



Privacy Breach and Complaint Policy and Procedures

Policy Statement

Healthy Living NT (HLNT) is committed to maintaining client, member and customer privacy and confidentiality in accordance with HLNT's *Privacy Policy*. Healthy Living NT makes every effort to resolve a potential or actual breach of privacy, and complaints related thereto, originating from our role in providing assistance and services to members, clients and consumers.

Potential and actual breaches of privacy, and related complaints, are to be managed via this *Privacy Breach and Complaints Procedure*.

Definitions

APPs	mean the Australian Privacy Principles adopted in 2014
Complaint	is any issues of concern raised about a potential or actual breach of privacy during the course of administering and managing HLNT business
Complainant	means the person or organisation raising the complaint
Employees	refer to all staff, consultants, contractors and volunteers engaged in administration and management of HLNT business
Natural Justice	means applying a fair process without bias
Eligible data breach	A data breach is eligible if it is likely to result in serious harm to any of the individuals to whom the personal or sensitive information relates.
External Funder	means contracted services that HLNT hold with a variety of funders including (but not limited to) the OHS Agreement with the PHN, Service Agreements with NT DoH and the NDSS Agency Agreement with DAL
Personal and sensitive information	refers to any information of a personal and/or sensitive nature, for example contact details and a medical diagnosis, that identifies or could identify a person
Privacy	refers to how personal and sensitive information is handled
Privacy Act	means the Privacy Act 1988
Privacy breach	means when personal and/or sensitive information held by Healthy Living NT is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference
Privacy breach - potential	Means the circumstances, environment or work practices that could give rise to a privacy breach
Privacy Officer	is the HLNT CEO or in his/her absence the Manager Education Services
Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)	Establishes a Notifiable Data Breaches (NDB) scheme in Australia. The NDB scheme requires organisations covered by the Australian Privacy Act 1988 (Privacy Act) to notify any individuals likely to be at risk of serious harm by a data breach.



Status	Approved	Privacy Breach & Complaint Policy and Procedures Page 1 of 5	Document ID	G0048
Consultation	Board		Date of Issue	01/03/2018
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Scope

During the course of administering its business, Healthy Living NT collects and handles personal and sensitive information about a range of clients and members.

HLNT has implemented measures to ensure it meets contractual obligations and statutory and regulatory requirements including those mandated by the Privacy Act and the APPs.

The scope of this policy relates to identifying, recording, monitoring and resolving a potential or actual breach of personal and sensitive information, managing and resolving related complaints, and the action taken to prevent re-occurrences.

Objective

The objective of this policy is to ensure all potential or actual breaches of privacy, and complaints relating thereto, arising from the administration Healthy Living NT business:

- are comprehensively investigated in a timely manner
- have immediate corrective action applied
- are mitigated and resolved, applying the principles of natural justice, transparency and confidentiality to the satisfaction of the complainant and the person and/or the organisation against whom the complaint is raised
- is assessed, managed and notified consistent with statutory, regulatory and contractual obligations
- is recorded, reported and monitored according to continuous quality improvement principles, and
- have preventative actions applied to minimise risks of a repeat privacy breach.

Responsibility

It is the responsibility of all employees of Healthy Living NT to act in accordance with HLNT's Privacy Policy and use their best endeavours to act according to this Privacy Breach and Complaints Policy and Procedure.

Failure to act accordingly may result in mandated counselling, disciplinary action, or dismissal.

PROCEDURE

Step 1 – Containment and Preliminary Assessment

A privacy breach (potential or actual) may be identified in one of two ways:

- a) a complaint by an external person or organisation or
- b) a HLNT employee becoming aware of the breach, or the potential for a breach to occur.

External Complaint - Privacy Breach	HLNT Identified - Privacy Breach
<p>The employee receiving the complaint:</p> <ul style="list-style-type: none">• records complainant's contact details and the preferred format for response e.g. verbal by phone or in person, by mail or email• acknowledges the nature of the complaint at time of complaint• assures the complainant that the complaint will be promptly investigated• informs complainant that an initial response will be provided within two (2) business days• records all details of the complaint, and	<p>The employee identifying the breach:</p> <ul style="list-style-type: none">• records all details of the breach,• takes immediate action to eliminate further breach (where possible), and• refers the matter immediately to HLNT's Privacy Officer and their immediate supervisor for investigation and coordination.• Privacy Officer conducts preliminary assessment for determination of eligible data breach

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		Page 2 of 5		

- refers the complaint immediately to HLNT’s Privacy Officer and their immediate supervisor for investigation and coordination.
- Privacy Officer conducts preliminary assessment on determination of eligible data breach

Step 2 – Risk Assessment

The Privacy Officer:

- takes immediate corrective action to eliminate further breach
- retains documentation of corrective action
- considers and identifies all potential harm caused by the breach
- notifies the complainant and/or affected individuals immediately if there is a high level of risk of serious harm
- formulates and forwards an initial response to the complainant within two (2) business days
- performs a risk analysis:
 - considering the type of personal and/or sensitive information involved
 - determining the context of the information and the incident
 - determining the extent and eligibility of data breach*

Step 3 – Notification

The Privacy Officer considers and determines external notifications to:

- funders such as DAL (NDSS) and NT PHN (MOICD) under the terms of the Service Agreement(s) and specific policies, and/or
- regulatory bodies such as police, financial institutions, insurers, professional or regulatory bodies and/or Office of Australian Information Commissioner.

Step 4 – Preventative Action

The Privacy Officer:

- documents privacy breach and/or complaint for record keeping, monitoring of re-occurrence and reporting purposes,
- investigates, determines and performs and/or delegates preventative action to minimise risks of similar privacy breaches, and
- implements any review of procedures in evaluation where linked with eligible data breach.

Step 5 – Privacy Breach Register

The Privacy Officer ensures that:

- full details of the breach or the potential breach are entered into a Privacy Breach Register and
- the register is submitted to the Board annually for review.

Responsibility for Policy

The Board of Diabetes Association of the NT Inc. is responsible for ensuring this policy is up to date and complied with.

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		<i>Page 3 of 5</i>		

*Reference assessing eligible data breaches

<https://www.oaic.gov.au/resources/privacy-law/privacy-act/notifiable-data-breaches-scheme>

Approval

Original Approval Date: Board Meeting 2/17 of 22 April 2017
Revision 1 Approval Date: Board Meeting 6/17 of 9 December 2017
Revision 2 Submission Date: Executive Board Meeting 1/18 of 1 March 2018
Revision 2 Approval Date: Executive Board Meeting 1/18 of 1 March 2018

Circulation: All HLNT Board Members and staff.

Sign off by: Chair of the Board



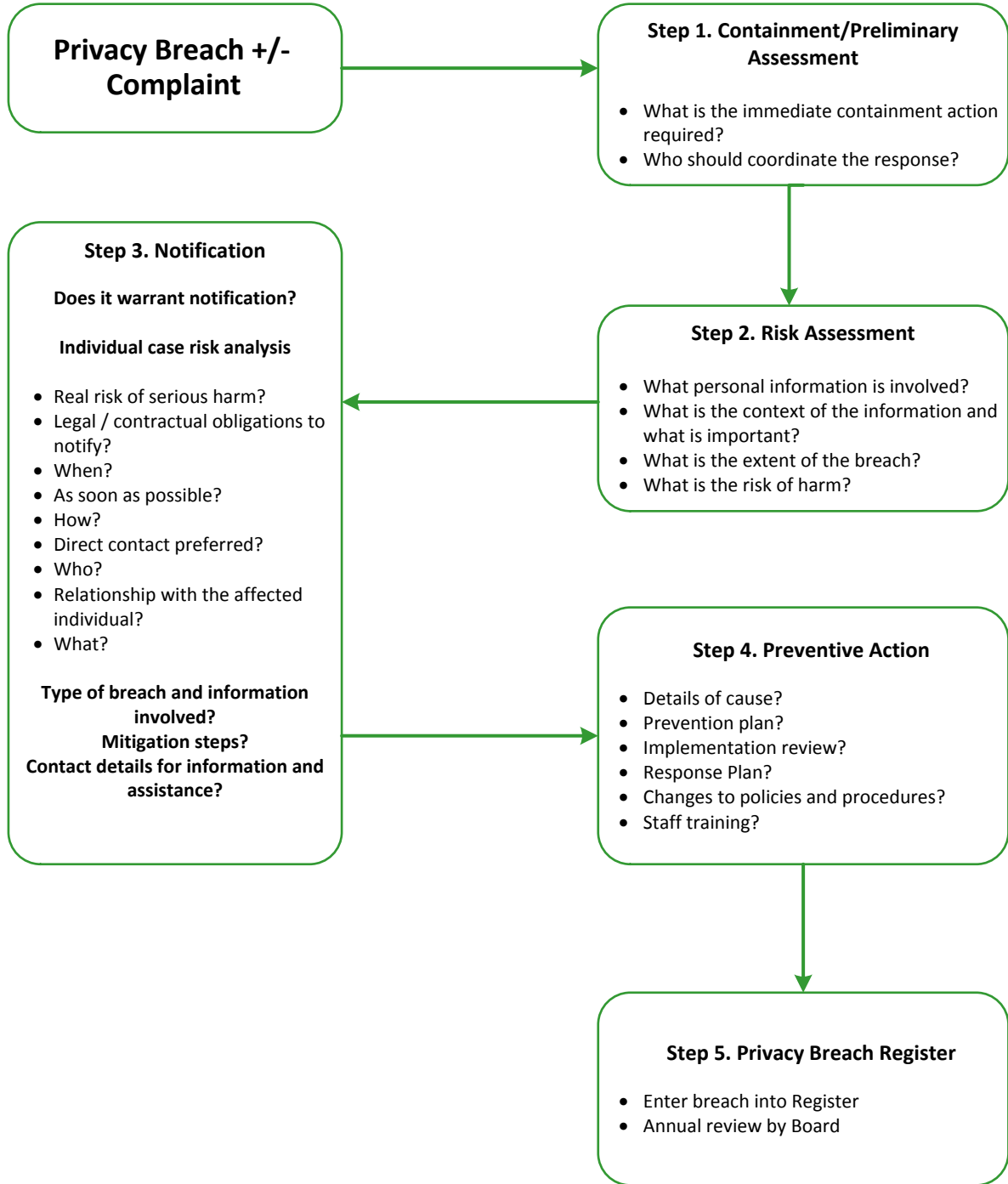
Signature: Ron O'Brien

Related Documents, References and Resources

- HLNT Privacy Policy
- HLNT Privacy Operational Guidelines
- [NDSS Privacy Policy](#)
- [NDSS Privacy Breach Complaints Policy and Procedure](#)
- HLNT Service Agreements with external funders
- [Privacy Act 1988](#)
- [Australian Privacy Principles](#)
- [My Health Records Act](#)
- [Office of the Australian Information Commissioner, Data breach notification guide: A guide to handling personal information security breaches, August 2014.](#)
- **Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)**

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		<i>Page 4 of 5</i>		

Privacy Breach+/- Complaint Process Map



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			Page 5 of 5	