



NMHCA Privacy Policy

1. Purpose

The purpose of this Privacy Policy is to outline how the National Mental Health Consumer Alliance Ltd (NMHCA) collects, uses, stores, discloses, protects and manages personal information in accordance with the Privacy Act 1988 (Cth), including the Australian Privacy Principles.

This policy recognises that NMHCA may collect and handle sensitive information, including information about mental health lived experience, health, disability, identity, cultural background, personal stories, consultation input and stakeholder engagement.

NMHCA is committed to managing personal information responsibly, securely, transparently and in a way that respects the privacy, dignity and rights of individuals.

2. Scope

This policy applies to all personal information collected or handled by NMHCA in relation to its functions, activities, programs, services, consultations, events, stakeholder engagement, governance, employment, contracting and advocacy work.

This policy applies to:

- Board Directors;
- committee members;
- employees;
- volunteers;
- contractors;

- consultants;
- lived experience advisors and representatives;
- service providers;
- project partners; and
- any other person or organisation that handles personal information on behalf of NMHCA.

3. Definitions

Personal information means 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 it is recorded in a material form or not. This may include, but is not limited to, a person's name, postal address, email address, phone number, date and place of birth, image, employment details, financial details, views, opinions, personal story or participation in NMHCA activities.

Sensitive information is a subset of personal information and includes, but is not limited to, information or an opinion about a person's racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, membership of professional or trade associations or unions, sexual orientation or practices, criminal record, health information, disability information, genetic information, biometric information or other information protected by law.

For the purposes of NMHCA's work, sensitive information may also include information about a person's mental health lived experience, psychosocial disability, service use, trauma, caring relationships, family circumstances, cultural identity, gender identity, sexuality, or personal experience of mental health systems and services.



Health information includes information or an opinion about the health, including mental health, of an individual, a health service provided to an individual, or other information defined as health information under privacy law.

Lived experience information means information, stories, perspectives, consultation input, quotes, case studies or other material that identifies, or may reasonably identify, a person's lived or living experience of mental health challenges, distress, trauma, service use, recovery, caring, family experience or systemic advocacy.

De-identified information means information that has been altered so that an individual is no longer identifiable or reasonably identifiable.

4. Policy Statement

NMHCA is committed to protecting the privacy and confidentiality of personal information collected in the course of its work to represent the voice of mental health consumers on national issues.

NMHCA recognises the right of individuals to have their personal information protected, used only for appropriate purposes, and made accessible to them where required by law.

NMHCA also recognises that lived experience information can be highly personal and sensitive. NMHCA will handle lived experience information with care, respect, transparency and appropriate consent, including by considering whether information should be identified, attributed, de-identified, anonymised or aggregated before being used or shared.

NMHCA has adopted the following principles in relation to handling personal information.

4.1 Open and transparent management

NMHCA is committed to being open about how personal information is managed. This Privacy Policy is published to ensure transparency and accessibility.

NMHCA will take reasonable steps to ensure individuals understand why their information is collected, how it may be used, who it may be disclosed to, and how they may access, correct or complain about the handling of their information.

4.2 Collection of personal information

NMHCA collects only the personal information that is reasonably necessary for its functions and activities.

Sensitive information will only be collected where:

- the individual has consented;
- the collection is required or authorised by law; or
- another exception applies under privacy law.

Where NMHCA collects lived experience information, it will take reasonable steps to ensure that consent is informed, voluntary, current and specific to the proposed use wherever practicable.

4.3 Use and disclosure

Personal information will be used only for the purpose for which it was collected, or for a related purpose that the individual would reasonably expect, unless the individual has consented to another use or disclosure, or the use or disclosure is otherwise permitted by law.

NMHCA may disclose personal information where necessary to carry out its functions and activities, including to:

- government agencies and funders;

- consultants and contractors;
- researchers, evaluators and project partners;
- event organisers and facilitators;
- professional advisers, including legal, accounting and audit advisers;
- IT, cloud, database, survey, email, payment and communication service providers;
- Board and committee members where required for governance purposes; and
- other third parties where required or permitted by law.

4.4 Lived experience stories, quotes and consultation material

Where NMHCA seeks to use an individual's story, quote, image, case study, consultation contribution or lived experience material in an identifiable way, NMHCA will seek the individual's consent unless otherwise permitted by law.

Where lived experience information is used in reports, submissions, advocacy materials, consultation summaries, funding acquittals, presentations or public communications, NMHCA will take reasonable steps to de-identify, anonymise or aggregate the information unless identification has been agreed.

NMHCA will not knowingly use personal stories or consultation input in a way that is misleading, unsafe, exploitative or inconsistent with the consent provided.

4.5 Data quality

NMHCA will take reasonable steps to ensure that personal information collected, used or disclosed is accurate, up to date, complete and relevant for the purpose for which it is used.



4.6 Data security

NMHCA will take reasonable steps to protect personal information from misuse, interference, loss, unauthorised access, modification or disclosure.

These steps may include:

- secure electronic storage;
- restricted access permissions;
- password protection;
- multi-factor authentication where available;
- secure management of email, cloud and collaboration systems;
- secure handling of Board and committee papers;
- secure storage and disposal of hard copy records;
- confidentiality obligations for staff, contractors, consultants and volunteers;
- appropriate due diligence on third-party service providers; and
- data breach response processes.

4.7 Access and correction

Individuals have the right to request access to personal information held by NMHCA and to request corrections where the information is inaccurate, incomplete, out of date or misleading.

NMHCA will respond to access and correction requests within a reasonable period and will aim to respond within 30 days.

4.8 Retention and disposal

NMHCA will retain personal information only for as long as reasonably necessary for the purpose for which it was collected, or as required for



legal, funding, audit, employment, governance, contractual, insurance or record-keeping purposes.

Where personal information is no longer required, NMHCA will take reasonable steps to securely destroy or de-identify it.

4.9 Overseas disclosure and cloud-based systems

NMHCA may use third-party technology, cloud, email, database, survey, event, communication, finance, payment, document management or artificial intelligence tools to support its work.

Some service providers may store, process or access personal information outside Australia. Where personal information is likely to be disclosed to an overseas recipient, NMHCA will take reasonable steps required by privacy law to ensure appropriate privacy protections are in place.

Where practicable, NMHCA will provide further information about the countries in which overseas based systems are likely to be located.

4.10 Artificial intelligence and automated decision-making

NMHCA may use digital tools, including administrative, data analysis or artificial intelligence tools, to support its operations, policy work, consultation analysis, communications and administration.

NMHCA will not use automated decision-making to make decisions that significantly affect an individual's rights, entitlements, access to opportunities, participation or engagement with NMHCA without appropriate transparency, human oversight and privacy safeguards.

Where required by law, NMHCA will provide information about the kinds of personal information used in automated decision-making and the kinds of decisions made or substantially supported by automated systems.

4.11 Children and young people



Where NMHCA collects personal information from or about children or young people, it will take additional care to ensure that collection is fair, transparent, age-appropriate and limited to what is reasonably necessary.

Where appropriate, NMHCA will seek consent from a parent, guardian or authorised person, while also recognising the rights, agency and capacity of young people to participate in matters that affect them.

5. Roles and Responsibilities

The NMHCA Board is responsible for adopting and reviewing this policy and for maintaining appropriate oversight of NMHCA's privacy governance.

The NMHCA Chief Executive Officer is responsible for implementing this policy, monitoring changes in privacy legislation and advising the Board when the policy should be reviewed or revised.

The Chief Executive Officer may appoint a Privacy Officer or Privacy Contact to coordinate privacy enquiries, access and correction requests, privacy complaints, staff guidance and data breach response processes.

All NMHCA staff, volunteers, contractors, consultants, committee members and service providers are responsible for complying with this policy and handling personal information securely and confidentially.

Any third-party service provider that handles personal information on behalf of NMHCA must take reasonable steps to protect that information and comply with applicable privacy obligations.

6. Procedures



6.1 Collection

Personal information may be collected by NMHCA in various ways, including but not limited to:

- website forms, including newsletter sign-ups;
- direct stakeholder engagement;
- consultations and surveys;
- lived experience panels, advisory groups and reference groups;
- events, webinars, forums and workshops;
- phone, email, video conference and social media engagement;
- job applications;
- contractor, consultant and volunteer engagement;
- payment, reimbursement and banking processes;
- complaints, feedback and enquiries;
- research, evaluation and reporting activities; and
- governance, Board and committee processes.

NMHCA will:

- collect only information that is reasonably necessary for its functions and activities;
- collect personal information by lawful and fair means;
- avoid collecting information in an unreasonably intrusive way;
- collect personal information directly from the individual wherever practicable;
- notify individuals about why information is collected and how it may be used;
- notify individuals that they may request access to and correction of their information;



- provide individuals with reasonable options to remain anonymous or use a pseudonym where lawful and practicable; and
- collect sensitive information only with consent, where required or authorised by law, or where another legal exception applies.

6.2 Use and disclosure

NMHCA will only use or disclose personal information for:

- the primary purpose for which it was collected;
- a related secondary purpose that the individual would reasonably expect;
- a purpose for which the individual has provided consent;
- a purpose required or authorised by law; or
- another purpose permitted under privacy law.

NMHCA may use personal information to:

- communicate with stakeholders;
- conduct consultations, surveys, forums, webinars and events;
- support lived experience participation and representation;
- prepare submissions, policy advice, advocacy materials, reports and evaluation materials;
- administer payments, reimbursements, contracts and employment records;
- manage complaints, enquiries and feedback;
- comply with funding, audit, legal, reporting and governance obligations;
- manage Board, committee and organisational records; and
- improve NMHCA's systems, services, programs and engagement.

NMHCA will take reasonable steps to ensure that sensitive or lived experience information is de-identified, anonymised or aggregated before being used in public or external materials unless consent has been obtained for identifiable use.

6.3 Storage

NMHCA may hold personal information in hard copy and electronic form, including through email systems, cloud storage, shared drives, databases, survey tools, event platforms, finance systems, document management systems, Board and committee papers, and third-party service providers.

NMHCA will take reasonable steps to ensure personal information is stored securely and accessed only by people who need access for legitimate NMHCA purposes.

6.4 Disposal

Personal information will be retained only for as long as reasonably necessary for business, legal, funding, audit, governance, contractual, insurance or record-keeping purposes.

When personal information is no longer required, NMHCA will take reasonable steps to securely destroy, delete or de-identify it. This may include secure shredding of hard copy records, deletion of electronic files, removal of access permissions, or de-identification of consultation and lived experience material.

6.5 Access and correction

Individuals may request access to, or correction of, their personal information by contacting NMHCA at:

admin@nmhca.org.au



NMHCA will aim to respond to access and correction requests within 30 days.

NMHCA may need to verify the identity of the person making the request before providing access or making corrections.

NMHCA may refuse access or correction where permitted by law. If access or correction is refused, NMHCA will provide reasons where it is reasonable and lawful to do so.

6.6 Complaints

Complaints about the handling of personal information by NMHCA can be sent to:

admin@nmhca.org.au

NMHCA will aim to respond to privacy complaints within 30 days.

NMHCA will take reasonable steps to:

- acknowledge the complaint;
- assess the issue raised;
- investigate where required;
- provide a response; and
- identify any corrective action needed.

If a person is not satisfied with NMHCA's response, they may refer the complaint to the Office of the Australian Information Commissioner.

6.7 Data breaches

If NMHCA becomes aware of a suspected or actual data breach involving personal information, it will take reasonable steps to:

- contain the breach;
- assess what information may have been affected;
- identify the individuals who may be affected;
- assess the likely risk of serious harm;
- take remedial action where possible;
- determine whether notification is required under the Notifiable Data Breaches scheme; and
- notify affected individuals and the Office of the Australian Information Commissioner where required by law.

Data breaches may include unauthorised access, unauthorised disclosure, loss of information, cyber incidents, email sent to the wrong recipient, loss of devices, inappropriate sharing of documents, or unauthorised publication of personal or lived experience information.

Serious or suspected data breaches must be escalated promptly to the Chief Executive Officer or nominated Privacy Officer.

7. Consent for use of digital images:

- NMHCA may gather digital images of a person with their consent. These images could include video and photographic images and audio recordings and will be managed in accordance with our Privacy Policy.
- In each instance NMHCA will adhere to the applicable consent agreements undertaken with the consumer.

8. Compliance and Breaches

Failure to comply with this policy may lead to disciplinary action, up to and including termination of employment or engagement, depending on the nature and severity of the breach.

Breaches by contractors, consultants, volunteers, service providers or other third parties may result in termination of engagement, contractual remedies, reporting to relevant authorities, or other appropriate action.

Unauthorised use, disclosure, copying, publication or sharing of personal information, including lived experience information, contact details, screenshots, stories, consultation material or stakeholder records, is prohibited unless authorised by NMHCA and permitted by law.

9. References and Related Documents

This policy should be read together with, where applicable:

- NMHCA Employee Handbook;
- Code of Conduct;
- Data Breach Response Plan;
- Information Security Policy;
- Records Management Policy;
- Complaints Policy;
- Consent Procedure;
- Social Media Policy;
- Artificial Intelligence Use Policy;
- Contractor and Consultant Confidentiality Agreements;
- Board and Committee Confidentiality Requirements;
- Delegations Policy;
- Risk Management Framework; and



- relevant funding, contractual and legal obligations.

10. Approval and Version Control

Approved by: Board of Directors

Issue date: 11 December 2024

Review date: December 2026, or earlier if required by legislative change, material operational change, data breach, regulator guidance or Board direction.

Version: 2.0

Version number	Purpose/change	Author	Date
1.0	Final draft	CEO	03/12/2024
2.0	Updated to reflect privacy reforms, lived experience information, data breach response, AI/automated decision-making, overseas disclosure, children and young people, and strengthened privacy governance	CEO / Company Secretary	03/08/2026