



*everyone's family*

# Volunteers Privacy

## *Procedures*

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## Sections

<b>1</b>	<b>Overview</b>	<b>4</b>
1.1	Policy	4
1.2	Scope	4
1.3	Definitions	4
1.4	Responsibilities and approvals	5
1.5	Legislative context	5
<b>2</b>	<b>Collecting personal information</b>	<b>6</b>
2.1	Only collect information which is necessary	6
2.2	Volunteer recruitment and screening process	6
2.3	Notification of collection of personal information and consent	6
<b>3</b>	<b>Protecting personal information</b>	<b>8</b>
3.1	Privacy Act – employee vs. volunteer record exemption	8
3.2	Use and disclosure of Volunteer information	8
3.3	CONNECT	9
3.4	PC access and screens	9
3.5	Storage of downloaded files from CONNECT or Microsoft Outlook	10
3.6	Requests for Volunteer information	10
3.7	E-mailing Volunteer information and reports	10
3.8	Printing	10
3.9	Conversations	10
3.10	Confidentiality and privacy obligations	10
3.11	Health information	11
3.12	Disclosure to another organisation	11
<b>4</b>	<b>Data accuracy</b>	<b>13</b>
<b>5</b>	<b>Record storage and retention</b>	<b>14</b>
5.1	Central storage of records	14

## Contents



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5.2	Record retention	14
<b>6</b>	<b>Individual's access to information</b>	<b>15</b>
<b>7</b>	<b>Supporting documents</b>	<b>16</b>

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7.1	Related documents	16
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## Appendices

<b>A</b>	<b>Document information</b>	<b>17</b>
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## 1 Overview

### 1.1 Policy

The Smith Family supports and is bound by the Australian Privacy Principles (**APPs**) under the *Privacy Act 1988 (the Act)*, and we are committed to protecting the privacy and confidentiality of our supporters. Accordingly, The Smith Family has implemented practices, procedures and systems to ensure that it meets these obligations and commitments.

The *Privacy Policy for Supporters* is our publicly available privacy policy that covers the elements required under the APPs for how we generally manage personal information of supporters, which includes volunteers. The Smith Family's *Privacy Compliance Manual* is our comprehensive internal guide to the practices, procedures and systems to implement privacy protection across The Smith Family.

The purpose of these Procedures is to outline the principles, practices, procedures and systems that apply to the management of volunteer records at The Smith Family, so as to ensure that the privacy and confidentiality of these records is maintained and The Smith Family complies with the law and its obligations of confidentiality to volunteers.

These Procedures are intended to read in conjunction with the *Privacy Policy for Supporters* and the *Privacy Compliance Manual*, as well as the *Record Retention Policy*, which sets out the minimum requirements for record retention.

### 1.2 Scope

These Procedures outline the approach to the management of volunteer records at The Smith Family. It covers records held for unpaid team members (past, present and future) and those offering pro bono support (ie. those engaged on a free-of-charge basis to perform work for the organisation).

These Procedures apply to The Smith Family board members, executive, managers and team members and to all locations where The Smith Family conducts its operations. However, it is most likely to be relevant in practice to The Smith Family's Volunteering team.

### 1.3 Definitions

**Volunteer record:** In these Procedures, a volunteer record is any record of personal information relating to the engagement of a volunteer. Examples of personal information relating to the engagement of the volunteer include all or any of the following:

- the results of the volunteer's police check or Working with Children check, including disclosable offences
- the training, disciplining or exit of the volunteer
- the early exit of the volunteer from their role
- the volunteer's personal and emergency contact details
- health information about the volunteer
- the volunteer's performance or conduct
- the volunteer's hours of participation
- the volunteer's interactions with The Smith Family in other ways (eg. being a sponsor).

**Health information:** As relevant to a workplace context, health information may include personal information about:

- the health or a disability (at any time) of an individual;
- an individual's expressed wishes about future provision of health services to him or her;
- a health service provided, or to be provided, to an individual.

**Personal Information:** The Act defines 'Personal Information' as information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not and whether recorded in a material form or not. Common examples are an individual's name, signature, address, telephone number, date of birth, medical records, bank account details and commentary or opinion about a person.

**Sensitive Information:** Sensitive Information is a type of personal information and is defined by the Act as information about an individual's:

- racial or ethnic origin
- health information
- political opinions
- membership of a political association, professional or trade association or trade union
- religious beliefs or affiliations
- philosophical beliefs
- sexual orientation or practices
- criminal record
- genetic information
- biometric information that is to be used for certain purposes
- biometric templates.

### 1.4 Responsibilities and approvals

These Procedures have been approved by The Smith Family Executive. The Head of Policy and Programs is the Policy Owner and also responsible for the implementation of these Procedures.

Refer to the *Policy Summary* for the Policy Management Framework requirements for these Procedures, including periodic review.

### 1.5 Legislative context

The Smith Family is bound by the Australian Privacy Principles (**APPs**) under the *Privacy Act 1988 (the Act)* that came into effect on 12 March 2014.

Under the 'employee record' exemption, The Smith Family does not need to comply with the APPs when it handles current and past *employee records* (as defined) for something that is directly related to the employment relationship. However, the Act and the APPs do apply to other team member records that contain personal information, for example, volunteer records.

Child protection laws in various States and Territories also imposes obligations to record and keep (and enable requests to access) child protection check information and related notes and documentation.

## 2 Collecting personal information

### 2.1 Only collect information which is necessary

The Smith Family must only solicit and collect personal information about volunteers where it is reasonably necessary for our functions or activities. Before requesting information from a volunteer, and before recording any information about a volunteer in a file or database, team members must think carefully about whether it is necessary for our work.

Where reasonable and practicable to do so, we should collect personal information about a volunteer only from that individual.

For further information, refer to Section 4 of the *Privacy Compliance Manual*.

### 2.2 Volunteer recruitment and screening process

Prospective volunteer recruitment records are likely to include personal and career history details, as such information is generally collected in the course of people applying to volunteer with The Smith Family. The purpose for which this personal information is collected will be clearly disclosed to the volunteer candidate.

Where a prospective volunteer offers names of referees for The Smith Family to contact to ascertain prior history and suitability for a volunteer position, the prospective volunteer will be asked for consent to The Smith Family contacting those referees.

Under child protection legislation, The Smith Family is required to screen successful volunteer applicants who will be engaged in a volunteer role that may involve contact with children and young people and/or access to information on children and young people. In this regard The Smith Family requests consent from the applicants to carry out certain checks. Any information that is made known to The Smith Family through this process of checking will remain strictly confidential and will not be disclosed to any third parties unless required or authorised by law or otherwise with the volunteer's consent, but may be used by The Smith Family management as part of its assessment of the applicant.

### 2.3 Notification of collection of personal information and consent

Under the APPs, at or before the time (or, if that is not practicable, as soon as practicable after) The Smith Family collects personal information about a volunteer we must take reasonable steps to let them know the following matters, or ensure that they are aware of them:

- our identity and how to contact us (if this is not apparent)
- the fact and circumstances of collection (how, when and from where)
- any laws or court/tribunal orders requiring or authorising the collection
- the purposes for which we are collecting their information
- what will happen if they don't provide us with the information
- other entities or persons to which we usually disclose information of the kind collected
- information about access and correction in The Smith Family's Privacy Policies
- whether we are likely to disclose personal information to overseas recipients, and if practicable, the countries where they are located.

To meet this requirement, wording along the following lines can be used in forms completed by, or agreements entered into with, volunteers such as program facilitators, mentors and tutors. A copy of the *Privacy Policy for Supporters* should accompany the form, but because that policy only describes The Smith Family's general information handling practices for supporters, a more extensive disclosure is required.

## Collecting personal information



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*I understand that The Smith Family collects my personal information (which may include sensitive information) to assess my eligibility to participate in <name of program> and to help provide students and families with assistance tailored to their needs. The Smith Family may also use my information for research, to assess the effectiveness of its programs and to plan for future activities.*

*I acknowledge that if I do not provide the information requested, I may not be able to participate in <name of program>.*

*I understand that my personal information will be collected, used and disclosed by The Smith Family for the purposes outlined above in accordance with its Privacy Policy, a copy of which has been provided to me, and that The Smith Family will not otherwise use or disclose my personal information without my consent, unless it is required or authorised under law to do so.*

*I consent to my sensitive information (such as information about health or ethnic origin) being collected, used and disclosed for these purposes, and to my personal information being used for research purposes, provided I am not identified in any way in any research publication.*

*I am aware that The Smith Family may need to carry out a police check and/or working with children check in assessing my application. I consent to my personal information being collected, disclosed to and used by <state check authority> and The Smith Family as part of The Smith Family's assessment of my suitability to participate in <name of program>.*

*I also understand that The Smith Family may contact me about my interest and willingness to participate in publicity or marketing activities, or in research projects. These may involve the collection of additional personal information or me being identified in a publication. I understand that I have the right to say 'No' to these invitations without affecting my participation in the program.*

*The Smith Family's privacy policy is available at [www.thesmithfamily.com.au/privacy](http://www.thesmithfamily.com.au/privacy) or can be requested by calling 1800 024 069 or emailing [privacy@thesmithfamily.com.au](mailto:privacy@thesmithfamily.com.au). It gives further information on how your personal information will be collected and dealt with by The Smith Family, and also covers how you can access, update and correct your personal information and what to do if you have questions or complaints.*

Note: this suggested wording and the *Privacy Policy for Supporters* only describe the general information handling practices of The Smith Family. If information about a volunteer is being collected and used for a specific purpose (such as for media and publicity, or a research project where additional information is collected), then the disclosure statement must be tailored and/or a specific consent form used.

### 3 Protecting personal information

#### 3.1 Privacy Act – employee vs. volunteer record exemption

Employee records (as defined) are exempt from the requirements of the privacy laws, although it is The Smith Family's policy to apply a reasonable standard of confidentiality to the collection, use and storage of such information.

However, it should be noted that **volunteer** records are not covered by the employee record exemption and are subject to the Act and the APPs.

The exemptions relating to employees' records also do not apply to **prospective team members** – including a team member who started with The Smith Family as a volunteer. Any information collected during the volunteer recruitment process, and any other information obtained from prospective team members during their time as a volunteer, will continue to be maintained and dealt with in accordance with the Act and these Procedures.

#### 3.2 Use and disclosure of Volunteer information

As a general principle, The Smith Family will only use or disclose personal information we collect about a volunteer for the primary purpose for which it was collected unless:

- we obtain the individual's consent to the secondary use or disclosure; or
- the secondary use or disclosure is related to the primary purpose (or, in the case of sensitive information, directly related to the primary purpose) and the individual would reasonably expect that secondary use or disclosure.

For further information on The Smith Family's obligations when using and disclosing personal information, refer to Section 5 of the *Privacy Compliance Manual*.

At The Smith Family, volunteer records generally include relevant personal information, and often, job history or career experience. It may include sensitive information

The types of personal information collected by The Smith Family about volunteers, why it is collected and to whom it is disclosed so that The Smith Family can perform a range of obligations, is listed in the table below. However, it must be noted that not all information collected and held may be listed here as information held may be specific to an individual volunteer. For example, volunteer records may also include:

- sensitive information (such as health information) where it has a direct relationship with the capacity of the volunteer to perform the duties of a volunteer position
- the volunteer's relationship with the organisation beyond their role as an unpaid team member (ie. being a TSF sponsor or donor)
- previous volunteer roles held within the organisation
- notes about a person's interaction with The Smith Family (including any complaints made)
- notes about a person who has been deemed unsuitable to volunteer with The Smith Family.

Information collected	Why it is collected	To whom it may be disclosed
Name, address, contact details	Establish volunteer record and undertake core VCU functions; contact with volunteer	Insurance companies, doctors, rehabilitation providers, relevant team leader, body/ agency responsible for regulation of working with children



Date of birth	To meet requirements volunteer recruitment and screening purposes	Body/agency responsible for regulation of working with children
Email address and/or mailing address and phone number	For communication with volunteer	TSF Volunteering staff, other TSF team members needing to communicate with volunteer
Next of kin details	Emergency contact	Relevant manager/supervisor/team leader
Employment history	Volunteer recruitment and matching purposes	TSF Volunteering staff, VCU volunteers, recruiting TSF team member
Education and qualification details	Volunteer recruitment and matching purposes	TSF Volunteering staff, VCU volunteers, recruiting TSF team member
Referee names and contact details	Volunteer recruitment/screening purposes	TSF Volunteering staff, VCU volunteers, recruiting TSF team member
Volunteer screening results	Child protection and risk mitigation purposes	TSF Volunteering staff, VCU team, HR, body/agency responsible for regulation of working with children
Volunteer Matches	Records history of volunteer engagement	TSF Volunteering staff, VCU team, TSF team members

### 3.3 CONNECT

Volunteer information is stored in The Smith Family's Microsoft CRM database (**CONNECT**). This enables The Smith Family to record volunteer details so that the unpaid resources of the organisation can be more effectively managed, screening details are confirmed and The Smith Family can record the activities volunteers are matched to within the organisation.

CONNECT contains a diverse range of personal information about volunteers. Standard information such as volunteers' names, addresses and phone numbers is maintained, as well as more sensitive information, which may include marital status, financial support of The Smith Family, and history of volunteer engagement.

Due to the type of information held in this system, The Smith Family is diligent in limiting access to and monitoring the system so that incidents of unauthorised access to volunteer data does not occur, and information is not divulged to unauthorised persons or misused in any way.

The Smith Family team members (paid and unpaid) that require access to volunteer information in CONNECT are given access to the appropriate information and to a level that is necessary for them to perform their roles. This is done through restricting their access to information not relevant to their position.

### 3.4 PC access and screens

The computers of the team members who access volunteer information are generally located in a secure building. Password protected screensavers are used to ensure that there is no casual observance by unauthorised people or visitors. When any team member leaves their desk, they must ensure that their computer screen has no personal information visible that may be open to casual observance.

### 3.5 Storage of downloaded files from CONNECT or Microsoft Outlook

Electronic files that are downloaded from CONNECT or Outlook are to be kept within a shared directory to which access is restricted. If no longer needed, such files should be deleted from the directory. Where possible any hard copies should be shredded or kept in locked filing cabinets.

Child protection laws in various States and Territories impose obligations to record and keep (and enable requests to access) child protection check information and related notes and documentation, and in some cases to destroy those records after a specified period. You should contact a member of the National Volunteer management team for guidance on these record-keeping requirements.

### 3.6 Requests for Volunteer information

Requests for Volunteer information can be made through members of The Smith Family's Volunteering team (National management team, the Volunteer Coordination Unit or via Volunteer Relationship Coordinators based in state offices).

### 3.7 E-mailing Volunteer information and reports

Volunteer information and CONNECT-generated reports that are e-mailed internally are protected from external scrutiny by a firewall protecting all The Smith Family electronic files. No information or reports should be e-mailed to external sources without the explicit consent of the National Manager, Volunteering. In cases where CONNECT reports are e-mailed externally, files must be encrypted in the manner advised by Business Information Services team or team members must be non-identifiable.

### 3.8 Printing

Personal information on volunteers can be printed, but care must be taken with the position of printers and ensuring printouts are not left in unsecure environments. Any paper with personal information on that are to be disposed of should be shredded or placed in a secure document destruction bin.

### 3.9 Conversations

Details about identified individuals should not be discussed in corridors, in reception areas or any other public locations. Care should also be taken when conversing over the telephone.

An exception to this is The Smith Family's Volunteer Coordination Unit (based in National Office, Sydney), the function of which is a 'hub' of volunteer enquiries, registration, screening and matching and which, due the purpose and operations of that team, involves constant phone interaction with – and about - volunteers (eg. similar to a call-centre environment, conducting reference checks via phone). All care is taken to ensure that sensitive matters are dealt with away from the open-plan team environment (eg. discussions about disclosable outcomes from police checks).

### 3.10 Confidentiality and privacy obligations

All paid team members must agree to confidentiality obligations which state that they will not use, publish or disclose confidential information for their own benefit or the benefit of another person. They must also agree to privacy obligations which state that they will not access personal information unless it is essential for them to perform their duties and that they will only use and disclose that information in accordance with The Smith Family's privacy policies and procedures. This forms part of the standard employment contract.

For volunteers, confidentiality and privacy obligations are dealt with during the induction period, as appropriate to the volunteer's role. Below is example wording that can be used in forms completed by, or agreements entered into with, volunteers who may have access to confidential information, including personal information:

*I acknowledge that all information that is not publicly known which is disclosed to me, or to which I have access, through my involvement in <my role/the program> (including but not limited to personal information of participants and their families and information relating to The Smith Family's operations and plans) is confidential.*

*I agree that, during and after my involvement in <my role/the program>, I will:*

- *take reasonable steps to maintain the confidentiality and protect the privacy of the information,*
- *not use, publish or disclose the information for my own benefit or the benefit of any other person,*
- *only access, use, and reproduce that information as necessary for <my role/the program> and in accordance with any policies and procedures of The Smith Family that are advised to me,*
- *not, without the consent of The Smith Family, disclose any of the information to any other person unless required by law, and*
- *notify The Smith Family if I become aware that any of the information has been accessed, used, disclosed or reproduced in breach of this privacy and confidentiality obligation.*

For volunteers who have extensive access to personal information, eg. a skilled volunteer engaged on a research project, a more comprehensive agreement covering compliance with privacy laws might be appropriate. Example wording that may be used for guidance can be found in The Smith Family's *Confidentiality and Privacy Agreement* (available from the Company Secretary or the Privacy Officer).

### 3.11 Health information

Volunteers are not required to inform The Smith Family of the specific nature of any illness. However, volunteers are under an obligation to inform The Smith Family of the nature of any illness or injury:

- that may impact of the ability of the volunteer to carry out the duties of their position;
- may endanger the health and lives of others;
- may endanger the life of the actual volunteer;
- may require first aid treatment at the workplace;
- illness or injury sustained at the workplace.

As health information comes within the definition of 'sensitive information' for the purposes of the Privacy Act, to which stringent requirements apply, members of TSF's Volunteering team will exercise extreme caution in disclosing health information.

Health information is not to be disclosed unless the volunteer has given express consent, and any requests to access or disclose health information of team members are to be referred to the National Manager, Volunteering.

### 3.12 Disclosure to another organisation

Personal information about volunteers may be disclosed outside The Smith Family for the primary purpose for which it is collected, or for a secondary purpose related to the primary purpose (or, in the case of sensitive information, directly related to the primary purpose) where the individual would reasonably expect their information to be disclosed for that purpose.

For example, information about a volunteer (such as name and address details) may be disclosed to a service provider working directly on behalf of The Smith Family to distribute *Student2Student* book packages, since this is the primary purpose for which the information is collected.

Otherwise, personal information about volunteers may **only** be disclosed to a third party if the volunteer gives their consent to the disclosure or one of the exceptions under the APPs applies, for example:

## Protecting personal information

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- it is required or authorised by law or a court/tribunal order;
- it is unreasonable or impracticable to obtain consent and The Smith Family reasonably believes that it is necessary to lessen or prevent a serious threat to an individual's life, health or safety, or to public health or safety;
- it is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim; or
- The Smith Family reasonably believes that it is reasonably necessary for the enforcement related activities of an enforcement body, including the prevention, detection, investigation and prosecution or punishment of criminal offences and intelligence gathering activities.

Any requests for volunteer personal information, or any proposals to disclose such information, in reliance on one of these exceptions must be referred to the National Manager, Volunteering.

### 4 Data accuracy

At all times TSF's Volunteering team will take care to ensure that the information collected and held about volunteers is accurate. This information will also be regularly checked to ensure its accuracy.

Information relating to child protection checks is reviewed on a regular basis as these checks expire and are renewed. Role-specific information is currently audited at a minimum annually. For some programs (eg. *iTrack*), the Volunteer Coordination Unit regularly checks information with the volunteer. Otherwise, The Smith Family does not currently have a portal for volunteers to update their information, so we rely on self-identification and notification.

Team members working directly with volunteers are also encouraged to maintain accuracy of information held, especially in relation to address and contact details, screening and volunteer training undertaken etc.

Refer to Section 6 of The Smith Family's *Privacy Compliance Manual* for more information.

## 5 Record storage and retention

### 5.1 Central storage of records

Volunteer records are subject to internal physical and access security requirements. All volunteer records are stored in CONNECT and shared files accessed by TSF's Volunteer Coordination Unit.

Access to basic volunteer details (contact details and role) is available to any CONNECT user, but access to any sensitive information (eg. child protection screening or police check results) is restricted to the Volunteer Coordination Unit, system administrators and a select number of Supporter Care team members who need to view the data for work purposes. These controls apply to existing and former team members and volunteers.

Managers of volunteers are permitted to hold team member names and next of kin details in case of emergencies. For volunteers, this information is stored in CONNECT with a password protected file accessible by the manager and selected team members.

Volunteer records collected outside of TSF's Volunteers team are to be sent to the Volunteer Coordination Unit within 5 working days after collection.

Resumes of prospective volunteers distributed to selecting team members should be destroyed after the recruitment process is complete.

### 5.2 Record retention

The Smith Family is required under the APPs to take reasonable steps to destroy or de-identify the personal information it holds about volunteers once that personal information is no longer needed for any purpose for which it may be used or disclosed under the APPs.

This requirement does not apply where The Smith Family is required by law or a court/tribunal order to retain the personal information, for example, child protection laws.

The general and minimum requirements for the retention of records at The Smith Family, including personnel records, are set out in the *Record Retention Policy*. Refer to Section 3.6 of that policy for the requirements for personnel records.

You should contact a member of the National Volunteer management team for guidance on the specific record-keeping requirements under child protection laws.

### 6 Individual's access to information

Under the APPs, individuals have the right to request copies of or to see any personal information that The Smith Family holds about them. Records of current and past volunteers can therefore be accessed by them to ensure accurate information is maintained.

However, The Smith Family may refuse to give access to such personal information in certain circumstances – refer to Section 8 of the *Privacy Compliance Manual* for more information. For example, The Smith Family may be entitled to refuse access to a volunteer where:

- giving access would have an unreasonable impact upon the privacy of other individuals, such as a referee who has provided their opinion or views about the volunteer
- the request for access is frivolous or vexatious
- the information relates to existing or anticipated legal proceedings between The Smith Family and the volunteer
- giving access would prejudice negotiations between The Smith Family and the volunteer
- denying access is required or authorised by or under an Australian law (eg. confidentiality obligation owed to another party).

Access by a volunteer therefore does not necessarily include access to information of a performance or related nature, as this information may include opinions of staff and comments which are not open to disclosure to volunteers.

Volunteer records are held, and access is provided, under the general supervision of the National Manager, Volunteering, and the Volunteer Coordination Unit Manager, on the advice of the Privacy Officer where necessary. Requests for access should therefore be referred to the National Volunteering management team.

A copy of these Procedures will be available on The Smith Family intranet.

## 7 Supporting documents

### 7.1 Related documents

This Policy should be read in conjunction with the following:

- Privacy Compliance Manual
- Record Retention Policy



## A Document information

Document details	
<b>Name of document</b>	Volunteers Privacy Procedures
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