

Tasmania Legal Aid Privacy Policy

July 2024

1 . Purpose

The purpose of this Privacy Policy (the policy) is to communicate how Tasmania Legal Aid (TLA) collects, stores, uses and discloses personal information.

2 . Policy Statement

This policy applies to all personal information collected by TLA.

Personal, sensitive and health information handled by TLA is managed in accordance with the Personal Information Protection Principles contained in the *Personal Information Protection Act 2004* (Tas). Other requirements, like client confidentiality and legal privilege, are managed in accordance with TLA's legal professional obligations and the *State Service Act 2000* (Tas).

This policy concerns all personal, sensitive and health information collected by TLA.

The objectives of this policy are to:

- explain how TLA collects, uses, stores, discloses and otherwise handles all personal information in accordance with the Personal Information Protection Principles
- support an understanding of TLA's commitment to privacy
- support confidence in TLA's handling of personal information.

3 . Scope

This policy applies to

- clients and service users of TLA.
- organisations which provide services on behalf of TLA.
- all people who provide services on behalf of TLA, including TLA panel practitioners.
- staff working at TLA including secondees, labour hire, personnel, contractors, sub-contractors, students, and volunteers.

4 . Definitions

Phrase	Definition
Personal information	Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form (whether true or not), about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. In this policy, personal information includes 'Sensitive information' and 'Health information'.
Sensitive information	A category of personal information that refers to an individual's:

Phrase	Definition
	<ul style="list-style-type: none"> • racial/ethnic origin • political opinions/association • religious or philosophical beliefs • membership of a professional or trade association or union • sexual preferences or practices, or • criminal record.
Health information	Personal information that includes, among other things, information or an opinion about an individual's health, disability, or genetic makeup.
TLA	Tasmania Legal Aid is a body corporate constituted by the <i>Legal Aid Commission Act 1990</i> (Tas), that provides legal services to help Tasmanians understand their rights, navigate the system to resolve their legal issues, and get the assistance they need, supports and advocates for vulnerable and marginalised Tasmanians; and works with clients, staff, legal partners and community to improve the legal system.
TLA Panel Practitioners	Refers to private practitioners and law firms that provide legal services paid for by Tasmania Legal Aid.
TLA client or client	Anyone that receives a legal or non-legal service through TLA, including grant of aid to a private practitioner.
staff	Includes TLA staff employed by Department of Justice, volunteers, secondees, temporary hire staff, personnel, contractors and sub-contractors, and students.

5 . Procedures

5.1 What is 'personal information'?

The *Privacy Act 1988* (Cth) currently defines 'personal information' as meaning information or an opinion about an identified individual or an individual who is reasonably identifiable:

- Whether the information or opinion is true or not; and
- Whether the information or opinion is recorded in a material form or not.

If the information does not disclose your identity or enable your identity to be ascertained, it will in most cases not be classified as 'personal information' and will not be subject to this policy.

5.2 Why we collect personal information

We collect personal information to

- provide the best service possible.
- comply with our statutory and legal obligations.
- provide data in accordance with our funding agreements and to research trends and need for legal services.

5.3 What personal information do we collect?

TLA collects information to undertake its statutory functions and legal obligations. The kind of personal information we collect from you may include:

- Name, birth date and contact details
- Financial information, such as income or Centrelink benefits, where it is relevant to assess eligibility for legal aid services
- Health and/or disability information
- Domestic and lifestyle circumstances
- Cultural identity status, and any cultural or language barriers
- Aboriginal and/or Torres Strait Islander identity to assist us in providing appropriate services to clients and support to staff in the workplace
- Gender identity
- Criminal record and/or prison record, where there is a lawful authority for us to collect that information
- Unique identifiers, such as Centrelink client reference number, so that we can obtain from Centrelink financial information for the purposes of progressing an application for legal aid assistance
- Identifying numbers linked to other personal information, (unique identifiers) such as a driver's licence, court case number or custody reference number
- IP addresses where required to communicate via our webchat service
- Closed-circuit television (CCTV) images in offices
- Education and employment history from those who work for us or seek to work for us
- Passport and visa information where relevant to the provision of a legal or non-legal service or for employment purposes

- Vaccination status to identify risks and implement appropriate controls to support the health and wellbeing of service users and staff
- Cookies to enable our website to function effectively.

5.4 How we collect and use personal information

We collect personal information from you whenever you provide information to or engage with TLA such as:

- Applications for Grants of aid
- Authority forms
- Face to face and online legal advice or legal task services
- Representational services
- Supporting documents
- Emails
- Our TLA website
- Closed-circuit television (CCTV) images in offices_

The main ways TLA uses your personal information is to:

- Make contact about a service
- Assist with legal and non-legal problems
- Make referrals to other relevant legal and non-legal services
- Assess eligibility for a grant of legal aid, to help pay for a lawyer
- Assess grant of legal aid review requests
- Respond to enquiries and resolve complaints
- Provide updates on our publications and services
- Assess applications from private lawyers to join as a TLA panel practitioner
- Recruit, train, support and manage staff
- Meet our workplace safety obligations
- Respond to information access and Right to Information requests
- Engage with public sector organisations including courts and tribunals, community legal centres, correctional facilities, healthcare institutions and professionals, government agencies for the purpose of identifying legal need and trends, seeking funding, improving system design and service delivery and
- Meet our statutory reporting obligations, quality assurance, program evaluation, policy development and contribute to research relevant to our services.
- Help us measure, design and improve appropriate services.

We collect information through physical and digital documents, and we prefer to keep digital records. This minimises our impact on the environment and allows us to be more efficient.

If you provide physical documents, make sure they are copies, unless we have requested originals and let us know immediately if you want these returned to you. Source records (physical paperwork or digital media items) will in many cases be digitised then destroyed.

5.5 Our website uses cookies and can collect personal information

Our website does not collect any personal information other than the information you choose to provide through online forms, webchat, or email addresses listed on our website. Our website server does collect a log file of internet protocol (IP) addresses that interact with our website and services (such as webchat) within our website. However, if you send information over the internet, it

may not be completely secure. If you are concerned about sending us sensitive information, you might prefer to contact us by telephone or regular mail.

We use cookies to personalise content and ads, to optimise social media features and engagement methods, and to analyse our online impact and traffic. We also share information about your use of our site with our social media, advertising and analytics partners who may combine it with other information that you've provided to them or that they've collected from your use of their services.

This statement does not apply to any linked websites or search engines. If you visited any other website or were directed to our website by a search engine, we recommend you read their privacy statement.

We will not disclose to a third party any personal information you provide without your consent, unless authorised by law. In the event of an investigation into unlawful activity (such as denial of service web traffic, hacking or abusive emails), a law enforcement or government agency may use its legal authority to inspect website server records.

5.6 When we disclose your personal information

TLA will only use or disclose personal, sensitive and health information collected with your consent and in accordance with our legal privacy obligations. We only disclose personal information to the extent required to assist with a legal or non-legal matter or to investigate and resolve a complaint.

We may disclose personal information to external regulators and integrity bodies including but not limited to the Tasmanian Legal Profession Board, the Tasmanian Ombudsman, the Tasmanian Audit Office, and the Integrity Commission Tasmania when required to initiate or respond to complaints.

We also share information with external public sector organisations to assist us in improving service delivery, or for the purposes of research and evaluation. We only do this where the law allows us and wherever possible, we de-identify the information.

We may disclose personal information to our service providers who assist us in providing services to you, but this will be with your express consent, unless you or someone is in danger of being seriously hurt or injured or a serious crime is being committed.

If you are not sure ask us.

5.7 Accessing personal information

If you have received a service from us*, you can request the hard copies or electronic copies of documents from your file that TLA has. The first step is to contact the TLA staff member who has assisted you. This may be a TLA lawyer, an administration officer, a community legal education officer or a mediator.

You can also make an application under the Right to Information Act 2009 (Tas) by emailing privacy@legalaid.tas.gov.au. You can find more information on your right to information at the Tasmanian Ombudsman.

** if you received a service from a TLA panel practitioner or non-legal service provider we are only able to provide information that TLA holds but not the provider's file.*

5.8 Correction of personal information

We take reasonable steps to ensure the information we have about you is accurate, complete, and current. We ask you to tell us when your personal or health information changes, so we can keep up-to-date and accurate records. Where possible, we confirm current personal contact information before we use it.

The *Personal Information Protection Act 2004* permits you to request to correct the personal information we hold about you and we may amend the information as requested. If you would like information about how to make a request to do this, please contact us at support@legalaid.tas.gov.au.

5.9 Use of unique identifiers

TLA creates a client number for each individual who is provided with an advice or representational service, which is called a unique identifier. This is so TLA can keep a record of the services provided, make appropriate referrals and avoid conflicts of interest with a legal or non-legal matter and to investigate and resolve a complaint. We do not share client numbers with any other agency except by consent or otherwise as allowed by law.

5.10 How we keep your personal information safe

We are committed to protecting your information from loss, misuse, unauthorised access, unauthorised modification, wilful destruction and unauthorised disclosure. To do this, TLA uses procedural, physical and software access controls, or safeguards.

TLA requires all staff to handle information in accordance with TLA's Managing Client Confidential Information Policy, and access only what is necessary to perform the functions of their roles. In most cases, this means accessing personal and health information to assist a service user or to provide supervision or support to someone who is providing the service.

TLA legally disposes of inactive information as authorised or may de-identify information when it is no longer required. This is done in accordance with the Archives Act 1983 (Tas).

5.11 Transfer of information outside of Tasmania

TLA will only transfer personal and/or health information outside of Tasmania if:

- The individual consents to the transfer; or
- TLA reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which is very similar to Tasmanian privacy law; or
- TLA has taken reasonable steps to ensure that the transferred information will not be held, used or disclosed inconsistently with Tasmanian Privacy Law; or
- If the information has been de-identified.

5.12 Accessing services without providing personal information

You can communicate with TLA anonymously following the advice below in this section (5.12) as service users have the right to remain anonymous, however this may limit the service TLA can provide. For example, our Legal Help Officers who provide legal advice by phone will need to identify a person and details about their circumstances they are speaking to in order to provide legal advice.

Staff may not be able to provide a service (including a grant of legal aid) if they are unable to verify the identity of a person and details about their circumstances.

In the event an individual wishes to engage with TLA anonymously, the individual should make this clear to us at the earliest opportunity so that we can assist with maintaining this. TLA will facilitate anonymous engagement via receipt of phone call, with it being the responsibility of the inbound caller to hide/block their phone number if desired. Alternatively, an individual can create a pseudonym to use within email or other communication channels, allowing them to remain anonymous whilst still maintaining some continuity of engagement. TLA will not attempt to identify an individual who wishes to be anonymous, although under these circumstances it may be impractical for TLA to provide a service, except legal information.

5.13 Complaints and feedback procedure

If you have a complaint or feedback concerning the manner in which we maintain the privacy of your personal information, please contact us at privacy@legalaid.tas.gov.au. All complaints will be considered by the Director, or their delegate and we may seek further information from you to clarify your concerns. If we agree that your complaint has merit, we will, in consultation with you, take appropriate steps to rectify the problem. If you remain dissatisfied with the outcome, you may refer the matter to the Tasmanian Ombudsman. Complaints information can be found at ombudsman.tas.gov.au or call 1800 001 170.

5.14 How to contact us about privacy

If you have any questions, or if you seek access to your personal information, or if you have feedback or a complaint about our privacy policy and practices, you can contact us through privacy@legalaid.tas.gov.au.

5.15 Related Documents

- TLA's Managing Client Confidential Information Policy
- Department of Justice Code of Conduct
- TLA's Complaints' Policy

6 . Responsibilities

Staff

- Adhere to the procedures outlined in the policy.

Managers

- Monitor compliance with the policy.

Management Team

- Monitor compliance with the policy and determine when it is no longer applicable or when changes need to be made.

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