

PRIVACY POLICY

1. PURPOSE

WestSide Community Lawyers Inc, also known as WestSide Lawyers ("WestSide", "we", "us"), is committed to protecting the privacy of the people we deal with. This policy explains how we collect, use, disclose and protect personal information.

We handle personal information in accordance with the *Privacy Act 1988 (Cth)* and the Australian Privacy Principles, and we are required to do so under our funding and accreditation agreements.

Our duty of confidentiality under the Australian Solicitors' Conduct Rules and the law of legal professional privilege operate separately from this policy and are often stricter. Nothing in this policy permits us to disclose information where those obligations prevent us from doing so.

This policy applies to clients, people seeking assistance, volunteers, job applicants, staff and any other individuals whose personal information we hold.

2. THE PERSONAL INFORMATION WE MAY COLLECT

The personal information we collect and hold about you will depend on how you interact with WestSide. Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether true or not. It may include:

- identifying information such as your name and date of birth;
- contact information such as your postal address, email address and telephone number;
- social media handles and other social media profile information that you make available to us or to the public;
- contextual information such as family type, country of birth, year of arrival in Australia, language spoken at home, and occupation;
- sensitive information, such as racial or cultural background, criminal history, health information, English proficiency, need for an interpreter, or disability;
- records of our communications with you, including any messages you send to us;
- bank account, credit card or other financial details;
- where we provide you with legal advice, information about your case or situation, including financial details and, if applicable, details of your guardian;
- where we offer you wellbeing support, personal information needed to help you develop a safety and wellbeing plan and to make appropriate referrals, subject to your consent;
- if you make a complaint, details of your complaint, information collected in any investigation, and details of how the complaint was resolved;
- where you apply for a role with us, information you include in your application, such as your resume, contact details and references; and
- where you participate in our surveys, your name, organisational contact details and your survey responses.

- government related identifiers, such as Centrelink customer reference numbers, Medicare numbers, driver's licence numbers, visa or immigration numbers, and correctional services identification numbers;
- photographs, video and audio recordings, including images taken at community events and closed circuit television footage recorded at our offices;

Without this information we may not be able to provide you with our services or respond to queries or requests that you send us. Sensitive information is a category of personal information that includes health information, criminal record, racial or ethnic origin, religious beliefs and sexual orientation. We will only collect sensitive information about you with your consent, unless the collection is required or authorised by law, or another exception under the Privacy Act applies.

3. ANONYMITY AND PSEUDONYMITY

Where it is lawful and practicable, you may deal with us anonymously or using a pseudonym. For example, you may seek general information about our services without identifying yourself. However, if we open a file for you or provide you with legal advice, we will need to identify you so that we can meet our professional obligations, including conflict of interest checks.

4. HOW WE COLLECT PERSONAL INFORMATION

We may collect personal information about you in the following ways:

- when you submit a query or request to us via our website or by telephone;
- when you provide us with information in relation to our services;
- when you respond to a survey that we run;
- by tracking your use of our website, for example by logging server addresses, top level domain names, dates and times of visits, pages viewed, documents downloaded, previous sites visited and browser type. Our website uses Google Analytics which may involve the transfer of this information overseas;
- from public sources;
- from third parties who are entitled to disclose that information to us, for example a social worker, support worker or government department; and
- when you apply for a job or volunteer position with us.
- by taking photographs, video or audio recordings at community events and legal education sessions, where we will tell you at the time and seek your consent.

Where we provide legal advice to you, we must collect personal information relevant to the provision of that advice under legal profession laws.

We will generally collect personal information directly from you. In some cases we may collect personal information from a third party, such as your representative, a service provider, or an organisation that refers you to us. We will do this with your consent, or where it is unreasonable or impracticable to collect the information directly from you, or where the collection is otherwise required or authorised by law. In the course of providing legal services we may also receive personal information from courts, other parties to a matter, and government agencies.

5. INFORMATION ABOUT OTHER PEOPLE

In providing legal services we may collect and hold personal information about people other than our clients, such as other parties to a matter, witnesses, family members and support people. We handle this information with the same care and protections described in this policy, subject to our professional and legal obligations.

6. HOW WE USE YOUR PERSONAL INFORMATION

We use the personal information that we collect for the following purposes:

- to provide legal services, including to assess whether you are eligible for assistance, to assess your case, and to refer or arrange non-legal assistance;
- to help you develop a safety and wellbeing plan;
- to carry out education and training programs, including for staff and volunteers;
- to conduct research and statistical analysis relevant to our activities;
- to undertake fundraising and marketing activities, including seeking grants;
- to undertake law reform and policy work;
- to answer enquiries and provide information or advice about our services;
- to recruit staff, contractors and volunteers;
- to carry out planning and quality control activities and other internal business processes, including creating anonymised case studies, administering our website and updating records;
- to monitor and evaluate our services, including through peer review and reporting to funding providers;
- to process and respond to complaints or issues;
- to keep you informed about our activities, including by sending newsletters; and
- to comply with our legal and regulatory obligations.

We may also use and disclose your information for other purposes authorised by you, or in accordance with your requests or instructions.

If you receive newsletters or other communications about our activities, you can opt out at any time by using the unsubscribe option in the communication or by contacting us using the details in this policy.

7. DISCLOSING PERSONAL INFORMATION

We may disclose information about you to:

- people or organisations you have authorised us to interact with on your behalf;
- our staff, including volunteers and contractors, who need the information to carry out their duties. Personal information provided to our wellbeing support officer will not be shared with our lawyers without your consent, and personal information shared with your lawyer will not be shared with our wellbeing support officer without your consent;
- other community legal service providers for file audit purposes;
- our business and service providers, for example IT systems administrators;
- professional advisers we engage to provide advice, for example other solicitors and barristers;
- any organisation for any authorised purpose with your express consent;

- our funding providers. Reporting to funding providers is de-identified wherever possible. Where identifiable information must be provided, we will do so only with your consent or where required by law or our funding agreements;
- a court, for obtaining copies of documents relevant to your matter; and
- government authorities or other people where we are required or authorised by law;
- interpreters and translators engaged to assist with your matter; and
- where we reasonably believe the disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.

Where we use contracted service providers, we may disclose personal information to the provider, and the provider may in turn give us personal information collected from you in the course of providing the relevant products or services.

Some of our service providers, such as providers of software and data storage systems, may store personal information on servers located overseas or may access it from overseas when providing technical support. Where this occurs, we take reasonable steps to ensure the provider handles personal information in a manner consistent with the Australian Privacy Principles. We will never sell your personal information to any third party.

8. STORAGE, SECURITY AND RETENTION

We take reasonable steps to ensure that the personal information we collect, use and disclose is accurate, up to date, complete and relevant. This includes promptly updating personal information when we are advised it has changed.

We generally store personal information in electronic databases, some of which may be held on our behalf by third party providers. We also keep some hard copy records in secure physical storage. We use a range of physical and technical security measures to protect the information we hold, and we update these from time to time to address new and emerging threats. These measures may include:

- website protection measures such as encryption, firewalls and anti-virus software;
- access restrictions to our computer systems, such as login and password protection;
- restricted access to our office premises; and
- staff training and workplace policies and procedures covering the access, storage and security of information.

We retain personal information for as long as it is needed for the purpose for which it was collected, or as required by law. Closed client files are retained in accordance with legal profession requirements and our file retention schedule, generally for at least seven years after the matter is finalised. Where the client was under 18 at the time of the matter, the file is retained for at least seven years after the client turns 18. When personal information is no longer needed, we take reasonable steps to securely destroy or de-identify it.

We take care to protect personal information sent to us through our website, however no method of transmission over the internet is completely secure and we cannot guarantee the security of information you send to us online. If you would prefer not to send information over the internet, you can contact us by telephone on (08) 8340 9009 or by post to WestSide Community Lawyers Inc, Unit 1, 171 Commercial Road, Port Adelaide SA 5015.

Our website may contain links to third party websites that we do not operate or control. We are not responsible for the privacy or security practices of those websites, and we encourage you to read their privacy policies before providing them with any personal information.

9. DATA BREACHES

If we suspect that personal information we hold has been lost, or accessed or disclosed without authorisation, we will promptly take steps to contain the incident and complete an assessment of it within 30 days. If a data breach is likely to result in serious harm to any individual, we will notify the affected individuals and the Office of the Australian Information Commissioner, applying the Notifiable Data Breaches scheme under the Privacy Act 1988 (Cth).

If you become aware of any actual or suspected breach involving personal information held by WestSide, please let us know as soon as possible using the contact details in this policy.

10. REQUESTING ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

If you want to access the personal information we hold about you, or to correct it because you believe it is inaccurate, out of date, incomplete, irrelevant or misleading, please contact us using the details in this policy. There is no fee for making a request or for accessing your information.

To protect the integrity and security of the information we hold, we may take steps to verify your identity. If you are a client, the Managing Lawyer will review the file and approve the material to be provided before access is granted. We will respond to access requests within a reasonable period, and in any case within 30 days. This process is separate from a request to transfer your file to another lawyer.

We will take reasonable steps to correct your personal information if we are satisfied it is inaccurate, out of date, incomplete, irrelevant or misleading. If we have provided your personal information to third parties, we will notify them of the correction if you ask us to, unless it is impracticable or unlawful to do so.

There may be cases where we cannot provide the information you request, for example where doing so would interfere with the privacy of others or breach an obligation of confidentiality. In these cases we will tell you in writing why we cannot comply with your request and the complaint mechanisms available to you.

11. COMPLAINTS ABOUT PRIVACY

If you are concerned about the way we have managed your personal information, please contact the Operations Manager using the details in this policy. Complaints can be made in writing or verbally, and our staff can assist you to record your complaint if needed. We will acknowledge your complaint promptly and respond within 30 days.

If you remain dissatisfied, you may raise your concern with the Office of the Australian Information Commissioner (OAIC) at www.oaic.gov.au. Where your concern relates to the conduct of a lawyer, you may also contact the Legal Profession Conduct Commissioner at www.lpcc.sa.gov.au. Complaints about our services generally are handled under our Complaints Policy, a copy of which is available on request.

12. CONTACTING US

For questions about this policy, or to raise a concern or make a complaint, please contact the Operations Manager on (08) 8340 9009 or at Reception@WestSideLawyers.com.au.

13. CHANGES TO THIS POLICY

We may amend this policy from time to time. The version published on our website at www.westsidelawyers.net is the current version. A copy can also be obtained from WestSide Community Lawyers Inc, Unit 1, 171 Commercial Road, Port Adelaide SA 5015, by telephone on (08) 8340 9009, or by email to Reception@WestSideLawyers.com.au.

This policy is reviewed at least every two years, or earlier if there is a change to our systems, obligations or the law.

If you need this policy explained to you, or provided in another format or with the assistance of an interpreter, please contact us and we will arrange this at no cost to you.