



06.01	PRIVACY POLICY (EXTERNAL)
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Applies to:	Management Committee, Principal Solicitor/CEO, staff and volunteers	Date approved:	16 June 2025
Specific responsibility:	Management Committee, Principal Solicitor/CEO, staff and volunteers	Next review date:	16 June 2027

POLICY STATEMENT

LGBTI Legal Service Inc (LGBTILS) recognises the importance of, and is committed to protecting and upholding, the privacy and rights of individuals LGBTILS deals with in relation to their personal information.

LGBTILS will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and others;
- clients are provided with information about their rights regarding privacy;
- clients, staff and others are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature; and
- all staff, Management Committee members and volunteers understand what is required in meeting these obligations.

This Privacy Policy explains how LGBTILS collects, uses, discloses and otherwise handles personal information. This Policy does not apply to employee records, however still applies to personal information about job applicants, contractors and volunteers or employees of related entities.

LGBTILS is subject to the Australian Privacy Principles under the *Privacy Act 1988* (Cth). LGBTILS is also required to comply with privacy obligations under one or more funding agreements. LGBTILS will follow the guidelines of the Australian Privacy Principles in its information management practices.

WHAT IS PERSONAL INFORMATION?

Personal information in general terms means any information that can be used to personally identify someone. It includes information or an opinion, whether true or not and whether recorded in a material form or not, about an individual who is identified or reasonably identifiable information.

WHAT IS SENSITIVE INFORMATION?

Sensitive information is a subset of personal information and is given a higher level of protection. Sensitive information is defined in the Privacy Act and includes information or an opinion about an individual's racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; or criminal record.

WHAT PERSONAL INFORMATION DOES LGBTILS COLLECT AND HOLD?

The type of information collected will depend on the nature of a person's interaction with LGBTILS. For example, if you:

- seek legal assistance, we may collect your name, date of birth, contact details, details of your guardian (if applicable), financial details and information about the matter you are seeking assistance with;
- provide legal assistance to our clients, we may collect your name, organisation and contact details;



- register for a subscription to a LGBTILS publication, we may collect your name, organisation and contact details and details about the information you access in our publications;
- make a donation to LGBTILS, we may collect your name, organisation, contact details, the amount and frequency of your donation and payment details;
- attend a professional development or training program or attend another event, we may collect your name, organisation, contact details, payment details (if applicable) and any dietary and accessibility requirements;
- participate in a survey, we may collect your name, organisation contact details and your survey responses;
- send us an enquiry, we may collect your name, contact details and details of your query.
- make a complaint, we may collect your name, contact details, the details of your complaint, information collected in any investigation of the matter and details of the resolution of the complaint; and
- apply for a role at LGBTILS, we may collect the information you include in your application, including your cover letter, resume, contact details and referee reports.

HOW DOES LGBTILS COLLECT YOUR PERSONAL INFORMATION?

LGBTILS collects personal information directly from an individual unless it is unreasonable or impracticable to do so. This may occur in a range of ways including in person; by letter, fax, email or telephone; on hard copy forms; through the website; from referring or third parties (with consent); and at events or forums.

NOTIFICATION OF COLLECTION OF PERSONAL INFORMATION

When LGBTILS collects personal information, or as soon as possible after collection, we will provide individuals with a privacy notice (otherwise known as a collection notice) and/or refer individuals to this Privacy Policy.

WHAT HAPPENS IF LGBTILS CAN'T COLLECT PERSONAL INFORMATION?

The nature of LGBTILS' work is that, generally, it is not possible to provide services or deal with individuals in an anonymous way. For example, if a client does not provide LGBTILS with the personal information described above LGBTILS may not be able to provide legal services to you, or to provide information about services.

FOR WHAT PURPOSES DOES LGBTILS COLLECT, HOLD, USE AND DISCLOSE PERSONAL INFORMATION?

LGBTILS collects, holds, uses and discloses personal information for the following purposes:

- to assess whether a client is eligible for assistance;
- to provide legal services, referral or arrangement of non-legal assistance to clients;
- to answer enquiries and provide information or advice about LGBTILS' services;
- to recruit staff, contractors and volunteers;
- for planning, quality control and for the creation of anonymous case studies;
- to update records;
- for use in monitoring and assessing LGBTILS' services, including as part of peer review;
- of service, and reporting to funding providers;
- to process and respond to any complaints, and
- to comply with any law, rule, regulation, lawful and binding determination.

LGBTILS may also collect, hold, use and disclose personal information for other purposes explained at the time of collection or which are required or authorised by or under law for which the individual has provided their consent.



TO WHOM MAY LGBTILS DISCLOSE YOUR INFORMATION?

LGBTILS may disclose your personal information to:

- staff members, volunteers, contractors or service providers for the purposes of providing legal services, fulfilling requests by clients, and to otherwise provide services to individuals including IT systems administrators, couriers, data entry service providers, electronic network administrators, and professional advisors such as accountants, solicitors, barristers and consultants.
- any organisation for any authorised purpose with the individual's express consent.
- other third parties where required by law or in circumstances where the law compels its disclosure (i.e., for the sole purpose of avoiding the probable commission or concealment of a serious criminal offence).
- LGBTILS does not direct market or provide personal information to other organisations for the purposes of direct marketing.
- LGBTILS does not disclose personal information to anyone outside Australia.

Accessing and correcting personal information

An individual may request access to any personal information LGBTILS holds about them at any time by contacting LGBTILS (see the details below). Where LGBTILS holds information that an individual is entitled to access, we will try to provide the information in the manner requested (for example, photocopies or by viewing a file) and in a timely way.

There may be instances where LGBTILS cannot grant access to the personal information held. For example, LGBTILS may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, LGBTILS will provide written notice outlining the reasons for the decision and available complaint mechanisms.

If an individual believes that personal information LGBTILS holds about them is incorrect, incomplete or inaccurate, then they may request us to amend it. LGBTILS will then consider if the information requires amendment. If we agree that it requires amendment, we will take reasonable steps to correct that information. If LGBTILS does not agree that there are grounds for amendment, then the individual may request that LGBTILS add a note to the personal information stating that the relevant individual disagrees with the information and LGBTILS will take reasonable steps to do so.

If LGBTILS corrects personal information about an individual and has previously disclosed that information to another agency or organisation that is subject to the Privacy Act, the individual may ask LGBTILS to notify that other entity and LGBTILS will take reasonable steps to do so, unless this would be impracticable or unlawful.

Client files

In addition to above, in circumstances where a client requests access to personal information held by LGBTILS, the Principal Solicitor/CEO will view the file and approve any copies of material to be given to the client prior to client access. A copy of the relevant part of the file will be made available to the client as soon as practicable after this.

Management Committee

Management Committee minutes will be open to all staff and members of the organisation once accepted by the Management Committee, except where the Management Committee passes a motion to make any specific content confidential.

All papers and materials considered by the Management Committee will be open to all staff and members of the organisation following the meeting at which they are considered, except where the Management Committee passes a motion to make any specific paper or material confidential.



LGBTILS membership records

A written request to the Secretary is required to access a list of current LGBTILS members.

Applications may be made by LGBTILS members, Management Committee members, volunteers and staff.

Personal information about members (including address and contact details) is confidential and may only be accessed by those staff working with the information.

COMPLAINTS

If an individual believes that their privacy has been breached, please contact our Principal Solicitor/CEO via telephone: (07) 3124 7160 or via email: feedback@lgbtilegalservice.org.

LGBTILS treats all complaints confidentially. LGBTILS will try to resolve all complaints in a timely, fair and reasonable way. The process for complaints is as follows:

- if there are simple or immediate steps we can take to resolve the issue, we will respond to you within a few business days.
- if your complaint requires further investigation, we will acknowledge receipt of your complaint within a week and try to conduct the investigation in a timely manner. We may seek further information from you to assist with our investigation. We will then inform you of our findings about your complaint.
- we will try to complete our investigation and respond to your complaint, in writing, within 30 days. We will let you know if we expect your complaint will take longer than this to resolve.

If an individual is not satisfied with LGBTILS' response, a complaint can be made to the Office of the Australian Information Commissioner (by telephone: 1300 363 992, by email enquiries@oaic.gov.au or by post: GPO Box 5218 Sydney NSW 2001).

SECURITY AND INTEGRITY OF PERSONAL INFORMATION

LGBTILS takes reasonable steps to ensure that personal information we collect, use and disclose is accurate, up-to-date and complete and relevant. LGBTILS also takes reasonable steps to ensure personal information is protected from misuse and loss and from unauthorised access, modification or disclosure.

CONTACTING LGBTILS

For questions about this Privacy Policy, as well as any concerns or a complaint please contact our Principal Solicitor/CEO on (07) 3124 7160 or feedback@lgbtilegalservice.org.

CHANGES TO THE POLICY

LGBTILS may amend this Privacy Policy from time to time. The current version will be posted on LGBTILS' website and a copy may be obtained from our Principal Solicitor/CEO by requesting the same via telephone: (07) 3124 7160 or by email: feedback@lgbtilegalservice.org.



DOCUMENTATION

Documents relating to this policy	
Legislation or other requirements	<i>Privacy Act 1988</i> (Cth) <i>Associations Incorporation Act 1981</i> (Qld) <i>Legal Profession Act 2007</i> (Qld) Service Agreements CLCA Risk Management Guide
Related policies	All policies

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Biennial review	Principal Solicitor/CEO	Management Committee

Policy review and version tracking			
Review	Date approved	Approved by	Next review date
1	16 June 2025	Management Committee	16 June 2027
2			
3			