



## PRIVACY POLICY (FOR USE IN VICTORIA, AUSTRALIA)

### **ABOUT EAS AND THIS PRIVACY POLICY**

Early Autism Services (Australia) Pty Ltd (**EAS, we, us or our**) provides individualised home-based ABA therapy (Applied Behaviour Analysis) for children with autism and their families. The parent company of EAS is Early Autism Services Pty Ltd, a company headquartered in Troy, Michigan, USA.

EAS is committed to the protection of your personal information.

This privacy policy (**this Policy**) deals with the way we will collect, use, disclose, store and protect personal information collected from you and/or your child (**you or your**). This Policy also describes the way in which you may access or correct the personal information we hold about you, and how to contact us if you have any complaints in relation to your privacy.

We will handle your personal information in accordance with the law. We are bound by the following privacy laws:

- The *Privacy Act 1988* (Cth) and the Australian Privacy Principles (**APPs**) in that Act; and
- The *Health Records Act 2001* (Vic) and the Health Privacy Principles (**HPPs**) in that Act.

### **WHAT IS 'PERSONAL INFORMATION'?**

This Policy applies to our handling of personal information. 'Personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information is true or not and whether the information is recorded in a material form or not.

Personal information includes 'sensitive information', which is a particular type of personal information. Sensitive information includes identifying health information about you (such as details of your health and medical history or the health services you have received).

### **WHY DO WE COLLECT YOUR PERSONAL INFORMATION?**

We may collect your personal information where this is necessary for our functions and activities, including provision of ABA therapy services and other services we provide. In particular, we may collect your personal information:

- to provide you with ABA therapy services and other services;
- to provide you with information regarding our services;
- to arrange payment with you for our services; or
- to obtain your consent to the above services and activities.

You are not required to disclose your personal information to us. However, if you do not provide the information requested, we may not be able to provide you with appropriate services or treatment, provide you with relevant information regarding our services, or fulfil any other applicable purposes of collection.

### **HOW DO WE COLLECT YOUR PERSONAL INFORMATION?**

We will collect your personal information in a lawful and fair way and in a manner that is not unreasonably intrusive.

We will only collect your personal information and sensitive information where you have consented, or otherwise in accordance with the law.

We will usually collect your personal information directly from you through your interactions with us.

We may also collect your personal information from third parties, such as family members or other persons you have authorised to provide your personal information to us.

When we collect your personal information, we will as soon as is practicable take reasonable steps to notify you of the details of the collection (including notifying you through this Policy), such as the purposes for which the information was collected, the organisations (if any) to which the information will be disclosed, and also notify you that this Policy contains details on how you may access or correct your information, or raise any complaints.

### **WHAT TYPES OF PERSONAL INFORMATION DO WE USUALLY COLLECT?**

We may collect personal information (including health information) such as:

- name (you and your child's name);
- identifying details (such as your child's date of birth);
- contact details (such as your address, email, phone number);
- the details of your health and medical history (such as your child's history of diagnosis, medical, psychosocial, or behavioural assessments conducted, other diagnoses and allergies, previous treatments, clinical records);
- details of referring or other treating health professionals;
- educational information (name and address of your child's school, and name of the school's director);
- the names and ages of family members;
- financial matters (such as your payment details); and
- government identifiers (such as Medicare number).

### **HOW DO WE USE YOUR PERSONAL INFORMATION?**

We use your personal information for the main purposes of:

- providing you with ABA therapy services and other services; and
- providing you with information regarding our services;
- arranging payment with you for our services; and
- to obtain your consent to the above services and activities.

We may also use your personal information for purposes which are directly related to these main purposes, in circumstances where you would reasonably expect us to use your information for these purposes.

We will not use your personal information for other purposes unless you have consented, or we are otherwise permitted or required to do so by law.

**DO WE DISCLOSE YOUR PERSONAL INFORMATION TO OTHERS?**

We respect the privacy of your personal information and we will take reasonable steps to keep it confidential and protected.

We will not disclose your personal information to any third parties unless you have consented, or we are otherwise permitted or required to do so by law.

We may disclose your personal information to persons outside of EAS, such as your doctor, other health service providers and community support providers, where this is necessary for your ongoing care and support.

We may disclose your personal information to our parent company Early Autism Services Pty Ltd, for quality assurance, administration and management purposes.

We may use third party software vendors located in Australia, the USA and the European Union for the limited purposes of providing billing, scheduling, payroll, and client relationship management functions, and to enable contracts and other documents to be signed and shared with you electronically. We may disclose your personal information to these third parties for these limited functions only. We have taken and will take all reasonable steps to ensure these third parties do not breach the APPs and HPPs when handling personal information.

We will only disclose your personal information without your consent where we are authorised or required to do so under law, such as where we reasonably believe this is necessary to prevent or lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.

**WILL WE TRANSFER YOUR PERSONAL INFORMATION OUTSIDE OF VICTORIA OR OVERSEAS?**

We comply with the requirements of the *Privacy Act* and the *Health Records Act* when disclosing personal information outside of Victoria or overseas.

We may disclose your personal information to our parent company Early Autism Services Pty Ltd, located in the USA, for quality assurance, administration and management purposes. We may also use third party software vendors located in the USA and the European Union for the limited purposes of providing billing, scheduling, payroll, and client relationship management functions, and to enable contracts and other documents to be signed and shared with you electronically. These disclosures will only be to the minimum extent necessary for these purposes, and we have taken and will take all reasonable steps to ensure that our parent company and these third party software vendors handle your personal information in accordance with the APPs and HPPs.

It also may be necessary to disclose your personal information to persons or organisations outside of Victoria or overseas to provide you with ongoing care and treatment (for example, where a referral is made to a health professional located interstate).

We will only disclose your personal information outside of Victoria or overseas if:

- you have provided your prior consent, and:

- the receiving person or organisation is subject to a law, binding scheme or binding contract that provides substantially similar protection to the APPs and HPPs which you can access and enforce; or
- we have taken reasonable steps to ensure that the recipient does not breach the APPs or HPPs; or
- if the disclosure is otherwise required or authorised by law.

### **DIRECT MARKETING**

If EAS intends to fundraise or engage in any other marketing communications, we may send you such communications in accordance with any previous consent you have provided or any marketing communication preferences that you have notified to us, or as otherwise permitted under the *Privacy Act* and the *Spam Act 2003* (Cth).

If you have previously agreed to receive such marketing communications, but no longer wish to receive such marketing communications you can contact us using the contact details below to modify your preferences, or you can simply opt-out of such communications using the instructions or opt out link provided in the marketing communication sent to you.

### **REVOKING YOUR CONSENT**

You may revoke your consent to any particular uses or disclosures of your personal information at any time. You may notify us of any revocation using our contact details listed below, or by notifying the EAS staff member you are receiving services from.

### **HOW DO WE HOLD AND PROTECT YOUR PERSONAL INFORMATION?**

We will protect your privacy and the security of your personal information by taking steps to ensure that your personal information is protected against misuse, interference and loss, and unauthorised access, modification or disclosure.

We also use a variety of physical and technological security measures to protect the personal information we hold.

We may hold your personal information in a number of ways including electronically and in physical format.

Electronic copies of records will be kept in a manner consistent with the requirements of the *Privacy Act* and *Health Records Act* and applicable electronic transactions legislation.

When your personal information is no longer required (and in the case of your health information, the information has been retained for the required periods under the HPPs, otherwise under law) we will take steps to securely destroy the information or to ensure that the information is permanently de-identified.

### **QUALITY OF THE PERSONAL INFORMATION WE HOLD**

We take reasonable steps to ensure that the personal information we collect, use and disclose is accurate, up-to-date, complete, and relevant to our functions and activities. You can assist us in keeping your personal information accurate by informing us of any updates to your personal information using our contact details below.

### **DATA BREACHES**

We are required to comply with mandatory 'notifiable data breach' scheme (the **NDB scheme**) under the *Privacy Act*. The NDB scheme applies when an 'eligible data breach' of personal information occurs.

An 'eligible data breach' occurs when:

- there is unauthorised access to or unauthorised disclosure of personal information, or a loss of personal information, that an organisation holds; and
- this is likely to result in serious harm to one or more individuals; and
- the organisation has not been able to prevent the likely risk of serious harm with remedial action.

An organisation may take remedial steps to prevent the likelihood of serious harm occurring for any affected individuals after a data breach has occurred, in which case, the data breach is not an 'eligible data breach'.

If we have reasonable grounds to believe that we have experienced an eligible data breach (and remedial action cannot be used), we will promptly notify affected individuals and the Office of the Australian Information Commissioner about the breach in accordance with the *Privacy Act*.

### **CAN YOU ACCESS AND CORRECT YOUR PERSONAL INFORMATION?**

You may request to access the personal information that we hold about you using our contact details below.

In certain circumstances, we may refuse to allow you access to your personal information where this is authorised by the law, such as where: providing access would have an unreasonable impact on the privacy of other individuals; or providing access would pose a serious threat your life or health; or giving access would be unlawful.

We take all reasonable steps to ensure that the personal information we collect, use and disclose is accurate, up-to-date and complete, relevant and not misleading.

If you believe that the personal information we hold about you requires correction, you may request that the information be corrected using our contact details below.

If we refuse your request for access or correction, we will provide you with reasons for the refusal in writing, and details about how you may seek review of our decision.

### **COMPLAINTS**

We respect your privacy and we take all complaints and concerns regarding privacy very seriously.

If you have any complaints or concerns regarding the way we handle your personal information please contact us using the details below.

We will investigate your complaint using our internal processes, under which we will assess your complaint and respond to you as soon as possible, but no later than 30 days from receipt of the complaint.



If you are not satisfied with the outcome of our investigation, or if you do not wish to raise a complaint or concern with us directly, you may wish to contact:

- the Commonwealth Office of the Australian Information Commissioner. See [www.oaic.gov.au](http://www.oaic.gov.au); or
- the Victorian Health Complaints Commissioner. See <https://hcc.vic.gov.au>.

### **OUR CONTACT DETAILS**

If you:

- would like to request access to or correction of your personal information;
- would like further information about our privacy policies and procedures; or
- have any complaints or concerns regarding your privacy,

please contact our Privacy Officer using the following details:

- email: [srudy@earlyautismservices.com](mailto:srudy@earlyautismservices.com) or
- post to: EAS, 306 N. Kensington Avenue, La Grange Park, Illinois 60526 USA

### **CHANGES TO THIS POLICY**

We may revise this Policy from time to time. We will update you on any changes to this Policy through our website at <https://earlyautismservices.com.au>, and we will make the most current version of the Policy available when you receive services from us, or on your request.

### **REFERENCES**

- The *Privacy Act 1988* (Cth)
- The *Health Records Act 2001* (Vic)