



GANDANGARA
Local Aboriginal Land Council

Policy Name:	Privacy Policy		
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Author	Policy, Research and Communications	Review Date:	25/05/2028
Responsible:	Chief Executive Officer Director of Enterprise Sustainability, Property, Corporate Services & Transport Program Director Health Services Manager Transport Services Manager Property Manager Marumali Team Leader		
Authorised by:	GLALC Board	Date:	15/4/2024

1. Policy Statement

The objectives of this policy are to:

- Identify the obligations of Gandangara Local Aboriginal Land Council (GLALC) and its entities Gandangara Health Service (GHS), Gandangara Transport Service (GTS) and Marumali Ltd (“the Gandangara Group”) towards the handling of personal and health related information of staff, volunteers, external contractors, members, and the general public who make use of the services offered by the organisation;
- Encourage all staff at the Organisation to take a proactive approach to maintaining privacy; and
- Identify the obligations of the Organisation for responding to complaints about potential privacy breaches

2. Scope

This policy applies to the following stakeholders of the Organisation:

- Board members of GLALC
- Members of GLALC
- Personnel
- Service Users
- Members of the Public

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3. Policy Description

3.1 Legal Context

As a registered not for profit organisation in NSW, GLALC is bound by the following privacy legislation in relation to how it collects, stores, provides access to, uses and discloses personal information:

- (a) [Privacy Act 1988](#) (Cth) (the Privacy Act)
- (b) [Health Records and Information Privacy Act 2002](#) (NSW) (the “HRIP Act”)

Note:

- (c) [Privacy and Personal Information Protection Act 1998](#) (NSW) (the “PIIP Act”) – describes how Privacy and Personal Information needs to be handled by public sector agencies, statutory authorities, universities, and local councils in NSW. It therefore does not apply to GLALC.

3.2 The Information Governed by this Policy

- (a) This Policy describes the collection and use of two types of information as defined by the Privacy Act, Personal Information and Sensitive Information (See section 6 definitions).
- (b) This Policy governs how Personal and Sensitive information held on customers, clients, patients, volunteers, job applicants, members of GLALC and staff will be handled by the Gandangara Group.

3.3 GLALC Privacy Policy

- (a) The Gandangara Group must have an up-to-date Privacy Policy (this document).
- (b) This policy will be made freely available on the organisation web site.
- (c) This policy is also available upon request in either printed or electronic form.
- (d) This Privacy Policy was also written in conjunction with the Transport for NSW (TfNSW) Transport Privacy Policy and the TfNSW Privacy Statement as required under the conditions of funding from TfNSW provided to Gandangara Transport Services (GTS).
- (e) GTS specifically adheres to both this Policy as well as the TfNSW Transport Privacy Policy and the TfNSW Privacy Statement (<https://www.transport.nsw.gov.au/about-us/transport-privacy>)

3.4 The Circumstances Under Which the Organisation will Collect Personal and Sensitive Information.

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- (a) The Gandangara Group will only collect Personal or Sensitive Information if the information is necessary, or directly related to one or more of the functions or activities of the organisation.
- (b) The Gandangara Group will not collect Sensitive Information specifically unless:
 - (i) the individual gives explicit consent
 - (ii) is required or authorised by Australian law; or
 - (iii) an exemption exists under the Privacy Act.

3.5 The Types of Information the Organisation Collects

- (a) The Organisation collects the following.
 - (i) Customers/clients - Name, address, telephone number, email address, services provided
 - (ii) Patients - Name, address, telephone number, email address, past and current health records including medical tests and procedures performed, name of previous medical practitioners, name of medical practitioner to whom the patient was forwarded, medications, costs of medical services provided, duration of service.
 - (iii) Transport Clients - Name, address, telephone number, email address, destination, purpose of journey, disability/mobility status
 - (iv) Volunteers - Name, address, telephone number, email address
 - (v) Prospective Employees - Name, address, telephone number, email address, work history, education history, pass times/hobbies, health information, terms and conditions of employment, disciplinary actions taken, membership of a trade association or union, recreation, sick, parental or other leave taken or due, taxation, banking and superannuation details.
 - (vi) Members – Name, address, telephone number, email address, Date of Birth, Family History.
 - (vii) Staff – Name, address, telephone number, email address, bank details, Tax File Number, work hours, work history, performance measures, disciplinary measures, workplace training, health information.

3.6 How the Organisation Collects Personal and Sensitive Information

- (a) When the Gandangara Group does collect Personal and Sensitive Information it will do so only by lawful and fair means and, where possible, directly from the individual. The Gandangara Group collects Personal Information in several ways including by:
 - (i) Membership applications;
 - (ii) Submitted forms;
 - (iii) Web site contact;
 - (iv) Telephone;
 - (v) Verbally;
 - (vi) Email;
 - (vii) Physical correspondence;
 - (viii) Enrolment for any service provided;
 - (ix) From third parties with which the Organisation interacts;
 - (x) Monitoring and logging of metadata from use of IT services;

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- (xi) From security devices on Organisation owned or operated properties;
- (xii) Staff performance interviews.

3.7 How Personal or Sensitive Information will be Stored by the Organisation

- (a) Personal or Sensitive information collected by the Organisation may be held in a secure location in physical format or held in an electronic format and stored either on site, on external third-party servers or both.
- (b) Electronic data storage will be secure with adequate backup to prevent data loss, and password protected to prevent unauthorised access.
- (c) Only authorised personnel will have access to the Personal or Sensitive Information of others, and only for the purpose that the information was recorded, or for legitimate business purposes allowed by law.

3.8 How Personal or Sensitive Information will be used by the Organisation

- (a) The Gandangara Group will only use Personal or Sensitive Information for the purpose of carrying out the services it provides which include:
 - (i) for administrative purposes for running the medical centre (including sending recalls, reminders and health promotion messages when necessary)
 - (ii) for billing purposes including compliance with Medicare and Health Insurance Commission requirements
 - (iii) Disclosure to other doctors in the practice, locums and registrars attached to the practice for the purpose of health care and teaching
 - (iv) Disclosure for practice accreditation which is used to improve individual and community health care and practice management
- (b) Personal or Sensitive Information will not be transmitted to any third party unless;
 - (i) Required or authorised by Australian law or a court/tribunal order;
 - (ii) Necessary for the provision of services offered by the Gandangara Group.
- (c) Data held by the Gandangara Group may be used internally for the purposes of governance and for planning services offered by the organisation.
- (d) De-identified and aggregated data held by the Gandangara Group may be used for mandatory reporting to government and other reporting agencies.

3.9 Accessing Personal or Sensitive Information held by the Organisation

- (a) Customers/clients, Patients, Transport Clients, Volunteers, Prospective Employees or Members have the right to request access to the Personal or Sensitive Information held about them by GLALC. If there are any mistakes in the Information held, the individual has the right to have the mistakes corrected. The Privacy Procedure [\(link\)](#) outlines how access to an Individual's Personal Information may be requested and how it may be provided and how to go about correcting held Information.

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- (b) The Gandangara Group may refuse to give an individual access to the personal information held about that individual if the Group believes that giving that individual access may endanger the life, health or safety of any individual, or endanger public health or safety.
- (c) Staff may not access information held about them that are part of their normal staff records. Staff records are not governed by the Privacy Act, though must be kept securely and staff members will be notified if there is any breach in data security in relation to their staff records held by the Gandangara Group.
- (d) Individuals cannot request access to the Personal or Sensitive Information held by the Gandangara Group for another individual unless they hold a power of attorney to act on the behalf of that individual or have written authorisation to act on the behalf of that person.

3.10 Breach of Privacy

- (a) The Gandangara Group takes privacy and the maintenance of data security very seriously.
- (b) The line managers of each entity within the Gandangara Group, are responsible for maintaining security of the Personal and Sensitive information held.
- (c) Upon becoming aware of a potential privacy breach GLALC will investigate the breach within three (3) business days. If a Privacy Breach has occurred, the Office of the Australian Information Commissioner and the Individuals affected will be notified as described in the Privacy Procedure [\(Link\)](#).
- (d) If an individual believes there has been a Privacy Breach they should in the first instance raise the issue with the Gandangara Group as described in the Privacy Procedure [\(Link\)](#).
- (e) If the individual is not satisfied with the response of the Gandangara Group and believe that the Privacy Breach has not been adequately dealt with the individual can lodge a complaint with the [Office of the Australian Information Commissioner](#).
- (f) The Group must immediately notify Transport for NSW (TfNSW) in writing upon becoming aware of any breach of the Privacy Law, a privacy policy or an approved privacy code in relation to the Transport services provided by the Gandangara Group funded by TfNSW.
- (g) The Group will co-operate with TfNSW in the resolution of any complaint alleging a breach, arising out of or in connection with their Community Transport Service Contract (CTSC).

3.11 Disclosure of Personal and Sensitive Information to Entities located in other countries

- (a) The Gandangara Group will not disclose Personal or Sensitive Information to any foreign individual or entity unless;

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- (i) Required or authorised by Australian law or a court/tribunal order;
- (ii) Necessary for the provision of services offered by GLALC; AND
- (iii) the individual has given explicit consent to do so.

3.12 Unsolicited Personal and Sensitive Information

- (a) If the Group receives unsolicited Personal or Sensitive Information and there is no lawful reason to retain the information, the information will be destroyed.

3.13 The Right to Anonymity

- (a) Individuals have the right to either not identify themselves or to use a pseudonym when dealing with the Gandangara Group except when;
 - (i) The Organisation is required or authorised by Australian law or a court/tribunal order, to deal with individuals who have identified themselves; or
 - (ii) It is impracticable for GLALC to deal with individuals who have not identified themselves or who have used a pseudonym, eg for the provision of health services.

3.14 The Retention of Personal and Sensitive Information

- (a) The Gandangara Group will destroy or render non-identifiable Personal or Sensitive Information seven years after the individual ceases to be a customer, client, patient, volunteer, job applicant and/or member of the organisation.

3.15 Privacy Management Plan

- (a) This Policy will be publicly available on the GLALC web site
- (b) Privacy awareness training will be provided to all staff
- (c) Individuals have the right to access and correct Personal Information held about them by the Gandangara Group by the process described in the Privacy Procedure ([link](#))
- (d) Information about how to report a Privacy Breach, including the contact details of the GLALC Privacy Officer is described in the Privacy Procedure ([link](#)).
- (e) What the Gandangara Group will do in response to a Privacy Breach is described in section 3.10 of this document above.

3.16 Roles and Responsibilities

- (a) The GLALC Management Board are responsible for:
 - (i) Overseeing the management of Privacy within the operations of the Gandangara Group;
 - (ii) Approving Policies and Procedures regarding the governance of the Gandangara Group including the management of Privacy; and

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- (iii) Reviewing and endorsing the findings and recommendations of any investigations conducted into the management of Privacy at the Gandangara Group.
- (b) The GLALC CEO is responsible for:
- (i) Ensuring that endorsed Policies and Procedures are implemented across all work areas of the Gandangara Group;
 - (ii) Establishing organisation-wide protocols for the effective management of Privacy in the Gandangara Group; and
 - (iii) Supporting the work of managers in reviewing and implementing local protocols for the management of Privacy.
- (c) Managers and Supervisors are responsible for:
- (i) Implementing local processes for the management of Privacy in their respective work areas; and
 - (ii) Ensuring all staff in their work area handle Personal or Sensitive Information in accordance with the Privacy Policy and Procedure.
- (d) Individual Staff are responsible for:
- (i) Handling Personal and Sensitive Information in accordance with this policy and with the Privacy Procedure; and
 - (ii) Addressing the Privacy concerns of members customers, clients, patients, volunteers, job applicants and members

4. Related Documents

- 4.1 Privacy Procedure (Still to write)
- 4.2 Patient Privacy Flyer (Still to write)
- 4.3 [Transport for NSW \(TfNSW\) Transport Privacy Policy](#)
- 4.4 [Transport Privacy Statement](#)

5. Related Policies

- 5.1 Confidentiality Policy (Still to write)

6. Definitions

- 6.1 Entity – Gandangara Health Service, Gandangara Transport Service, Marumali
- 6.2 Personal Information is defined as:
 - (a) the individual's full name; or
 - (b) an alias or previous name of the individual; or
 - (c) the individual's date of birth; or
 - (d) the individual's sex; or
 - (e) the individual's current or last known address, and 2 previous addresses (if any); or
 - (f) the name of the individual's current or last known employer; or
 - (g) if the individual holds a driver's licence—the individual's driver's licence number.

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6.3 Sensitive Information is defined as:

- (a) information or an opinion about an individual's:
 - (i) racial or ethnic origin; or
 - (ii) political opinions; or
 - (iii) membership of a political association; or
 - (iv) religious beliefs or affiliations; or
 - (v) philosophical beliefs; or
 - (vi) membership of a professional or trade association; or
 - (vii) membership of a trade union; or
 - (viii) sexual orientation or practices; or
 - (ix) criminal record;

that is also personal information; or

- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information; or
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- (e) biometric templates.

6.4 Stakeholder - Any person associated with the operation of the Gandangara Group.

7. Related legislation

7.1 [Privacy Act 1988](#) (Cth)

7.2 [Health Records and Information Privacy Act 2002](#) (NSW)

8. Revision History

Status	Approved by GLALC Board
Effect Date	26 May 2025
Review Date	25 May 2028
Revision History	
11/4/2022	Original version of this policy approved by the Board.
15/4/2024	Reviewed by Board at the 15/4/2024 EBM (Finance)
26/4/2025	Reviewed by Board at the 26/5/2025 OBM

Employee Declaration

I have read this document and understand my role and responsibilities as an employee of Gandangara Local Aboriginal Land Council (GLALC) and Controlled Entities

Employee Name: _____

Position: _____

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Employee Signature: _____ Date: _____

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