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## COMPLIANCE STATEMENT

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### 1. Introduction

Our Voice Our Choice (**OVOC**) recognises the importance of protecting and handling personal information in accordance with the National Disability Insurance Scheme (**NDIS**) and relevant privacy legislation. We are fully committed to complying with the consent requirements of the NDIS Quality and Safeguarding Framework and comply with

- the Australian Privacy Principles (**APPs**) as contained in the Australian *Privacy Act 1988* (Cth) (**Privacy Act**); and
- the NSW Health Privacy Principles (**HPPs**) as contained in the *Health Records and Information Privacy Act 2002* (**HRIP Act**).

OVOC has adopted and implemented a Privacy Compliance Program covering the collection, use, disclosure and destruction of personal information (**Compliance Program**). OVOC is committed to ensuring that all of its directors, employees, volunteers and contractors undertake and follow the Compliance Program, which provides systems, procedures, information and education.

OVOC recognises that a breach of the Privacy Act or HRIP Act can be a very serious matter, which can lead to severe consequences for OVOC, its employees, its volunteers, its contractors and significantly, its participants. Accordingly, such breaches are unacceptable and will not be tolerated by OVOC.

All OVOC directors, employees, volunteers and contractors have a responsibility to ensure that they avoid breaching the Privacy Act and HRIP Act by becoming familiar with these Privacy laws.

All OVOC directors, employees, volunteers and contractors must also comply at all times with the standards, procedures, documentation and checklists implemented by OVOC from time to time.

### 2. Purpose

OVOC's Compliance Program is an educative and preventative mechanism for minimising the risk of OVOC, its employees, its volunteers and its contractors breaching the provisions of the Privacy Act and HRIP Act.

The aim is for OVOC to:

- understand the application of the Privacy Act and HRIP Act and its obligations under it;
- prevent, and where necessary, identify and respond to breaches of the Privacy Act and HRIP Act;
- effectively assess and manage business risks;
- avoid financial and other incidental costs of litigation, adverse publicity, wastage of time and resources, and the stress that an investigation and prosecution can bring;
- promote a culture of compliance within the business;
- improve participant relations; and
- enhance its reputation as a 'good corporate citizen'.

### **3. Scope of the Privacy Act**

The Privacy Act is a Commonwealth statute that deals with the collection, use, storage, disclosure and destruction of “personal information” collected from or about individuals.

### **4. What kinds of consequences result from non-compliance with the Privacy Act?**

Different parts of the Privacy Act have different penalties and remedies. At present, the maximum fine that can apply to a breach of the Privacy Act is \$420,000.00 for individuals and \$2.1 million for companies.

In addition to monetary fines, the Privacy Commissioner (through the Office of the Australian Information Commissioner) and the Courts can also impose a range of remedies, including compensation and injunctions.

### **5. Scope of the HRIP Act**

The HRIP Act is a State Statute which outlines the legal obligations which NSW public sector agencies and private sector organisations must abide by when they collect, hold, use and disclose a person’s health information.

### **6. What kinds of consequences result from non-compliance with the HRIP Act?**

The HRIP Act provides powers to the NSW Privacy Commissioner to assess and deal with alleged contraventions.

If the Privacy Commissioner refers an application to the Tribunal, an order may be made requiring payment to the complainant of damages not exceeding \$40,000 for companies, or not exceeding \$10,000 for individuals.

### **7. Management and employee responsibilities**

Compliance with the Privacy Act and HRIP Act is the responsibility of all of OVOC’s management, employees, volunteers and contractors.

It is essential to ensure that all of OVOC’s management, employees, volunteers and contractors are familiar with and understand the provisions of the Privacy Act and HRIP Act, do not breach those obligations, and follow OVOC’s policies and procedures in relation to the collection, use and disclosure of personal information.

To avoid non-compliance with the Privacy Act and HRIP Act, all OVOC directors, employees volunteers and contractors must thoroughly read and act in accordance with the policies and procedures set by OVOC from time to time.

### **8. Privacy Officer**

Kyle Prasser, Chief Operating Officer has been appointed as the Privacy Officer for OVOC.

The Privacy Officer is responsible for establishing, overseeing and developing OVOC’s Compliance Program. The Privacy Officer is also responsible for collating and retaining the records relating to compliance with the Privacy Act.

Please immediately contact Kyle Prasser on 0428 463 145 or via email [Kyle.Prasser@ovoc.com.au](mailto:Kyle.Prasser@ovoc.com.au) if you have or become aware of any issues or concerns regarding compliance with the Privacy Act.

### **9. Encouraging reporting of breaches**

Given the large fines and other adverse consequences of a breach of the Privacy Act and HRIP Act, reporting incidents of breaches and potential breaches is strongly encouraged.

Reporting a breach or potential breach has a number of benefits for OVOC, as well as for employees, volunteers and contractors. They include:

- getting a more accurate picture of the nature and extent of the breach;
- allowing action to address and rectify the issues recognised and reported;
- assessing whether OVOC's compliance measures are making a difference;
- curtailing occurrence of incidents;
- minimising disruption to business;
- providing assistance to employees, volunteers or contractors who have been involved in an incident; and
- maintaining participant satisfaction with OVOC's business.

Please report any concerns or breaches to the Privacy Officer. These breaches or potential breaches must be recorded in OVOC's Compliance Breach Register.

There will be no adverse consequences on you if you report someone else's breach of the Privacy Act.

#### **10. Consequences of non-compliance**

OVOC takes its obligations under the Privacy Act and HRIP Act very seriously. Failure to comply with OVOC's policies and procedures will result in disciplinary action being taken against you.

- For employees, breaches may lead to termination of your employment.
- For contractors and volunteers, breaches may lead to revocation of your engagement or authorisation.

These actions are in addition to any investigation or prosecution under the Privacy Act and HRIP Act by the relevant Privacy Commissioner or affected participants.

#### **11. Ongoing review and reporting**

Compliance with the Privacy Act and HRIP Act is a continuing obligation that is constantly under review. OVOC is committed to continuing to allocate the staff and resources that are necessary for compliance.

The Privacy Officer will meet with the management of OVOC at regular intervals to report on the effectiveness of the Compliance Program and to discuss ways (if necessary) that it can be improved.

#### **12. Questions? Comments?**

For further information on OVOC's compliance procedures, or your obligations under the Privacy Act, please contact Kyle Prasser, Chief Operating Officer on 0428 463 145 or via email [Kyle.Prasser@ovoc.com.au](mailto:Kyle.Prasser@ovoc.com.au).

Your comments and feedback are also welcome, to assist with further developing and refining OVOC's compliance procedures.

