

Nationally Coordinated Criminal History Checks - Privacy Policy

Last reviewed: 30/11/2022

Purpose and rationale

We are committed to protect the health, safety and wellbeing of our vulnerable aged care residents. When you work for us or volunteer to help us, we conduct a nationally coordinated criminal history check (police check) to ensure you are suitable to provide care to the aged. This is a requirement of the **Accountability Principles 2014** made under the **Aged Care Act 1997 (Cth)**.

Our Nationally Coordinated Criminal History Check Privacy Policy tells you how we collect, use and disclose your personal information to request a police check and assure ourselves of your identity. **The Privacy Act 1988 (Cth)** regulates the collection, use and disclosure of your personal information.

Our Nationally Coordinated Criminal History Check Privacy Policy forms part of, and should be read in conjunction with, our **Privacy Policy** which you can obtain from our website www.wmq.org.au or in printed form by contacting us. To the extent of any inconsistency, between our Privacy Policy and our Nationally Coordinated Criminal History Check Privacy Policy, then our Nationally Coordinated Criminal History Check Privacy Policy prevails.

Requirements

Why do we collect and how do we use and disclose your personal information?

Under the *Accountability Principles 2014* made under the *Aged Care Act 1997 (Cth)*, as an approved provider of aged care services, we must not allow you to become a staff member or a volunteer (or remain a staff member or a volunteer), unless we are satisfied that:

- There is a police check for you that is dated not more than 3 years before the day on which you first become a staff member or volunteer (or is otherwise not more than 3 years old); and
- The police check does not record that you have been:
 - Convicted of murder or sexual assault; or
 - Convicted of, and sentenced to imprisonment for, any other form of assault.

We are an accredited body under our Agreement for Controlled Access by Duly Accredited Bodies to Nationally Coordinated Criminal History Checks with the Australian Criminal Intelligence Commission (ACIC) [ACIC Agreement] to access the national police checking service (service) under the *Australian Crime Commission Act 2002 (Cth)*. The service is a consent-based service. You, as the applicant, must consent to the police check being conducted. You do this by giving us a properly completed application and informed consent form with your personal information and identity documentation for us to request your police check from ACIC and assure ourselves of your identity.

ACIC and Australian police agencies use the information on your completed application and informed consent form and your identity documentation:

- To disclose information released as part of a police check (police information) relating to you to us
- To update records held about you, and
- For law enforcement, including purposes set out in the *Australian Crime Commission Act 2002 (Cth)*.

We use your police information to demonstrate for the purpose of the *Accountability Principles 2014* the police check does not record that you have been:

- Convicted of murder or sexual assault; or
- Convicted of, and sentenced to imprisonment for, any other form of assault.

For this purpose, we may disclose your police information to:

- Our Chief Executive Officer
- The Director of People and Culture and authorised persons with responsibility for handling your identity documents, your application and informed consent and your police information

- Another member of our Executive Leadership Team with responsibility for the area of our operations in which you work or volunteer
- Our Volunteer Relations Manager if you are a volunteer
- Our Manager with responsibility for the area of our operations in which you work or volunteer
- Our legal advisers (both internal and external)
- The Aged Care Quality and Safety Commission, and
- Another person or entity when legally required to do so.

The Aged Care Quality and Safety Commission under the authority of the *Aged Care Quality and Safety Commission Act 2018* (Cth) may access your personal information and police information:

- As part of an audit to ensure our compliance with the Aged Care Quality Standards, or
- To investigate a complaint about care provided by us involving you.

Your personal information and police information is protected from disclosure under Part 7 of the *Aged Care Quality and Safety Commission Act 2018* (Cth).

We may undertake internal audit (or a similar check process) to ensure we comply with the Aged Care Quality Standards and our ACIC agreement. We may also contract an external auditor to help us undertake our internal audit. As part of this process, your personal information or police information may be accessed as part of an audit sample. In these circumstances, we have non-disclosure agreements with binding confidentiality obligations with our people and our contractors to protect your personal information and police information from disclosure. Any personal information or police information relating to you contained in an audit report (or similar report) will be aggregated or otherwise de-identified.

What personal information do we collect and hold?

We may collect the following types of personal information

- Personally identifying information (such as your name, date of birth, residential history).
- Sensitive information.
- Biometric information
- Demographic information.
- Information relating to the purpose of your police check.
- Information or opinion relating to your current or previous application process.

Before we collect your personal information, or at the time of collection, we provide you with a statement to tell you of that collection. This statement appears on the application and informed consent form completed by you.

How do we hold and protect your personal information?

We are committed to protecting your personal information, including your police information. We will hold your personal information in electronic form. Your personal information is stored on a secure database within Australia. Your personal information will not be transferred or stored outside of Australia, unless we apply for and are granted a Permitted Offshore Transfer arrangement with ACIC. We aim to ensure that your personal information is securely protected from misuse, loss, and unauthorised access, modification or disclosure. We do this by maintaining:

- Physical security by preventing unauthorised access to our premises
- Onsite data storage
- Computer network security including password security to prevent unauthorised access
- Information security policies and practices for protection of personal information (including for risk assessment, vendor, third-party management, asset management, breach notification, data retention and compliance)
- Restricting access to our Director of People & Culture and authorised personnel with responsibility for handling police checks and identity confirmation.

When we update or replace our systems, the updated or new system is subject to the same access restrictions as apply to your personal information and police information on our legacy systems. When a system update or replacement requires the transfer of your personal information and police information, the transfer is carried out automatically through system coding and mapping. All data transfers are subject to recheck and confirmation by our Director of People & Culture and authorised personnel with responsibility for handling police checks and identity confirmation. Our Business Systems Group does not have access to your personal information or police information at any time.

As the internet is inherently insecure, we cannot provide any assurance regarding the security of transmission of personal information you communicate to us online. We also cannot guarantee that the personal information you supply will not be intercepted while being transmitted over the internet. Any personal information or other information which you transmit to us online is transmitted at your own risk.

Our **Information Security Policy** gives details on how we protect information we hold.

We retain your identity documentation, completed application and informed consent and your police information for the period prescribed by section 88-1 of the *Aged Care Act 1997* (Cth). Thereafter we will take reasonable steps to destroy the information if we no longer need the information for any purpose for which it may be used or disclosed.

How you can access your police information and update it

In accordance with our ACIC agreement, we must:

- Promptly provide your police check result to you, upon your request. We will provide the result in electronic or hard copy format, and
- Notify you of your police check result when the result contains a disclosable court outcome. We are required to provide that result to you in writing or verbally, as soon as practicable after it is released to us. When we provide the police check result to you verbally, including by telephone, we must ensure we verify your identity before providing any result details.

Providing the disclosable court outcome result gives you the opportunity to:

- Verify the police information in the result
- Dispute the result, if necessary
- Apply to have inaccurate police records corrected, consistent with APP 13.

When a police check is amended, as a result of a dispute or by other means, we must notify you of the amended result. We must provide you with the amended police check result upon your request. We must also destroy the previous result or de-identify it.

How you can dispute a police check

If we have provided you with the police check result and you believe there may be an error or a problem with the result, you may contact us to raise a dispute.

While every care is taken by ACIC and us, the accuracy of a police check depends on a number of factors and on occasion a police check is released with incorrect information. Reasons for a dispute may include:

- The police information released does not belong to you
- Part of the police information does not belong to you
- The police information belongs to you, but the details are inaccurate
- The police information belongs to you, but should not have been released.

When you dispute a police check result, we must accept and escalate the dispute. For us to do this, you must:

- Review the police check result
- Advise us of any incorrect information and supporting evidence we need to complete and lodge the **NPCS Nationally co-ordinated criminal history check - Dispute form**.

You can raise a dispute about a police check result for:

- Claim type 1 - when police information released *does not belong to you*

- Claim type 2 – when *part* of the police information *does not belong to you*
- Claim type 3 - when police information belongs to you, *but the details are inaccurate*
- Claim type 4 – when police information belongs to you, *but should not have been released*.

We must:

- Complete the dispute form on your behalf
- Lodge the dispute form and any additional identity and supporting documentation with ACIC.

A police check dispute can take one day or a couple of weeks, depending on complexity. It takes more time, for example, if police need to acquire more information from external sources, such as a Court or another police agency.

The police agencies will:

- Investigate your dispute, including reviewing all information and supporting evidence
- Seek more information if needed
- Resolve the dispute where possible
- Provide reasoning (where possible) for dispute outcomes to share with us.

Dispute outcomes may include:

- Successful dispute (result overturned)
- More information required
- Unsuccessful dispute (result upheld)
- Update police records if required.

We will promptly provide the dispute outcome and any reasoning to you. We will provide the outcome and any reasoning in electronic or hard copy format.

ACIC Contact

Please direct questions about the status or result of your police check to us. ACIC does not accept applications or submit checks on behalf of individuals and cannot discuss the status or result of your police check.

If you otherwise need to contact ACIC, their contact details are:

Australian Criminal Intelligence Commission
Queensland Office
PO Box 1084
MILTON QLD 4064
Telephone (07) 3243 0800

Complaints

If you believe we have not respected or protected your privacy in line with this policy, please contact us. We will treat your complaint confidentially. We will contact you after receiving your complaint to discuss your concerns and outline options as to how they may be resolved. We aim to make sure your complaint is resolved in a timely and appropriate manner.

Contact us

Our contact details are:

Wesley Mission Queensland

Street Corporate Office
Street Corporate Office
930 Gympie Road

Chermside Qld 4032
Post Locked Bag 7005
Chermside Centre Qld 4032
Telephone 1800 448 4484
Facsimile (07) 3621 4555
Email ***contactus@wmq.org.au***
Web ***wmq.org.au***

You can also contact our Privacy Officer about your privacy concerns by writing to Locked Bag 7005, Chermside Centre Qld 4032 or by email at ***privacy@wmq.org.au***.

Contact OAIC

If you are not satisfied with our response, you can refer your complaint to the Office of the Australian Information Commissioner.

The Commissioner's contact details are:

Street Level 3, 175 Pitt Street
Sydney NSW 2000
Post GPO Box 5218
Sydney NSW 2001
Telephone 1300 363 992
Facsimile (02) 9284 9666
Email ***enquiries@oaic.gov.au***
Web ***oaic.gov.au***

Changes to this policy

If we change the way we use personal information at any time, we will update this policy. By continuing to use our website or otherwise continuing to deal with us, you accept this Privacy Policy as it applies from time to time. The current version is always available on ***wmq.org.au***