

BOES Privacy and Confidentiality Policy

PURPOSE

This policy statement outlines how all Bindaree Outdoor Education Services (Bindaree) employees have a responsibility to conduct their daily business in compliance with privacy and confidentiality responsibilities as outlined in the Privacy Act 1988 (Commonwealth), the Privacy Amendment Act 2000 and the Australian Privacy Principles (2014).

Bindaree strives to protect and preserve the privacy and confidentiality of all employees, clients and our business through the strict management of information we collect, utilise and disclose in all business transactions.

This policy was created to ensure Bindaree staff can easily identify confidential company and client information whilst also understand their obligations in relation to protection of this information and what consequences there are when a breach of privacy or confidentiality occurs.

BACKGROUND

Bindaree always strives to operate legally and ethically by guarding the interests of our clients, staff and customers at all times. All Bindaree staff should always be conscious of the impact of their actions. Staff need to understand the need to observe, and be seen to observe, the laws as they apply to our business and people who use our services as set out in the Privacy Act 1988 and subsequent legislation.

Each staff member and customer's right to privacy, dignity and confidentiality in all aspects of their life or business is recognised and respected by Bindaree. The underlying principles we have adopted include:-

- To ensure that each staff member and client has the same level of privacy, dignity and confidentiality as is afforded to the rest of the Australian community
- All customer files must be kept secure when not being accessed directly by authorised staff
- Confidential staff and customer files and information are available only to authorised staff for the purpose of assisting the staff member or customer in activities relevant to their business with us.
- No unnecessary or irrelevant information is to be requested from staff or customers
- Bindaree must not request the use of, or recording of, the following without the informed consent of the staff member or customer:-
 - tax file numbers (unless legally required to do so)
 - information of a damaging nature
 - unnecessary confidential information.

Definitions

The Privacy Act defines personal information as '*Information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.*'

Confidential Information is valuable information which belongs to Bindaree, even where an employee has played a significant role in consolidating the information outside of normal business hours but within the scope of the business. Information need not be labelled as confidential and may include information that an employee would reasonably expect to be regarded as confidential, regardless of the form and medium of that information.

COMPETENCY

This policy applies to all Bindaree staff but is also extended to any external providers/ contractors and clientele. All staff are responsible for ensuring that the professional and ethical standards that are outlined in this document are maintained.

The Human Resource Manager is responsible for the review and updating of this policy.

STORAGE

This document needs to be stored in the following locations:-

- TKO, Bindaree policy, procedure and systems database
- Notice Boards at each office location
- Company owned Websites

CONFIDENTIALITY AND PRIVACY POLICY

Collection, Use and Disclosure of Information

All discussions and transfers of information occurring in every Bindaree business transaction are to be treated as highly confidential, sensitive and private in nature. Under no circumstances should any employee allow privileged business information to be accessed by outside parties.

Confidential Information includes but is not limited to : -

Any information, written or verbal, provided to Bindaree by our clients and customers. This information remains the exclusive property of our clients and customers. If any employee is unsure if information is private or confidential they are required to seek clarification from their Area Manager immediately or the Human Resource Manager.

Particular types of information which are sensitive for Bindaree and related subsidiary companies, or its customers and clients, is also deemed to be confidential. Information may be sensitive for commercial reasons or for any reason relating to the operation of the business. Examples of these types of information include: -

- business and operation plans, programs and strategies;
- research and development initiatives;
- processes, ideas, developments, programs, product development and related information;
- current, proposed or future business methods and services;
- staff member, client customer service requirements, prospects and objectives;
- trading relationships with suppliers;
- financial details, pricing structures, financial information, financial plans, financial

- data, financial condition and results of operations;
- distribution, sales, services, support and marketing practices, operations and plans;
- details or records of member and customers and potential customers, customer lists, contact persons and customer telephone numbers and electronic contact details;
- details of advice or information given to Bindaree customers or clients; or
- details of staff and contractors such as contact and identification information, emergency contact details and next of kin, personal financial information, sensitive information (e.g. health, dietary requirements, medical history, criminal record) and individuals work history, qualifications and skills, and performance reviews.

Employee's Obligations Regarding Confidential Information

All employees are under a legal duty to preserve the confidentiality of information which belongs to Bindaree. Staff also have obligations stipulated under the Corporations Act 2001 (Commonwealth) and Privacy Legislation not to disclose confidential information to any third party including any company or individual who is not a Bindaree employee authorised to view the confidential information.

All employees are to only use and disclose Bindaree's confidential information so far as it is necessary for the proper performance of their duties and to do everything reasonable to ensure that Bindaree's confidential information is not disclosed in an unauthorised way to any third party or used to obtain a personal benefit.

All staff and client information is to be stored electronically or in paper form in a secure location according to the nature of the information it contains. User access restrictions and password protections are paramount to ensure this information remains accessible only to approved personnel. Manual files containing confidential information must be secured to prevent unauthorised access of material. Each employee must ensure that confidential information is kept securely and that care is exercised when emailing or electronically storing information.

Employees with access to Bindaree's computer systems, business server and information are responsible for the security of data not only within their area of the business but for the business as a whole. Computer software or hardware shall not be taken from the company premises, unless permission has been given to do so. Employees are not permitted to install any software, including games, on company owned personal computers, phones or notebooks which could comprise the security of our systems.

As a risk minimisation measure we include relevant staffing details on our internal program documentation and in the case of an emergency, the Bindaree Duty Manager will control the distribution and disclosure of information when there is a need or requirement to provide information to relevant authorities. Privacy and confidentiality will remain a priority at all times throughout these processes.

Upon termination of employment with Bindaree all access permissions to files and hardware must be returned to Bindaree by employees. Any information gained through employment of a sensitive, private or confidential nature must not be divulged to any external parties and must be

kept confidential.

Situations for Confidential Information disclosure

An employee's obligation to preserve the confidentiality of the information may cease to apply in certain circumstances, including: -

- the information comes into the public domain other than by reason of unauthorised disclosure;
- the information was in the possession of the employee from a source other than Bindaree, its respective related corporations or any of the directors, shareholders, officers, employees or agents of Bindaree or its related corporations;
- after the employee receives the information, it becomes available in the public domain by reason of a media report (except where that availability is a consequence of a breach of an employee's obligations or those of a fellow employee);
- the information is required to be disclosed by reason of any lawful requirements of any government, administrative body, authority or department; or
- the information is required to be disclosed to any Court in the event of legal action.

Information falling within one of these categories above does not necessarily cease to be confidential information, and employees should always ensure that, where they are unsure, disclosure is authorised by their manager.

Breaches of Confidentiality

EXTERNAL BREACH

From 22 February 2018, Bindaree is required to comply with the Notifiable Data Breaches scheme under the *Privacy Act 1988*. A data breach occurs when unauthorised personal information is accessed or released. A data breach occurs when personal information held by an organisation is lost or subjected to unauthorised access or disclosure. If the breach is likely to cause serious harm to an individual, Bindaree are obligated to notify both the individual involved, and the Office of Australian Information Commissioner (OAIC).

The notification to the Commissioner should be made through the [Notifiable Data Breach form](#).

INTERNAL STAFF BREACH

Any breach of confidentiality by a Bindaree employee will result in potential dismissal.

Bindaree views a breach of confidentiality extremely seriously. Employees who breach obligations of confidentiality seriously undermine the trust that Bindaree can have that staff involved will be able to perform their duties properly and in Bindaree's best interests. It is vital that all employees are conscious of the fact that departure from these standards, or non-observance of company procedures, will have an adverse impact on our ability to maintain the confidence of our clients and customers. Non-observance of these principles may result in dismissal of an individual or individuals involved and, in many cases, a breach of confidentiality will constitute grounds for immediate termination of employment.

Please note that confidentiality obligations continue post the period of employment with Bindaree.

End of document: "BOES Privacy and Confidentiality Policy"

Document ID: 6061, Revision No : (28), Created : April 26, 2014 1:00 am, By : Gemima Weiler, Last updated : March 28, 2023 3:09 pm, Updated by : Gemima Weiler, Reviewed & Approved by : Gemima, On : August 20, 2018, Next Review by : Gemima, Review Scheduled For : April 15, 2019

Produced & Printed : Tuesday 28th of March 2023 04:39:36 AM "This document remains the property of Bindaree Outdoor Education Services Pty. Ltd. and no part of it shall be shared or duplicated. Its viewing is intended solely for the original recipients."
