

DISABILITY AND YOUTH COMMUNITIES LTD

Privacy Policy

How DAYC collects, holds, uses and discloses personal and sensitive information

1. Purpose and Application

This Policy sets out how Disability and Youth Communities Ltd (DAYC) collects, holds, uses, discloses and protects personal information, including sensitive information, across all of its activities.

DAYC is a Public Benevolent Institution registered with the ACNC, holding DGR Item 1 endorsement. DAYC works with people who experience disability, mental health challenges and marginalisation, including LGBTQIA+ young people and adults, and routinely collects information of a highly sensitive nature. Handling that information lawfully and respectfully is fundamental to the trust participants place in the organisation.

DAYC applies the Australian Privacy Principles (APPs) under the Privacy Act 1988 (Cth) in full, as a matter of policy. DAYC does this whether or not the small business exemption in section 6D of that Act currently applies to it. DAYC's obligations may in any event be mandatory where it provides a health service and holds health records, delivers services under a Commonwealth funding contract, or is engaged as a bound contracted service provider to a Queensland government agency. Applying the APPs consistently removes the need to reassess coverage each time a program or funding arrangement changes, and meets the expectations of funders and participants.

2. Scope

This Policy applies to personal information collected from or about:

- Participants and beneficiaries of DAYC programs and services.
- Parents, guardians and support people of participants.
- DAYC employees, volunteers, directors, contractors and delivery partners.
- Donors and supporters.
- Job applicants and prospective volunteers.

It applies wherever DAYC activity is conducted, including the registered office at 31–33 Price Street, Nerang QLD 4211, external venues, online and digital interactions, and the activities of delivery partners operating on DAYC's behalf. Where DAYC shares premises or administrative support with a related entity, this Policy governs DAYC's handling of information collected in connection with DAYC's own activities.

3. Definitions

- **Personal information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable.
- **Sensitive information** means a subset of personal information including health information, disability status, sexual orientation and gender identity, and racial or ethnic origin. It receives a higher standard of protection under this Policy.
- **Eligible data breach** means unauthorised access to, or unauthorised disclosure or loss of, personal information that is likely to result in serious harm, as defined under the Notifiable Data Breaches scheme.

4. What We Collect and How

DAYC collects only the personal information reasonably necessary for its functions. Depending on the relationship, this may include:

- Name, date of birth, contact and emergency contact details.
- Disability status, support needs, and NDIS participant details where relevant to a shared program.
- Health and wellbeing information relevant to safe program delivery.
- Sexual orientation, gender identity and gender expression, where a participant chooses to share this.
- Guardian contact and consent information for participants under 18.
- Employment and volunteering information, including Blue Card and worker screening status, qualifications and referees.
- Financial information for payroll, reimbursement, grant acquittal or donation processing.
- Feedback, survey responses and program evaluation data.

Information is collected directly from the individual wherever practicable — through intake forms, service agreements, consent forms, registrations and conversations — and otherwise from a guardian, a referring service with consent, or a delivery partner in the course of a shared program. Where information is collected from a third party, DAYC takes reasonable steps to ensure the individual is aware this Policy applies.

DAYC does not require a participant to disclose sensitive information, including sexual orientation or gender identity, as a condition of accessing a service.

5. Use and Disclosure

DAYC uses personal information to deliver and evaluate programs, meet safeguarding and duty-of-care obligations, administer employment and volunteering, meet funder and regulatory reporting requirements, process donations, and respond to incidents and complaints.

DAYC discloses personal information only:

- With the individual's consent.
- To a delivery partner where necessary to deliver a shared program, and only to the extent necessary for that purpose.
- To DAYC's bookkeeper and financial systems for financial administration.
- To regulators, insurers and funding bodies where required by law, contract or grant conditions.
- Where required or authorised by law, including reporting obligations under the Child Protection Act 1999 (Qld) and sections 229BB and 229BC of the Criminal Code Act 1899 (Qld).
- Where there is a serious and imminent threat to the life, health or safety of any person.

DAYC does not sell, rent or trade personal information. DAYC does not transfer participant information overseas, other than incidentally where mainstream cloud providers (such as Microsoft 365) may store or process data outside Australia in the ordinary course of operation.

6. Sensitive Information

DAYC collects sensitive information only with the individual's consent and only where reasonably necessary for the service being provided. Staff and volunteers must not disclose a participant's sensitive information beyond what is strictly necessary for safe and effective service delivery.

A participant's LGBTQIA+ identity, sexual orientation, gender identity and gender expression are never disclosed to parents, guardians, schools or any third party without the participant's informed consent, including where the participant is under 18, except where a legal reporting obligation or a serious and imminent safety risk applies. This principle applies across all DAYC programs and is consistent with the confidentiality framework in the DAYC Lived Experience Peer Support Service Scope Statement.

7. Children and Young People

Where DAYC collects information from or about a person under 18, DAYC:

- Collects only the information reasonably necessary to deliver the program safely.
- Obtains guardian consent for the collection and use of the young person's personal information, except where the young person is assessed as having capacity to consent independently and the information relates to matters where guardian disclosure could itself cause harm.
- Applies the protections in Section 6, recognising that a young person's exploration of their identity is not, of itself, a safety concern requiring disclosure to a guardian.
- Retains records relating to children for longer than the standard retention period where safeguarding obligations require it.

8. Storage, Security and Retention

- Personal and sensitive information is stored in DAYC's Microsoft 365 environment with access controls applied, or in DAYC's accounting system for financial records.
- Access to participant records is limited to those who require it to perform their role.
- Paper records are stored securely at the registered office and are not left unattended in identifiable form.
- DAYC takes reasonable steps to keep information accurate, complete and up to date, and corrects inaccuracies promptly on request.
- Personal information is retained for a minimum of seven years from the end of the relevant relationship, consistent with Clause 60.3 of the Constitution, then securely destroyed or de-identified unless a longer period is required.
- Third-party systems used to process personal information are selected and reviewed with regard to their security and privacy commitments.

9. Access, Correction and Complaints

An individual may request access to, or correction of, the personal information DAYC holds about them by writing to the Charity Manager at info@dayc.org.au. DAYC will respond within a reasonable period, generally within 30 days.

DAYC may decline access in limited circumstances permitted under the Privacy Act, including where access would pose a serious threat to any person's life, health or safety, would unreasonably affect

another person's privacy, or would prejudice a legal proceeding, investigation or reporting matter. Where access is declined, DAYC will explain why and set out the avenues of complaint available.

A person who believes DAYC has breached this Policy or the APPs may complain to the Charity Manager at info@dayc.org.au or 0483 959 507. DAYC will acknowledge, investigate and respond, generally within 30 days, in accordance with DAYC's Complaints Policy. If the person is not satisfied with the response, they may refer the matter to the Office of the Australian Information Commissioner at www.oaic.gov.au.

10. Data Breach Response

Where DAYC becomes aware of a suspected data breach, the Charity Manager:

- Contains the breach as a priority and records it in the Incident Register under the Incident Reporting and Management Policy.
- Assesses within 30 days whether the breach is likely to result in serious harm to any individual.
- Where it is an eligible data breach, notifies affected individuals and the OAIC as soon as practicable, setting out the nature of the breach, the information involved, and the steps individuals can take.
- Reviews the Risk Register for any related control failure and updates it.
- Reports the breach and its management to the Board at the next meeting, or immediately where the breach is significant.

11. Related Documents and References

This Policy operates alongside the Constitution, the Incident Reporting and Management Policy and Incident Register, the Risk Management Policy and Risk Register, the Lived Experience Peer Support Service Scope Statement, the Safeguarding Policy, the Workplace Behaviour Policy and the Complaints Policy.

Legislative and Regulatory References

- Privacy Act 1988 (Cth) — Australian Privacy Principles and the Notifiable Data Breaches scheme.
- Australian Charities and Not-for-profits Commission Act 2012 (Cth) and Regulation 2013 (Cth) — Governance Standards.
- Child Protection Act 1999 (Qld).
- Criminal Code Act 1899 (Qld) — sections 229BB and 229BC.
- Working with Children (Risk Management and Screening) Act 2000 (Qld).

12. Review and Authorisation

This Policy is reviewed annually, following any eligible data breach, and following any change in legislation or funding arrangement that affects DAYC's privacy obligations.

This Policy is approved and adopted by the Charity Manager of Disability and Youth Communities Ltd, in accordance with operational authority delegated under the Constitution.