

Office of the Inspector- General of Aged Care

Privacy Policy

October 2023



Document history

Date Created	Version	Description	Date of Approval
1 October 2023	1	Development of the privacy policy to meet <i>Privacy Act 1988</i> and corresponding Australian Privacy Principles	16 October 2023

Approval

Title	Acting Inspector-General of Aged Care
Name	Ian Yates AM
Signature	
Date	16 October 2023

This policy is to be reviewed by 16 October 2025 unless there are legislative changes to the Privacy Act 1988 or significant changes in the way we collect or manage personal information before that date.



1. About this privacy policy

The Office of the Inspector-General of Aged Care (Inspector-General) is bound by the *Privacy Act 1988* (Privacy Act) and the requirements of the Australian Privacy Principles (APPs) in Schedule 1 of the Privacy Act^[1]. Under APP 1, the Inspector-General is required to have a Privacy Policy, which outlines how we manage personal information (which includes sensitive information), as defined in the Privacy Act.

This Privacy Policy is intended to give you an understanding our personal information handling practices, our obligations under the Privacy Act and APPs in relation to personal information, and to enhance transparency around the Inspector-General's operations. This includes detailed information about:

- the kinds of personal information we collect and hold;
- how we collect and hold your personal information;
- the purpose for which we collect, hold, use and disclose your personal information;
- how to contact us if you want to access or correct personal information we hold about you; and
- how you can complain about a breach of the Privacy Act or the APPs and how we will deal with your complaint.

In addition to the requirements for handling personal information set out in the Privacy Act and the APPs, the Inspector-General and their staff are subject to strict secrecy requirements in relation to personal information, both within the *Inspector-General of Aged Care Act 2023* (IGAC Act) and other aged care legislation. The Inspector-General manages information in accordance with these regimes, and always to the highest threshold imposed by law.

This Privacy Policy is only intended to cover how the Inspector-General handles personal information (including sensitive information, as defined in the Privacy Act) relating to older Australians, aged care providers and services, and the Inspector-General's staff. It is not intended to outline how we manage other types of information.

We will update any changes to our privacy policy on our website if our information handling practices change.

If you would like to access this Privacy Policy in an alternate format, please contact us using the contact details provided in section 13 of this document.

2. What we do

The Inspector-General's purpose is to drive greater accountability and transparency across the aged care system and facilitate positive change for older Australians. We do this by providing independent systemic oversight of the Australian Government's administration, regulation and funding of aged care through reviewing and reporting on longstanding system-wide problems (or 'systemic issues'), and identifying opportunities for improvement.

To carry out this role, the Inspector-General has the following functions under the IGAC Act:

- Monitoring, investigating and reporting to the Minister and Parliament by undertaking systemic reviews on:
 - the performance of Commonwealth agencies which govern, administer, regulate and fund the aged care system;



- whether Commonwealth aged care laws are operating effectively and as intended;
- the Commonwealth's implementation of the Royal Commission into Aged Care Quality and Safety's recommendations; and
- systemic issues affecting the aged care system.

The Inspector-General is also responsible for overseeing complaints management processes across the aged care system to ensure they are working as intended.

We collect, hold, use and disclose personal information (including sensitive information) to carry out our functions under the IGAC Act.

Further information on our role and functions can be found on our website at www.igac.gov.au.

3. Outline of this policy

Part 1 of this Policy describes the Inspector-General's role and explains in general terms the kinds of personal information we collect, how it is collected and how it is held. As required under APP 1, it explains how you can request to see your personal information or to have details of your personal information corrected. This part also explains how you can lodge a complaint if you believe your personal information has been mishandled, or there has been a breach of your privacy by us.

Part 2 outlines in further detail the specific kinds of records the Inspector-General maintains that may hold personal information. You can find out here what sorts of records we keep, what kinds of personal information are typically contained within these records, and the purpose for which this information is collected, held, used and disclosed.

Part 3 explains the Inspector-General's personal information handling practices when a person visits our website.

Part 1 – Personal Information Management

4. Our obligations under the Privacy Act

As an Australian Government Agency, we must comply with the Privacy Act and the APPs contained in Schedule 1 of the Privacy Act. These regulate how agencies may collect, hold, use or disclose personal information, and how people may access and correct personal information held about them.

5. What is personal information?

The Privacy Act defines 'personal information' as:

'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information is true or not; and*
- (b) whether the information is recorded in a material form or not.'*^[2]

Personal information also includes 'sensitive information', which is a particular category of personal information. This might include information relating to your health, racial or ethnic origin, marital status, political opinions, association memberships, religious beliefs, sexual orientation, criminal history, and health, genetic or biometric information.^[3]



6. What kinds of personal information does the Inspector-General collect and hold?

Broadly, the types of personal information (including sensitive information) we may collect include:

- the names, contact details (e.g. phone number, email address, and postal address), and other identifying information (e.g. dates of birth, gender, marital status, occupation, and country of birth) of older Australians receiving aged care;
- the aged care services being provided to individuals, their aged care needs and health conditions and medical history;
- the names, contact details and personal circumstances of members of the public who contact us;
- the names, contact details and role of government officials from other Commonwealth agencies involved in the governance, administration, regulation and funding of aged care (particularly those from the Department of Health and Aged Care (Department), the Aged Care Quality and Safety Commission (Commission) and the Independent Health and Aged Care Pricing Authority (Pricing Authority));
- the names, contact details, and background information (e.g. work history, qualifications, documents linked to recruitment processes such as referee reports, and remuneration) of staff within the Inspector-General, including those of contractors, individuals who have been seconded from other agencies to assist the Inspector-General carry out their work, and consultants;
- the names, contact details, and employment details of individuals from external organisations through managing contracts, funding agreements and procurement processes; and
- the names of personnel from aged care providers and services delivering aged care, including their names, roles and contact details.

We will only collect sensitive information if:

- you agree to us collecting it and it is reasonably necessary for, or directly related to one of our functions or activities; or
- it is required or authorised by law or an order of a court or tribunal; or
- a ‘permitted general situation’ exists as defined in the Privacy Act.^[5]

Occasionally, sensitive information may be made known to us without us requesting it. This might arise, for example, where an individual receiving aged care (or a family member) decides to contact us to discuss their aged care services, and during those discussions discloses information about their medical or health situation. In these circumstances, we may clarify with you whether you intend to provide that information, and if so, whether you wish for us to record and use it.

7. For what purposes does the Inspector-General collect, hold, use and disclose personal information?

We collect, hold, use and disclose personal information to enable the Inspector-General to carry out its functions and activities.

We may also collect personal information from individuals for the purpose of assessing whether to maintain their identity as confidential in relation to a specific disclosure of information to assist us in carrying out the Inspector-General’s functions.



The Inspector-General also holds personal information and records in relation to its staff, such as identifying information, for a range of corporate and business-related purposes.

Importantly, we do not currently send personal information to overseas recipients. If circumstances change, however, we will ensure that the appropriate procedures and systems are in place to ensure that the information will be handled in accordance with the APPs.

8. How does the Inspector-General collect personal information?

The Inspector-General will only collect the information we need for the function or activity we are carrying out. Where possible and appropriate, the information we collect will be de-identified.

Generally, we will not need to collect personal information from individuals directly when carrying out our role. Rather, we will usually obtain such information from other Government agencies, particularly the Department, the Commission, and the Pricing Authority. For example, when reviewing how the Department or the Commission deals with complaints as part of our complaints oversight role, we may collect information of how individual complaints were handled to determine whether complaints management processes effectively and transparently resolve individuals' concerns.

Most personal information will be collected from other agencies voluntarily through memorandums of understanding. Personal information may also be obtained as a result of face-to-face meetings, telephone conversations, in writing by mail, electronic communication, photographs, video or telephone recordings, and through submissions, surveys or enquiry forms through our website (see Part 3).

In the course of conducting reviews into systemic issues in the aged care system, we may also obtain personal information through submissions provided by individuals and agencies (although individuals or agencies can request that their submissions remain confidential).

Additionally, the Inspector-General has coercive information gathering powers to support its functions. These powers allow the Inspector-General to access premises, and to compel a person to produce documents or answer questions. We may collect personal information through the exercise of these powers.

The Inspector-General conducts a number of activities that are incidental to, and necessary for carrying out their statutory functions. These are best described as 'corporate' functions and include finance, accounting, procurement, reporting, employment and human resources activities. In connection with our corporate activities we collect personal information from a wide range of sources including from job applications of prospective staff, directly from our officers, other government agencies and private entities.

9. How does the Inspector-General hold and store personal information?

We hold personal information that we collect in both electronic and paper records. We maintain an ICT system as well as online shared hard drives which are hosted on secure servers. We take steps to ensure personal information is protected against unauthorised access, use, modification, disclosure, or other interferences. In addition, we secure our paper files in locked cabinets, safes and secure areas, and adopt physical access restrictions. Access to our physical premises is controlled using identification cards and monitored using CCTV with security guards patrolling as required.



The ICT system stores information in an interconnected fashion. This means we can access personal information directly by searching for a person's name, or indirectly, by searching with reference to a specific review number or other search parameters.

Access to records containing personal information is permitted on a 'need-to-know', work-related basis only, and subject to restrictions based on security clearance levels. In some cases, access will be more tightly restricted.

Where appropriate, senior management may authorise the creation of virtual barriers that prevent staff from accessing information contained in electronic records.

When no longer required, personal information is destroyed or archived in a secure manner, or deleted, in accordance with the *Archives Act 1983*.

The Inspector-General adopts and complies with Commonwealth and industry best practice in ICT Security Management, including:

- Australian Cyber Security Centre (ACSC) information security guidelines;
- Digital Transformation Agency (DTA) Protected Utility program;
- Protective Security Policy Framework; and
- Australian Government Information Security Manual.

For the list of mandatory requirements that cover governance, personnel, information and physical security, please visit the Protective Security Policy Framework [website](#).

10. Notifiable Data Breaches Scheme

The Notifiable Data Breaches Scheme under the Privacy Act requires entities to notify individuals whose personal information is involved in a data breach that is likely to result in 'serious harm' to any of the individuals. Serious harm refers to serious physical, psychological, emotional, financial or reputational harm to an individual or individuals.

All Inspector-General staff are required to report a suspected or known data breach to the Director – Reviews, Complaints and Information Access (Privacy Officer) who will take immediate steps to contain the breach (where applicable). The Agency Executive Director (Privacy Champion) will then be notified of the suspected breach and initiate an assessment based on its seriousness. The Agency Executive Director will decide the appropriate response required, including whether notification to the Office of the Australian Information Commissioner (OAIC) is necessary. The Inspector-General will work with the OAIC on any recommendations or directions from the Information Commissioner relating to the breach.

11. How can I access or correct my personal information held by the Inspector-General?

Under APPs 12 and 13 of the Privacy Act, you have a right to request access to personal information we hold about you, and ask that we correct that information if there are any inaccuracies. The first step is to contact us. In many instances, we will be able to either provide you with access or correct any inaccuracies immediately without you needing to make any formal requests.

For more extensive requests, we may ask that you submit the request in writing so we can process it appropriately.



You can also contact us if you need further advice about how best to request access or corrections to your personal information.

You also have the right under the *Freedom of Information Act 1982* (FOI Act) to request access to documents we hold and/ or request that the information we hold about you is changed or annotated, if it is incomplete, incorrect, out-of-date or misleading.

12. How do I complain about the handling of my personal information by the Inspector-General?

We have established processes to protect your personal information. If you have concerns about how we collect, hold or use your personal information, you have the right to lodge a complaint with us. We ask that such complaints be made in writing, setting out the reasons why you believe we have not handled your personal information in an appropriate manner. This will help us to fully investigate and address your concerns.

We will acknowledge your complaint within five days and investigate and resolve all complaints as soon as possible. Your complaint will be investigated by the Privacy Officer and you will be advised of the outcome of the investigation in writing. Our decision will be explained with reference to the relevant APPs. The time this will take will depend on the nature of your complaint and the complexity of the issues raised. Where a matter is likely to take longer than 30 days to resolve, we will inform you of an estimated timeframe for resolution.

If you are dissatisfied with our response or the way we have handled your personal information complaint or a privacy breach, you may lodge a complaint with the OAIC. Details on how to lodge a complaint with the OAIC can be found at: www.oaic.gov.au/privacy/privacy-complaints.

13. How to contact us

You can contact us about this privacy policy or to provide feedback by:

Email:	privacy@igac.gov.au
Telephone:	1800 565 789 and ask to speak with the Privacy Officer
Post:	GPO Box 350, WODEN ACT 2606



Part 2 – Records

Part 2 outlines the specific kinds of records the Inspector-General holds which may contain personal information. These include:

- enquiry and complaint records;
- review investigation records;
- miscellaneous contact records;
- newsletter subscriptions;
- freedom of information records;
- voicemail records;
- personnel records; and
- corporate administrative records including policy records.

These are discussed further below.

14. Enquiry and complaint records

Enquiry and complaints records may contain:

- Identifying information such as your name, age/date of birth, contact details, and personal circumstances;
- details of the enquiry or complaint you are lodging with us; and
- any documents you have attached or provided to us in support of your enquiry.

Whilst the Inspector-General's complaints role is to oversee complaints management processes across the aged care system, rather than resolving individual complaints, from time to time individuals may elect to direct complaints to us. For example, individuals may submit complaints to the Inspector-General about how we are conducting our work, or about our approach to handling your personal information.

In the course of undertaking these activities, we may have records containing personal information in the form of your complaint to another body and how your complaint was dealt for the purposes of assessing whether its complaints processes provide fair and transparent redress. Similarly, we may record personal information such as your name, contact details and identifying information when we receive a complaint about how we undertake our role.

15. Review records

The Inspector-General's review processes are vital to supporting the Inspector-General's role in overseeing the Commonwealth's administration, regulation, funding and delivery of aged care.

The Inspector-General may commence a review on their own initiative, or when directed to do so by the Minister. As an independent statutory authority, the Inspector-General also has broad powers to conduct reviews in a manner we determine to be most appropriate.

A review may be conducted into any matter falling within the scope of the Inspector-General's functions. For example, this could be the Department's performance in developing policies and measures around access to aged care services, the funding of aged care, or how the Department manages aged care complaints from members of the public.

The kinds of personal information that may be contained within review records will generally be similar to those for enquiry or complaint records, such as the names of individuals, contact details,



identity information (such as age, or date of birth), complaints-related information, employment related information, and potentially information about the kinds of aged care services individuals may have received.

Other information that may be included in review records include:

- submissions provided to our office as part of a review;
- names and contact details of the person lodging the submission;
- names of any bodies, entities or industry associations involved in the submission; and
- case study examples to illustrate issues raised in the submissions – these would typically be presented in a redacted format so the identity of the person is not disclosed.

Submissions provided will generally be made publicly available. However, any information contained within a submission which we are prohibited from disclosing under the IGAC Act (which may include personal information, unless the Act authorises that disclosure) would be redacted from the submission prior to publication. Additionally, individuals may request that their submission (or part of a submission) not be published, which the Inspector-General may agree to if reasonable in the circumstances, if it would not impede a review, and if the submission was made in good faith. Further restrictions also apply under the IGAC Act against the publication of submissions, or parts of submissions, which name or make reasonably identifiable certain individuals.

16. Referral records

Section 27 of the IGAC Act imposes a mandatory obligation for the Inspector-General to refer Commonwealth officials to Ministers or the Accountable Authorities of Commonwealth entities, including the supporting evidence held, where they have formed an opinion that person has engaged in misconduct.

Therefore, the Inspector-General may hold records containing evidence which may demonstrate misconduct engaged in by an official of a Commonwealth entity. These records are likely to contain personal information, including for example information about the person to whom the misconduct relates, personal information about individuals providing information about the misconduct to the Inspector-General, and personal information about individuals affected by the misconduct.

17. Miscellaneous contact records

The purpose of these records is to record details of approaches made to the Inspector-General that do not constitute enquiry, review or complaints records. Such approaches may be from members of the public, officers of other Australian and/or state or territory government agencies, the media and academic researchers. For example, they may include requests from media outlets for the Inspector-General to make comment on particular issues being reported on.

18. Newsletter subscriptions

These records are collected directly from people subscribing to our newsletter. The personal information in these files includes a contact list composed of a name and an email address. In order to subscribe to the mailing list, the subscriber will need to actively confirm their subscription.

These records are used to send out periodic Inspector-General newsletters and other updates. The subscriber has the option to unsubscribe to stop receiving these communications from our office.



19. Freedom of Information (FOI) records

The purpose of these records is to capture all requests for information made to the Inspector-General under the FOI Act. These files also record requests for internal review of our FOI decisions, as well as requests for annotation and/or amendment of records. We also record our interactions with other agencies consulted through FOI processes, as well as the OAIC in respect of FOI complaints and Information Commissioner reviews.

Personal information contained within these records may relate to the person who has made the FOI request, complainants to the Inspector-General (whether or not they are also the FOI applicant), our officers, officers of other Commonwealth and state and territory government agencies, and any other person whose personal information is contained in the record to which FOI access has been sought.

20. Voicemail records

Where a caller leaves a message when calling our Office, a voicemail record is created. The personal information contained in these voicemail records may include the name of the caller, their address, telephone number and details of their general or media enquiries.

Depending on the subject matter of a recording the information contained in it will be placed onto other records, or reduced to a written form (not necessarily an exact transcription), and will then be handled accordingly.

21. Personnel records

The Inspector-General has duties and powers as an agency head under the *Public Service Act 1999* and has other associated obligations including those arising under the *Disability Discrimination Act 1992*, the *Sex Discrimination Act 1984*, the *Fair Work Act 2009*, the *Safety Rehabilitation and Compensation Act 1988*, the *Superannuation Act 2005*, the *Long Service Leave (Commonwealth Employees) Act 1976*, the *Maternity Leave (Commonwealth Employees) Act 1976* and the *Work Health and Safety Act 2011*. Personnel records are kept to enable the Inspector-General to carry out their functions, obligations and responsibilities for staff, employees and contractors.

Personnel records are maintained about all aspects of employment including; recruitment, employment history, payroll, leave, equal employment opportunity data, workplace relations, security clearances, performance, workplace health and safety, rehabilitation and compensation. These records are kept in relation to all permanent, contracted temporary staff members/employees, and secondees of the Inspector-General.

Access to personnel files is controlled on a 'need to know' basis, and for persons who are authorised to access them.

Personal information is disclosed on a 'need to know' basis for the purposes of administering our payroll, and to travel providers under the 'whole of government' travel arrangements. Additionally, we are required to give personal information to various bodies including the Australian Public Service Employment Database, the Australian Government Security Vetting Agency, the Australian Taxation Office and Comcare.



22. Corporate and administrative records including policy records

The purpose of corporate and administrative records, including policy records, is to hold information relating to corporate functions, including office governance, financial management, procurement, legal services, privacy, ICT, public affairs and both physical and information security.

Such files may contain a range of personal information, including the names and roles of Inspector-General officers (and officers of other agencies), salary and personnel details. Personal information pertaining to the wider community similar to enquiry, complaints and review records, may also be held.

Part 3 – Online

This part outlines the kinds of personal information we may hold through your interactions with and through our website (www.igac.gov.au).

The Inspector-General is committed to the protection of your privacy in accordance with the OAIC's Guidelines. These guidelines outline the requirements for transparent collection, appropriate and ethical use and secure storage of personal information. Our aim is to provide an online environment which will ensure the information you provide to us is handled in a secure, efficient and confidential manner.

23. Information collected

When visiting our sites, a record of your visit is logged.

The following information is supplied by your browser (e.g., Chrome, Microsoft Edge, or Safari):

- the user's server address;
- the user's top level domain name (e.g., .com, .edu, .gov, .au, .uk etc);
- the date and time of the visit to the site;
- the pages accessed and the documents downloaded;
- the previous site visited; and
- the type of browser used.

This information is used for statistical purposes only. No attempt will be made to identify users or their browsing activities, where a law enforcement agency (or other government agency) exercises a legal authority to inspect Internet Service Provider (ISP) logs (e.g., by valid warrant, subpoena or notice to produce).

24. Cookies

Cookies are small text files that a website can transfer to your computer when you access information on that website. Cookies can make websites easier to use by storing information about your preferences on a particular website. Some cookies may remain stored on your computer for a predetermined amount of time unless you specifically clear them. Our website (www.igac.gov.au) may use cookies.

25. Email communications

When you e-mail us:

- we will record your e-mail address;



- we will only use your e-mail address for the purpose for which you provided it;
- it will not be added to a mailing list, unless provided by you specifically for that purpose;
- we will not use your e-mail address for any other purpose; and
- we will not disclose it without your consent or otherwise in accordance with the APPs.

When we email you, we will use the email address that was supplied to us by you unless you advise us that another mode of communication is preferred. As each email provider manages information differently, you may wish to consult the privacy policies of your email service provider to understand their practices.

You should be aware that there are inherent risks associated with the transmission of information via email.

We use email as a primary mode of communication with the Department, Commission and the Pricing Authority. All email communications passing between our office and these entities are sent through secured, encrypted channels.

In some cases, we may employ a protected email account to communicate with stakeholders. The use of these protected email accounts may be used where the subject-matter of the enquiry contains highly sensitive information.

26. Links to other sites

Our site contains links to other sites. We are not responsible for the content or the privacy practices of other web sites and we encourage you to examine each website's privacy policy.

27. References

- [1] *Privacy Act 1988*, Sch 1, APP 1.3, 1.4, 1.5.
- [2] *Privacy Act 1988*, s 6
- [3] *Privacy Act 1988*, s 6
- [4] *Privacy Act 1988*, Sch 1, APP 3.3.
- [5] *Privacy Act 1988*, s 16A