

# Privacy Policy

## 1. Purpose of the Policy

This Privacy Policy applies to Instacare Pty Ltd (ABN: 18 620 218 209) (“**Instacare**”) and describes the personal information that may be collected by us, the choices you make about your personal information and how we protect your information.

Instacare is bound by the *Privacy Act 1988* (Cth) (“**Privacy Act**”), including any relevant privacy code registered under the *Privacy Act*. Instacare is committed to complying with the *Privacy Act* in relation to all personal information we collect and committed to protecting the privacy of personal information obtained through its professional service operations.

The *Privacy Act* incorporates the Australian Privacy Principles (APPs) which set out the way in which personal information must be treated. Disclosure of such information may be compelled by law.

This Privacy Policy governs the Instacare business and applies to any person for whom we currently hold, or may in the future collect, personal information (whether or not a client of Instacare). This policy does not apply to matters which relate directly to the employee records of our current and former employees. In general terms, ‘personal information’ is information or opinions relating to a particular identifiable individual. Information or opinions are not personal information where they cannot be linked to a particular individual.

## 2. Acknowledgement of Instacare’s Privacy Policy

By accessing the website or using our services you accept the terms of this Privacy Policy and you understand that this Privacy Policy applies to information provided to us whether via the website or through any other means. By using the Instacare website, you acknowledge to have read and understood this Privacy Policy. This Privacy Policy does not extend your rights or Instacare’s obligations beyond those defined by the *Privacy Act*.

By your use of the website and our services, you consent to the collection, storage, use and disclosure of your personal information in accordance with this Privacy Policy and as otherwise permitted under the *Privacy Act*.

Should there be any inconsistencies between this policy and the *Privacy Act*, this Privacy Policy shall be interpreted to give effect and comply with the *Privacy Act*.

The Instacare website contains links to non-Instacare websites. Instacare is not responsible for the Privacy Policies of those other websites and Instacare recommends that you should review the Privacy Policies of those other websites.

### 3. Collection of personal information

Instacare collects personal information that is reasonably necessary for, or directly related to, its services. The types of personal information that Instacare may collect and hold includes the following:

- Name
- Contact number
- Personal or Business email address
- Personal or Business mailing address
- Nominee details
- Disability type
- Date of birth
- NDIS Plan information
- NDIS Reference number
- Invoices relating to a client
- Financial information, including plan budgets
- Bank Account Details (for reimbursements)

Instacare only collects personal information that has been directly provided to Instacare by clients or prospective clients, associates of clients, suppliers or potential suppliers, Instacare employees or potential employees or otherwise personal information available in the public domain where such information will assist Instacare with the provision of services to Instacare's current or prospective clients. Personal information may have been provided in writing or verbally.

If clients or prospective clients do not provide personal information when requested, Instacare may not be able to deliver the service that is required. Instacare will endeavour to make this as clear as possible for each service. Instacare will collect personal information from the user by lawful and fair means.

We manage the personal information we collect by implementing appropriate privacy management systems when dealing with your personal information, reviewing our privacy compliance from time to time and implementing security measures (such as unique usernames and passwords on our computer systems) to safeguard the personal information we collect. We will comply with our professional obligations (including confidentiality obligations) in dealing with your personal information at all times.

It is generally impracticable for Instacare to deal with individuals on an anonymous basis or through the use of a pseudonym (an alias), although sometimes this is possible where it is lawful.

'Sensitive information' is a subset of personal information includes personal information that could have serious ramifications for you if used inappropriately. You consent and agree that the sensitive information that we collect and hold about you will include any information necessary so that we can provide our services to you. This may include associations, racial or ethnic information, political opinions, any sensitive information required to be disclosed by law and any other sensitive information that we require to perform the professional services that you require. We will not collect sensitive information without your consent unless permitted under the *Privacy Act* or in accordance with law.

#### **4. How we use personal information**

The main purpose for which Instacare collect, hold and use personal information are:

- for Instacare to provide services;
- to maintain contact with clients;
- to keep clients and contacts informed of the services that Instacare offers and of any current developments and updates such as changes of business hours;
- for administration and management purposes;
- to provide users with information about other services that Instacare offers and that may be relevant to the user; and
- other purposes that is related to Instacare's business.

If Instacare collects, holds or uses personal information in ways other than as stated in this Privacy Policy, Instacare will ensure to collect, hold or use personal information pursuant to the requirements of the *Privacy Act*.

Employee records are not generally subject to the *Privacy Act* and therefore this policy may not apply to the handling of information about employees of Instacare.

#### **5. Unsolicited Information**

“Unsolicited” personal information is personal information about an individual that Instacare has unintentionally received. This is not a common occurrence for Instacare but when it does occur, Instacare will seek to ensure to protect such personal information with the same rigor to the personal information that Instacare intended to collect.

#### **6. Disclosure of Personal Information**

Personal information is not disclosed to any third party unless the disclosure is:

- required by law, rules and regulations and/or professional standards;
- necessary to provide the client or prospective clients with the product or service requested;
- to protect the rights, property and personal safety of a Instacare client, prospective client, the public and the interests of Instacare; and
- given with consent.

Should it be necessary for Instacare to forward personal information to third parties, Instacare will make every effort to ensure that the confidentiality of the information is protected.

#### **7. Overseas Disclosures**

Some of Instacare's data entry operations may occur overseas and Instacare may engage other Service Providers to perform certain functions. These functions may involve the hosting or accessing of personal information by the Service Provider outside Australia. As a result, Instacare may at times require the exchanges of personal information of Instacare's clients and/or prospective clients between locations and firms. The personal information may be transferred to countries whose privacy laws do not provide the same level of protection as compared to Australia's privacy laws. In the event that personal information is disclosed to overseas

recipients, Instacare will take all reasonable steps to ensure that any personal information is secure and is treated in accordance with the Australian Privacy Principles.

We hold, or may hold your personal information electronically, physically, on our premises, in off-site storage facilities in Australia, by a third party data storage facilitator and/or provider in Australia and/or overseas (including but not limited to international cloud computing services in overseas countries including but not limited to Philippines, Japan and the United States Of America), through third party providers. If you send an email to us, the information in your email (including any personal information) may be retained on our systems in accordance with our procedures. Whilst we take reasonable steps to ensure that all personal information that we hold is secure from any unauthorised access, misuse or disclosure, no data transfer over the internet is ever one hundred percent (100%) secure and we cannot guarantee that personal information cannot be accessed by an unauthorised person (for example, a hacker) or that unauthorised disclosures will not occur. Information you send to us, from your workplace, for example, may possibly be accessed by your employer or an intermediate service provider. If you send any information (including personal information) to us through the internet or through any other electronic means, you do so at your own risk. Some of the methods we use to store and secure personal information include using biometric and/or security cards to access areas that contain personal information, using designated areas (that do not contain personal information) to meet with clients and non-employees of Instacare, using customised usernames, passwords and other protections on computer and other systems that can access personal information.

We take reasonable steps to use and disclose personal information for the **primary purpose** for which it is collected. The primary purpose for which information is collected varies but is generally for us to provide our services to you. In the case of potential employees, the primary purpose the information is collected is to assess the individual's suitability for a position with us or to consider an enquiry made with us, in respect of potential employment with us. You authorise and provide your consent to Instacare that you have made an enquiry with or that you have Retained to collect, hold, use and disclose such personal information to any other Instacare Business and/or to others in furtherance of your matter (including overseas recipients in countries including but not limited to Philippines) and/or to other service providers, in order to provide the relevant services to you, as well as to third party agents, contractors or service providers to which Instacare have contracted out or outsourced any administrative, financial, information technology, marketing or other services (such as but not limited to bulk mailing, client marketing research, company audits and Information Technology and Marketing support). You also agree that we may also disclose your personal information in circumstances where disclosure is permitted by law (including under the *Privacy Act*, under Court Orders or Statutory Notices to produce documents under laws relating to Anti-Money Laundering, Bankruptcy, Counterterrorism, Social Security, Taxation and the management of incorporated entities) or where disclosure is required to investigate suspected fraud or other unlawful activity, or otherwise where disclosure may prevent or lessen a serious or imminent threat to someone's life or health. If information has to be disclosed overseas, the overseas recipient may not be subject to privacy obligations or to any rules similar to the rules of legal professional privilege or the Australian Privacy Principles. The overseas recipient may also be subject to a foreign law which could compel the disclosure of personal information to a third party (such as, for example, an overseas government or regulatory authority). You hereby consent to the disclosure in the knowledge that we will not take any steps to ensure that the

overseas recipient deals with your personal information in accordance with the Australian Privacy Principles and accordingly should such overseas recipient handle the information in breach of the Australian Privacy Principles, then you may not be able to seek redress in the overseas jurisdiction and we will not be accountable under the *Privacy Act*.

Personal information may also be used or disclosed by us for **secondary purposes** which are within your reasonable expectations and related to the primary purpose of collection and you hereby authorise us to use any email address or any other contact or personal information that you provide to us at any time, for these secondary purposes. For example, you provide your consent for us to use your personal information for the following secondary purposes: to comply with our contractual and other legal obligations; for the purposes of sending you information about products, services, special offers and updates by post, telephone or any form of electronic communication (such as email); for the purposes of taking a message or telephone number so that we might call you back or contact you; to add your details to our Newsletter register, to inform you of updates and changes to the law or NDIS that may affect you and to invite you to any events relevant to you (which you can unsubscribe from at any time); or to collect moneys owed to us; or to agents or third parties from time to time, to help us with the provision and/or marketing of our services to you.

Apart from the primary and/or secondary purposes specified above, we will only disclose your personal information to third parties with your consent or if the disclosure is permitted by law or the *Privacy Act*.

## **8. Accessing your personal information**

Users have the right to request access to the personal information that Instacare holds about such user. This right is subject to certain exceptions allowed by law.

Upon your request and subject to applicable privacy laws, Instacare will provide you with access to your personal information that is held by Instacare. You must thoroughly identify the types of information you are requesting. Instacare will deal with your request within a reasonable time – usually within 30 days from the date of the request. Instacare may also recover from you any reasonable costs incurred in supplying you with access to your personal information.

## **9. Exceptions under Law**

You do not have absolute right to access personal information. The law permits Instacare to refuse your request to provide you with access to your personal information, such as circumstances where:

- access would be unlawful;
- access would pose a serious threat to the life or health of any individual;
- access would have an unreasonable impact on the privacy of others; and
- access may prejudice enforcement activities, a security function or commercial negotiations.

## **10. Information Security**

Instacare will take all reasonable steps to protect against the loss, alteration and/or misuse of any personal information under Instacare's control. Instacare is committed to keeping your trust by protecting your personal information.

Instacare employs the most appropriate technical, administrative and physical procedures to protect the security of your personal information. Instacare only keeps personal information for as long as it is required for business purposes or by the law.

## **11. Data retention**

When you visit our website, our internet service provider may make a record of your visit and may record, amongst other things, matters such as your personal domain name (if relevant); and/or the time and date of your visit to our website; and/or your internet address. Usually, but not always, this information is applied for statistical purposes. When you visit the website, the server may attach a "cookie" to your computer's memory. Your browser stores cookie messages in a text file and sends these back to our website each time the browser requests a page from the website. From time to time, we may use cookies to measure usage periods accurately, as well as to obtain an idea of which areas of our website attract traffic. If you do not wish to receive cookies, you may be able to alter your browser settings accordingly. The website may link directly to websites operated by third parties ("third party sites"), which third party sites you acknowledge are not operated by us. We encourage you to review the Privacy Policy (if any) of any third party sites, especially because you agree that we are not responsible for the content or practices of those third party sites or their Privacy Policies regarding the collection, storage, use and disclosure of your personal information.

## **12. Cloud Computing Services & Storage**

We use or may use international cloud computing services such as Office 365 for e-mail, calendar and contacts data storage. Such e-mail, calendar and contact data storage data is encrypted (effectively, access can only be obtained through a secure username and password system), so that the personal information contained in e-mail, calendar and contact data is protected from unauthorised access.

Countries in which such e-mail, calendar and contact data may be stored include (but are not limited to) Australia, Japan, United States of America and the Philippines. We conduct due diligence on proposed cloud computing service providers, prior to engaging them and as part of this due diligence, we satisfy ourselves and accordingly reasonably believe that the overseas recipient is subject to a law, or binding scheme, that has the effect of protecting the personal information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information and also that there are mechanisms that you can access to take action to enforce that protection of the law or binding scheme. We also satisfy ourselves that we will possess effective control over the data.

### **13. Loss of personal information**

Despite Instacare's effort to protect your personal information, there remains the possibility for a breach of security to occur. In the event of loss of personal information, Instacare will:

- seek to immediately identify and secure the breach to prevent further breaches;
- engage the appropriate authorities where criminal activity is suspected;
- assess the nature and severity of the breach including the type of personal information involved and the risk of harm to affected individuals;
- notify the affected individuals directly where possible; and
- notify the Privacy Commissioner if the breach is significant.

### **14. Website Security and Privacy**

Instacare will take all reasonable steps to have systems in place to ensure the security of your dealings with Instacare at all times.

### **15. Updating your information**

It is important that the personal information or financial information that we hold about you is up-to-date. Instacare will take all reasonable steps to ensure that all personal information held by Instacare remains accurate. If you advised Instacare of any change of details, Instacare will amend your records accordingly.

Where a third party disclosed your personal information, Instacare will take all reasonable steps to notify the third party of any correction.

Where Instacare is unable to update your information, Instacare will provide an explanation as to why the information cannot be corrected.

### **16. Privacy Enquiries**

If you wish to make an enquiry about your personal information that Instacare collected, used or held, or make a complaint because you believe that Instacare may have breached the Australian Privacy Principles, you can:

- write to Instacare at [hello@instacare.com.au](mailto:hello@instacare.com.au); or
- call Instacare on 1300 002 221

We will usually (but not always) grant you access to your personal information as soon as possible. To the extent permissible by law, we may deny access to personal information or financial information if: your request is impractical or unreasonable; providing you with access would have an unreasonable impact on the privacy of another person; providing you with access would pose a serious and imminent threat to the life or health of any person; providing you with access would mean that there is a possibility that we might compromise our professional duty or obligations; or there are other appropriately justified and/or legal grounds upon which to deny the request (such as for example, on the basis of any exemption or exemptions under the *Privacy Act* or, by way of a further example, where you are indebted to Instacare and we retain a lien over your file until outstanding costs have been paid or appropriate arrangements have been made in respect of same).

Instacare is committed to working with clients to obtain a fair resolution of any complaint or concern about privacy.

## **17. Privacy Complaints**

If you wish to complain about an alleged privacy breach, you should follow the following process:

1. The complaint must be firstly made to us in writing. We will have a reasonable time to respond to the complaint; and
2. In the unlikely event that the privacy issue cannot be resolved between us and yourself, you may take your complaint to the Office of the Australian Information Commissioner.

You may complain about a breach of privacy by contacting us using the contact details below:

- write to Instacare at [hello@instacare.com.au](mailto:hello@instacare.com.au)
- call Instacare on 1300 002 221

## **18. Further information on privacy**

You can obtain further general information about your privacy rights from the Office of the Australian Information Commissioner by:

- calling their Privacy Hotline on 1300 363 992;
- visiting their website;
- emailing them at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au); or
- writing to:

The Australian Information Commissioner

GPO Box 5218  
Sydney NSW 2001

## **19. Changes to this Privacy Policy**

We may update, modify or remove this policy at any time without prior notice, with any updated version of our privacy policy being posted on our website. You should review this Privacy Policy regularly to ensure that you are at all times aware of any variations made to this Privacy Policy. You agree that you will be deemed to have consented to such variations of this Privacy Policy by your continued use of the website or our services following any such change or changes to our Privacy Policy being made. If you have any comments on the policy, please contact our privacy officer on the contact details mentioned above.

This is the secondary publication of the Instacare website Privacy Policy.