying and any delivery costs. These fees will be based on the Queensland Supreme Court's table of costs.

If an individual advises that personal information held is not accurate, complete or up to date, MS Queensland will take reasonable steps to correct its records.

Access to information may be denied under the Act. If access to information is denied MS Queensland will advise of the reasons for denying access. Where there is a dispute about an individual's right of access to information or forms of access, this will be dealt with in accordance with the MS Queensland complaints procedure (summarized below).

### **13. Notifiable Data Breaches (NDB)**

A data breach occurs when personal information held by an organization is lost or subjected to unauthorized access or disclosure. MSQ has a data breach notification obligation when a data breach occurs that is likely to result in serious harm to any individual whose personal information is involved in the breach. Harm may include physical, psychological, emotional, economic, financial and reputational effects.

#### **13.1 Investigation and assessment of suspected data breaches**

If MSQ staff become aware that a suspected data breach has occurred a reasonable and expeditious assessment will be undertaken to determine if the data breach is likely to result in serious harm to any individual affected. The procedure for investigating a suspected data breach will be based on the OAIC method and tailored to the circumstances suspected data breach and will be completed within a maximum of 30 calendar days after MSQ has become aware of the suspected data breach. Once a data breach has been established MSQ will take immediate action to contain and remediate the breach.

#### **13.2 Notification of data breaches**

Having investigated and established a serious data breach MSQ will notify individuals, as soon as is practicable after completing the statement prepared for the OAIC, via one of the following three options:

1. Notify all individuals whose information was part of the eligible data breach;
2. Notify those individuals at risk of serious harm; or if not practicable to notify individually
3. Publish notification on the MSQ website if the contact details of individuals affected are unknown

The advice will include the details required under s. 26WK of the *Privacy Act 2009*.

MSQ will use the Notifiable Data Breach statement – form on the OAIC website (and linked in the MSQ Data Breach Response Plan) - to notify the OAIC of an eligible data breach.

#### **13.3 Data Breach Response Plan**

MSQ has a Data Breach Response Plan which will be enacted when a data breach has been suspected to assist manage our obligations under the *Privacy Act 2009*, to protect personal data, to

#### **DOCUMENT CONTROL INFORMATION**

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7



deal with adverse media or stakeholder attention as a result of a NDB and to instill public confidence in the organisation. The MSQ Data Breach Response Plan details examples of NDBs, outlines membership of the data breach response team as well as roles, responsibilities, actions, reporting obligations and communications required if a breach is suspected.

#### **14. GDPR**

MSQ acknowledges the European Union General Data Protection Regulation (EU GDPR) which establishes a uniform data protection law across the European Economic Area (EEA) and MSQ is required to comply with this, regarding the personal data of customers who are located in EEA countries. In addition to the rights set out in this Procedure an EEA resident may have other rights under the GDPR, including the right to request the deletion of personal data. To do that please contact the Information Officer (the MSQ representative for the purposes of GDPR) using the contact details in Section 16 below.

#### **15. Complaints Procedure**

A privacy complaint relates to any concern that you may have regarding the privacy practices of MS Queensland or the handling of personal and sensitive information. An individual has a right to make a complaint and have it investigated and dealt with under the MS Queensland complaints process. If a complaint is substantiated, MS Queensland will communicate this finding and take appropriate agreed steps to resolve the complaint and prevent the problem from recurring.

If a complaint is not substantiated, or cannot be resolved to the satisfaction of the complainant, and the MS Queensland Privacy Policy and Procedures have been followed, MS Queensland may decide to refer the issue to an appropriate intermediary to act as a mediator, for example an appropriately qualified lawyer or an agreed third party.

At the conclusion of a complaint, if the complainant remains unsatisfied with the outcome they may take their complaint to the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au). MS Queensland is unable to deal with anonymous complaints.

#### **16. Breaches**

Alleged breaches of privacy including breaches of this procedure (and relevant related documents) should be reported to the CEO or where the CEO is the subject of the breach to the Chair of the MSQ Board. Alleged breaches will be investigated and may result in action being taken through the MSQ Counselling & Discipline Procedure

#### **17. Contact MS Queensland**

Individuals can obtain further information in relation to the Privacy Policy and procedures, provide any comments, or make requests by contacting MSQ marking correspondence to the "Information Officer":

**Website**            [www.msquid.org.au](http://www.msquid.org.au)  
**Telephone**        (07) 3840 0888  
**Post**                286 Gladstone Road, Dutton Park Q 4102  
                           Locked Bag 370, Coorparoo DC Q 4151  
**Fax**                 07 3840 0813  
**Email**              [hello@msquid.org.au](mailto:hello@msquid.org.au)

#### **DOCUMENT CONTROL INFORMATION**

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland  
 Approval date: 30/07/2018  
 Version Number: 4/ GP7

## ADDITIONAL INFORMATION

### MSQ POLICIES:

- G2 Governance
- G7 Privacy
- S2 Staff & Customers

### MSQ PROCEDURES

- SP3 Customer Records & Privacy Procedure
- SP5 Complaints

Counselling & Discipline Procedure

### HSQF STANDARDS:

- Standard 5 Feedback, complaints and appeals

### LEGISLATION:

- [Privacy Act 1988](#)
- [Information Privacy Act 2009 \(Queensland\)](#)
- [Disability Services Act 2006](#)
- [National Disability Insurance Scheme Act 2013](#)
- [Housing Act 2003](#)

### WEBSITES:

- Office of the Australian Information Commissioner ([OAIC](#))
- Disability Sector Quality System:  
<https://www.communities.qld.gov.au/disability/key-projects/disability-sector-quality-system>
- MSQ website: [www.msqld.org.au](http://www.msqld.org.au)
- NDIS website: [www.ndis.gov.au](http://www.ndis.gov.au)

### Queensland government

- Department of Communities website: [Department of Communities](#)

## DOCUMENT CONTROL INFORMATION

Name of Owner: EGM, CORPORATE SERVICES, MS Queensland

Approval date: 30/07/2018

Version Number: 4/ GP7