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| <b>Purpose:</b>          | <p>The purpose of this policy is to outline how:</p> <ul style="list-style-type: none"> <li>Living My Way (LMW) collects, uses, discloses and stores Member, participant, employees, prospective Members and participants, volunteers and Board directors, personal and other information in accordance with the: <ul style="list-style-type: none"> <li><i>Privacy Act 1988</i> and the Australian Privacy Principles (APP - outlined in Appendix A)</li> <li><i>Privacy and Other Legislation Amendment Act 2024</i></li> <li><i>Relevant state legislation, including the Privacy and Personal Information Protection Act 1998 (NSW) and the Health Records and Information Privacy Act 2002 (NSW).</i></li> </ul> </li> <li>An individual can contact LMW to access and correct their information or make a complaint.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Scope:</b>            | <p>This policy applies to all individuals who provide information to LMW, including Members, participants, their family members, authorised representatives, prospective Members and participants, employees, volunteers, Board directors, health professionals, service providers and other third party organisations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Policy Statement:</b> | <p>LMW is committed to protecting the privacy of all the information we collect, use, disclose and store including personal, health and sensitive information. Within this policy, references to ‘personal information’ also includes ‘sensitive and health information’.</p> <p>LMW will:</p> <ul style="list-style-type: none"> <li>Respect your privacy in all interactions and in the delivery of services and supports.</li> <li>Explain what information we collect and the reasons for collecting it.</li> <li>Inform you about how we manage your information to help provide your services. Where you have an authorised representative such as a plan nominee, parent, or a legally appointed guardian, work with them as needed including in decisions about sharing your personal information to support your health and wellbeing.</li> <li>Only use information for the purpose for which it was collected (or related purposes where permitted).</li> <li>Promptly correct information errors as they are identified.</li> <li>Take reasonable and robust measures to protect your information from misuse, interference, loss and unauthorised access, modification or disclosure.</li> <li>Respond to privacy complaints in a fair, timely and transparent manner.</li> <li>Make employees, volunteers and board Directors and aware of their privacy obligations and complete mandatory privacy training.</li> </ul> <p><u>Note:</u> The <i>Privacy Act 1988</i> <b>does not</b> cover the personal information of someone who has died.</p> |

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LMW maintains a strong commitment to child safety across all areas of operation. In accordance with the National Principles for Child Safe Organisations, we ensure that any engagement involving children upholds their rights to safety, inclusion, and respect.

## Overview & Principles

### 1.0 Overview

LMW recognises that privacy is a fundamental human right. As a disability service provider we collect, use, disclose and store information to operate our business and provide person-centred services and supports to Members and participants.

### 1.1 Information We Collect

#### How We Collect Information

#### (a) **Information you provide directly**

We may ask for certain information when you interact with us. This may occur when you enquire about our services, receive supports, use tools like the *Online Service Enquiry Form* on our website, or apply for a role with LMW.

Where possible, we collect this information directly from you or from someone authorised to represent you. You may choose to interact with us anonymously where it is reasonable and practical to do so. For example, if you contact us with a general question, you do not need to provide your name unless it is necessary to address your enquiry.

If you provide us with someone else's personal information, you must ensure you are authorised to share it. You should also refer that person to our Privacy Policy. If you become aware of any actual or potential breach of privacy laws involving information you have provided to us, you must notify us immediately.

If you do not provide the information we request, we may be unable to give you the information, services, or supports you are seeking.

#### (b) **Information we receive from others**

We may sometimes collect your information from another person, such as your authorised representative, other service providers, or government agencies such as the National Disability Insurance Agency. If we receive information from a third party and it is not clear whether you have consented to its disclosure, we will take reasonable steps to contact you and inform you about how and why your information has been collected.

#### (c) **Our Website**

Our websites uses 'cookies' to enhance your browsing experience. The collection of this information allows us to customise and personalise your online experience and enhancing your future online experience. If you do not wish to use the cookies, you can amend the settings on your internet browser so it will not automatically download cookies, but this may impact on your browsing experience.

Our website also uses data analytics to help us better understand who visits our website so we can maintain and improve our websites and online services. Although this data is mostly anonymous, it is possible under certain conditions that we can connect it to you.

#### (d) **Social Media**

Our website may include functionality to enable information sharing via third party social media applications, such as the Facebook Like button and Twitter widget. These social media applications may collect and use information regarding your use of our websites. Any information that you provide via such social media applications may be collected and used by individuals of that social media application separate to us and are

subject to the privacy policies of the relevant companies that provide the applications. We do not have control over, or responsibility for, those companies or their use of your information.

Any information that you provide on any LMW social media feature may be shared with other users of that social media feature (unless otherwise stated at the point of collection), over whom we may have limited or no control.

**(e) CCTV Surveillance**

We operate camera surveillance systems (CCTV) at the head office to support the safety and security of employees, board directors, visitors, contractors, and other individuals on the premises. These systems may capture and store personal information which will be managed in line with legislative requirements.

Types of Information We Collect

The type and amount of information we collect depends on your relationship with us. If you:

- (a) Are a Member or participant we support, have registered interest in becoming a Member or participant, or are connected to someone we support or may support in the future, such as a family member or authorised representative, we may collect information such as your name, address, date of birth, contact details, disability and support needs, health and medical information, living arrangements, social and community activities, government identifiers and details about funded services and current supports.
- (b) Send us an enquiry, we may collect information such as your name, phone number, email and details of your enquiry.
- (c) Visit our website, we may collect information such as the details you provide.
- (d) Apply for a job or volunteer role, we may collect information such as your name, address, date of birth, contact details, health and medical information, tax file number and government identifiers, qualifications, training, and work history and information from your NDIS Worker Screening, Working with Children Checks, and proof of right to work in Australia.
- (e) Request to receive any of our publications, we may collect information such as name, address, contact details and other information you provide us.
- (f) Connect with us through marketing, training or community activities, we may collect information such as name, address, date of birth, contact details, participation in events and activities.

If we receive information we didn't request, we will destroy or return it as soon as possible. If we could have lawfully collected it, we would treat it like other information.

**1.2 Use of Your Information**

We use your information mainly for the purpose it was collected. Sometimes, we may use your information for other related purposes if:

- The new purpose is closely connected to the original one, and you would reasonably expect us to use your information this way, or we have told you about it
- You have given us permission to use your information for this other purpose, or
- We are required or allowed by law to use your information for this purpose such as improving our services or making a mandatory report.

For example, we may use your information to:

- Provide you or someone you know with disability services and supports tailored to your needs
- Manage our operations such as billing, quality assurance, employee payments and meet our legal and funding obligations
- Improve our services through surveys, education and training and research

- Communicate with other organisations like government departments, health providers, and insurers when needed.

### **1.3 Communication**

#### **Direct**

We may need to contact you directly by email or phone regarding matters essential to the services we provide. This may include updates about your support, service agreements, billing, compliance with laws and regulations, or other important information that affects your care or membership. These communications are necessary to ensure the safe and continuous delivery of our services. Because they form a core part of our responsibilities to you, they cannot be opted out of.

#### **Essential**

We may also share news and updates about our services, process improvements, changes to the NDIS, Member stories, other important information that relates to your service and services that may be of interest to you. These communications may be delivered through formats such as newsletters, physical mail, email, text message, or in person, in line with applicable laws. If you have a preferred way of being contacted, we will use that method of your choice.

### **1.4 Disclosure of Your Information**

We may disclose your information to:

- Health practitioners and other service providers involved in your services and supports, where you have given consent.
- Individuals acting on your behalf, including authorised representatives such as a plan nominee, parent, or a legally appointed guardian and legal representatives, to the extent necessary to manage your services and supports.
- Employees and contractors assisting in the provision of services and supports, strictly for work-related purposes.
- Service providers and suppliers engaged by us or acting on our behalf to support our activities such as IT providers, insurers, marketing agencies, communication service providers and external advisors such as recruiters, auditors, and lawyers for the purpose of delivering, managing, and improving our services and operations in compliance with the APPs.
- Government and regulatory bodies, such as the NDIA, NDIS Quality and Safeguards Commission, Department of Health, Disability and Ageing, Department of Social Services, Department of Communities and Justice, and the Australian Taxation Office, to comply with legal and regulatory obligations.
- Financial institutions solely for the purpose of processing payments.
- Authorities where required by law, including police, ambulance, in response to court orders, civil and administrative tribunal directions, or other compulsory notices from government agencies, consistent with the Privacy Act 1988.

#### Overseas Disclosure

We use cloud services or servers based in Australia to store and manage your information. We do not use platforms or services that store data on servers that are located overseas. In some cases, third-party providers may be engaged, but only where NDIA-identifiable data is not used.

#### Emergency Disclosure

We may disclose your personal information without your consent if it is necessary to address a serious and imminent threat to your health or safety.

### **1.5 Storage of Your Information**

We take care to store your information securely in Australia and storing it in a manner that protects it from misuse, interference, loss and unauthorised access, modification or disclosure. This includes using

passwords for our computer systems, locking paper files in secure cabinets, and limiting access to buildings where information is stored. Only authorised employees can access your information and only for work purposes.

We keep your information for as long as we need it for the purpose it was collected or to meet our legal obligations. When we no longer need it, we will destroy it or securely dispose of it.

### **1.6 Notifiable Data Breaches**

While we take care to protect your information, we cannot guarantee that unauthorised access to your information will not happen. In the event of privacy breach, such as a lost or stolen device containing personal information, a hacked database, or personal information being mistakenly given to the wrong person, we will:

- Implement our Data Breach Response Plan
- Take immediate steps to investigate and address the incident
- Notify any individuals who may be at risk of serious harm from a data breach, provide recommendations on steps to take and what we are doing to reduce the impact
- Where required by law, notify the Office of the Australian Information Commissioner (OAIC).

### **1.7 Accessing and Correcting Your Information**

You have a right to access and correct the information we hold about you. If you wish to do this, please contact us in writing, specifying the information you require or the details to be corrected.

We will review your request and ask you to verify your identity and respond in accordance with privacy laws. We will usually provide copies of records at no cost. If significant administrative effort is required, a reasonable fee may be applied, which we will discuss with you in advance.

If we are unable to provide you with the requested information we will explain why. This could be in instances where we no longer have the information, giving access would unreasonably affect someone else's privacy or it is against the law.

If anyone outside our organisation asks for your information, the Privacy Officer will manage this and a representative of LMW will contact you first to get your consent before sharing information.

### **1.8 Artificial Intelligence (AI)**

We may use Artificial Intelligence (AI) tools to support our services, improve efficiency, and enhance decision-making. When we do, we will comply with the *Privacy Act 1988*, Australian Privacy Principles, and any other relevant laws, and ensure we are transparent when it has been used.

We will not use AI in a way that results in unlawful discrimination, profiling, or decisions without appropriate human oversight. If we decide to use your personal information in an AI system in the future, we will let you know.

### **1.9 Automated Decision-making**

Automated decision-making happens when computer systems make decisions or provide recommendations without direct human involvement, for example, computer programs that suggest the most suitable assistive devices based on what a person can do and what they want to achieve and programs that automatically check job applications and create a shortlist of candidates.

We do not currently use automated decision-making systems. If we decide to use this technology in the future, we will tell you what personal information the system uses, what decisions it makes, and what decisions are influenced by its results.

### 1.10 Complaints

If you believe your information has been collected, used, or handled inappropriately, please contact our Privacy Officer using the details below.

We will complete a review of the complaint and try to resolve it in a fair and reasonable way. At all times, any privacy complaints received will be treated seriously and dealt with promptly. We aim to investigate complaints and provide a response within 30 days of receipt of the complaint. If the matter is more complex and the investigation may take longer, we will write and let you know. You will be informed of the outcome of our review once it has been completed.

If you are not satisfied with our response, you can refer your complaint to the Office of the Australian Information Commissioner, New South Wales Health Care Complaints Commission or NDIS Quality and Safeguards Commission or.

### 1.11 Contact us

To request access to, or correction of, your information, or to make a privacy related complaint contact our Privacy Officer:

- **Phone** on 02 525 4000, or
- **Email** [privacy@lmwl.org.au](mailto:privacy@lmwl.org.au), or
- **Mail** the Privacy Officer, 44-60 Allison Crescent, Menai NSW 2234

### 1.12 Training and Development

We provide regular training for employees and Board members to ensure they have the knowledge and skills needed to meet privacy obligations, including the ability to identify and respond to emerging threats or potential privacy breaches.

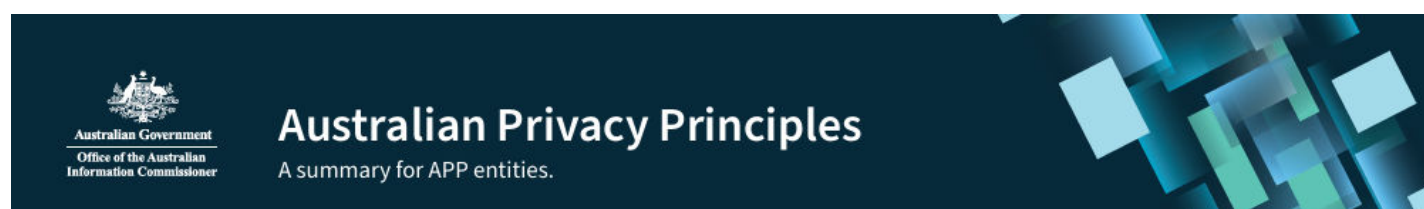
## Definitions

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Anonymity                     | The option for individuals to interact with the organisation without revealing their identity were lawful and practicable.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Australian Privacy Principles | A set of principles under the Privacy Act 1988 that govern standards, rights, and obligations around the handling, holding, accessing, and correcting personal information.                                                                                                                                                                                                                                                                                                                                                                                  |
| Automated Decision Making     | Automated decision-making refers to computer systems that make decisions or provide recommendations without direct human involvement. Examples include resume screening tools, automated patient triage systems, and artificial intelligence-driven diagnostic tools for medication management or personalised treatment plans.                                                                                                                                                                                                                              |
| Cookie                        | A small text file that a website stores on your electronic device to remember your preferences.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Consent                       | Consent is a two-way communication that asks an individual for their permission to use or disclose their personal and health information in a certain way, and the individual can respond with either a 'yes' or a 'no'. The elements of consent are: <ul style="list-style-type: none"><li>• Individual gives consent voluntarily</li><li>• Individual is adequately informed before giving consent</li><li>• Consent is specific</li><li>• Consent is current</li><li>• Individual has the capacity to understand and communicate their consent.</li></ul> |

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|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Data breach           | A data breach is when personal information held by an organisation is accessed, disclosed without authorisation, or is lost potentially leading to serious harm to individuals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Disclosure            | When personal and health information is made accessible to others outside your organisation and you release the subsequent handling of that information from your effective control such as sharing health information with another service provider.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Eligible Data Breach  | An eligible data breach is when the following three criteria are met: <ol style="list-style-type: none"> <li>1. There is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, that an entity holds, and</li> <li>2. This is likely to result in serious harm to one or more individuals, and</li> <li>3. The organisation has not been able to prevent the likely risk of serious harm with remedial action.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Health Information    | Health information is defined as: <ol style="list-style-type: none"> <li>(a) Personal information that is information or an opinion about: <ol style="list-style-type: none"> <li>(i) the physical or mental health or a disability (at any time) of an individual, or</li> <li>(ii) an individual's express wishes about the future provision of health services to him or her, or</li> <li>(iii) a health service provided, or to be provided, to an individual, or</li> </ol> </li> <li>(b) Other personal information collected to provide, or in providing, a health service, or</li> <li>(c) Other personal information about an individual collected in connection with the donation, or intended donation, of an individual's body parts, organs or body substances, or</li> <li>(d) Other personal information that is genetic information about an individual arising from a health service provided to the individual in a form that is or could be predictive of the health (at any time) of the individual or of a genetic relative of the individual, or</li> <li>(e) Healthcare identifiers.</li> </ol> |
| Member                | A Member of LMW is an individual admitted to LMW in accordance with its Constitution and Rules. Membership includes: <ul style="list-style-type: none"> <li>• Adults (18 years and over) who meet the eligibility criteria.</li> <li>• Children and young people (under 18 years) whose membership is held and exercised on their behalf by a parent, guardian or other authorised representative.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Personal Information  | Personal information includes a broad range of information, or an opinion, that could identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances. For example, personal information may include: <ul style="list-style-type: none"> <li>• An individual's name, signature, address, phone number or date of birth</li> <li>• Sensitive information</li> <li>• Credit information</li> <li>• Employee record information</li> <li>• Photographs</li> <li>• Internet protocol addresses</li> <li>• Voice print and facial recognition biometrics (because they collect characteristics that make an individual's voice or face unique)</li> <li>• Location information from a mobile device (because it can reveal user activity patterns and habits).</li> </ul>                                                                                                                                                                                                                                                |
| Sensitive Information | Sensitive information is personal information that includes information or an opinion about an individual's: <ul style="list-style-type: none"> <li>• Racial or ethnic origin</li> <li>• political opinions or associations</li> <li>• Religious or philosophical beliefs</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | <ul style="list-style-type: none"> <li>• Trade union membership or associations</li> <li>• Sexual orientation or practices</li> <li>• Criminal record</li> <li>• Health or genetic information</li> <li>• Some aspects of biometric information.</li> </ul> |
| Third Party | Any individual or organisation other than the data subject and the disability service provider, including contractors, government agencies, and other service providers.                                                                                    |

## Appendix 1 - Australian Privacy Principles



### APP 01 Open and transparent management of personal information

Ensures that APP entities manage [personal information](#) in an open and transparent way. This includes having a clearly expressed and up to date APP [privacy policy](#).

### APP 02 Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

### APP 03 Collection of solicited personal information

Outlines when an APP entity can [collect](#) personal information that is solicited. It applies higher standards to the collection of [sensitive information](#).

### APP 04 Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

### APP 05 Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

### APP 06 Use or disclosure of personal information

Outlines the circumstances in which an APP entity may [use or disclose](#) personal information that it holds.

### APP 07 Direct marketing

An organisation may only use or disclose personal information for [direct marketing](#) purposes if certain conditions are met.

### APP 08 Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is [disclosed overseas](#).

### APP 09 Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

### APP 10 Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

### APP 11 Security of personal information

An APP entity must take reasonable steps to [protect](#) personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

### APP 12 Access to personal information

Outlines an APP entity's obligations when an individual requests to be given [access to personal information](#) held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

### APP 13 Correction of personal information

Outlines an APP entity's obligations in relation to [correcting the personal information](#) it holds about individuals.

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