

Privacy Policy

At TLC Healthcare, we are committed to ensuring that your personal information is protected. Your privacy is important to us and it is right at the heart of our business. Please see the contents on our privacy page for information about how we collect, handle, share and protect your information when you use our website, services and goods.

1. Introduction

TLC Healthcare is committed to ensuring that your personal information is protected and that we are being transparent about the information we hold about you. Your privacy is valued and safeguarded in accordance with, the Privacy and Data Protection Act 2014 and the Health Records Act 2001.

This Privacy Policy applies to the personal information we collect and hold about individuals that:

- (i) visit our website (<https://www.tlchealthcare.com.au/>),
- (ii) utilise any TLC Healthcare services
- (iii) elect to receive direct marketing and subscribed mailings from us as set out below,
- (iv) apply for employment with TLC Healthcare, such details may come through the associated TLC careers portal
- (v) Collection by or on behalf of a law enforcement agency, subject to the relevant legislative requirements

Please read this Privacy Policy carefully, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so you are informed about how and why we collect, store, use and share your personal information. This Privacy Policy also explains your rights in relation to your personal information and how to contact us or supervisory authorities in the event you have a complaint.

This Privacy Policy is issued on behalf of TLC Healthcare so when we refer to "**TLC**", "**us**", "**we**" or "**our**" in this Privacy Policy, we mean the TLC Healthcare responsible for processing your personal data. The TLC division responsible for your personal information will be the member of the TLC Healthcare that originally collects information from or about you. This may be explained in separate privacy notices made available when your personal information is first collected by that TLC Healthcare.

Where the collection and use of personal information is not addressed by this Privacy Policy, the privacy notice made available when your personal information is collected will apply.

2. Principles of Data Protection

When using the term “personal data” or “personal information” in this Privacy Policy, we mean information (including opinions) that relates to you and from which you could be identified, either directly or in combination with other information which we may have in our possession.

To help you understand how we handle your personal information more clearly, below is a summary of the data protection principles which guide how we use your personal information. These principles provide that personal data should be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about; and
- Kept securely.

We have put policies and procedures in place to seek to adopt these principles in our everyday processing activities set out in this Privacy Policy.

Our site may provide links to third party websites. TLC is not responsible for the conduct of non-TLC companies linked to the site and you should refer to the privacy notices of these third parties as to how they may handle your personal information.

3. What personal information do we collect

We may collect personal data about you when:

- The personal data is provided by you (e.g. when you apply for a role and register with us, including additional communications via email, telephone or Skype);

- The personal data is collected in the normal course of our relationship with you (e.g. in an interview, provision of services);
- The personal data is recorded in a video assessment as part of a TLC recruitment programme;
- The personal data is collected from your named referees or representative;
- The personal data has been made public by you (e.g. contacting TLC via a social media platform about future career opportunities);
- The personal data is received by us from third parties, including to verify information you have provided (e.g. recruitment agencies, your former employer, law enforcement agencies, disclosure and barring service checks);
- The personal data is collected when you visit our website or use any features or resources available on or through the website (including the careers portal, subscribing to marketing), some of which may be personal data; or
- The personal data may be created by us, such as records of your communications with us or reports from your job interviews, provision of services.
- Demographic information
- Financial information such as payment history, credit history etc
- Sensitive personal information such as health information, biometric information
- Providing personal information about others such as authorised representatives

4. Cookies

Cookies are used to maintain contact with a user through a website session. A cookie is a small file supplied by TLC, and stored by your web browser software on your computer when you access the TLC website. Cookies allow TLC to recognise an individual web user, as they browse the TLC website. It does not store any personal information. You may disable cookies by adjusting the settings on your web browser, but if you do this you may not be able to use the full functionality of the TLC website

5. Personal Data Collected

The following sets out the types of personal data we collect on our website:

- **Personal Details:** title, full name, data of birth, age, gender, address, telephone numbers, email address, visa and immigration status, nationality, language and dialect spoken, preferences, subscriptions and pastimes,

- **Images and recordings:** your photograph, film/video footage and recordings of you (which may include your voice).
- **Family and Friends Information:** name and contact details of family members, dependents and emergency contact details.
- **Career History:** business activities, work history, employment roles, experience and referees, work address, work telephone number, former and current names and contact details of employees, work-related social media profile details.
- **Qualification, Training and Education History:** schools and universities attended, qualifications obtained, additional training obtained.
- **Consents:** consents, permissions, or preferences that you have specified, such as whether you wish to receive direct marketing by subscribing to receive TLC news and media alerts, TLC regulatory news alerts, TLC job alerts, or when you agree to the terms and conditions for submitting your application for employment.
- **Interview Details:** interview responses, opinions of interviewers.
- **Special Category Personal Data:** health and medical information, political opinions or memberships, trade union membership, ethnicity, religion and sexual orientation.
- **Criminal Convictions Data:** information about criminal convictions and offences, including civil offer barring information.
- **Website Access Details:** your computers unique identifier (e.g. IP Address), the date and time you accessed the website, passwords to access alerts preferences.
- **Security Information:** security clearances and vetting information.
- **Correspondence:** responses, comments, views and opinions when you communicate to us with us for instance when making a complaint and record a video interview.

6. Purposes and Use of Personal Data

TLC Healthcare will only use or disclose personal information (including health information) in the following circumstances consistent with the TLC's Information Systems Policy and Procedure;

- for the primary purpose for which it was collected, or
- for a directly related secondary purpose within the reasonable expectation of the individual to whom it relates, or where the individual consents, or
- to submit a NCCHC application through NPCS, Australian Criminal Intelligence Commission (ACIC), Australian Police Agencies and related bodies and to obtain a result to the NCCHC application, or
- for public health/public safety research or statistical analysis subject to the relevant legislative requirements, or

- for lessening or preventing certain threats to individual health or safety or public health or safety, subject to the relevant legislative requirements, or
- for certain investigations into suspected or
- actual unlawful activity, subject to the relevant legislative requirements, or
- uses/disclosures that are permitted or required by law; or
- use/disclosure linked to certain activities of law enforcement bodies, subject to the relevant legislative requirements (where that occurs, a note must be made of the use/disclosure), or
- communicating with the person responsible for the patient where the patient cannot give or communicate their consent, subject to the relevant legislative requirements, or
- funding, management, planning, monitoring, improvement or
- evaluation of health services, or training of employees or persons working with TLC Healthcare subject to the relevant legislative requirements, or
- internal auditing, quality control, system updates and other internal procedures required by TLC, or
- such other use as permitted or required by law including relevant privacy laws and any regulation/guidelines to be introduced in the future.

Personal employee information gathered by TLC Healthcare in the process of using ACIC to verify the criminal history will be stored for 3 years as per the requirements of the Aged Care Act 1997. Where information is requested by a third party, personal information including contact information and personal health information, will not be disclosed unless consent to disclose is obtained from the affected individual and/or TLC is specifically legally obligated to disclose that information. TLC's intellectual property, whether commercially sensitive or not, must not be disclosed without the express authorisation of a member of the TLC Executive team.

7. Information about Criminal Convictions

We may be required to carry out vetting if you apply for a designated role which is conditional on such checks. This might involve the collection and use of sensitive information obtained from criminal records checks such as offences or alleged offence including any past or ongoing criminal proceedings. We carry out criminal records checks for the following purposes:

- To comply with our legal obligation to ensure an individual is eligible to work in Australia; and
- For our legitimate interest or that of a third party and as necessary to exercise our rights as an employer to carry out pre-employment screening including a full background and criminal records check, depending on the role:
 - (i) to establish whether an applicant has committed an unlawful act or been involved in dishonesty, malpractice or other seriously improper conduct; or
 - (ii) to comply with government and registration purposes.

We have in place appropriate policy documents and safeguards which we are required by law to maintain when processing such data.

8. Sharing your personal information with others

We will only disclose personal information to a third party in very limited circumstances, or where we are permitted to do so by law. The third parties to whom we provide your personal data include:

- Other organisations within the TLC Group of companies, where such disclosure is necessary to provide you with our services or to manage our business (e.g. the purposes of recruitment).
- Customers where required for specific business purposes, such as additional vetting procedures.
- Banks and payment providers to authorise and complete payments.
- Credit reference agencies and organisations working to prevent fraud in financial services.
- TLC's third-party providers including information technology suppliers and infrastructure support services, law firms and other third party suppliers/partner organisations.
- Service providers which assist in sending drafting and sending requested news and job alerts.
- Third parties which perform the pre-employment checks, including relevant vetting services.
- Professional advisors (e.g. legal advisors, insurance organisations and auditors).
- Government, regulatory and law enforcement bodies where we are required in order:
 - a. To comply with our legal obligations;
 - b. To exercise our legal rights (e.g. pursue or defend a claim);
 and

- c. For the prevention, detection and investigation of crime.

We may transfer your personal information to third parties in connection with a reorganisation, restructuring, merger, acquisition, sale or transfer of assets, or changing services suppliers provided that the receiving party agrees to treat your personal information in a manner consistent with this Privacy Policy.

TLC will only share your personal data with our contracted service providers when we have established they have adequate and sufficient data protection controls and security controls in place. We also implement contractual obligations on these third parties to ensure they can only use your data to provide services to TLC for the purposes listed above. The third parties cannot pass your details onto any other parties unless instructed to by TLC

9. Transferring Your personal Information Globally

Your personal data may be transferred and stored in countries outside the European Economic Area (EEA), including the Middle East, America and Asia-Pacific, which are subject to different standards of data protection, on request.

We will take appropriate steps to ensure that transfers of personal data are in accordance with applicable law and carefully managed to protect your privacy rights and interests. To achieve this, transfers are limited to countries which are recognised as providing an adequate level of legal protection or where we are satisfied that alternative arrangements are in place to protect your privacy rights. To this end, we will:

- When transferring personal data to third parties outside the EEA:
 - Put in place binding corporate agreements, which will include the standard contractual clauses approved by the European Commission for transferring personal data outside the EEA, to ensure that your information is safeguarded; or
 - Ensure that the country in which your personal data will be handled has been deemed "adequate" by the European Commission or the company is registered and compliant with a European Commission approved privacy shield scheme.
- Carefully validate any requests for information from law enforcement or regulators before disclosing the information.

We will co-operate with any regulators as required by law to ensure that we remain transparent about the way we handle your personal information.

10. Security of your personal information

TLC takes precautions including administrative, technical and physical measures to safeguard your personal information against loss, theft and misuse, as well as against unauthorised access, modification, disclosure, alteration and destruction. We protect electronic data using a variety of security measures including (but not limited to):

- Password access;
- Data back-up;
- Encryption;
- Firewalls;
- Placing confidentiality requirements on employees and service providers and providing training to ensure that your personal data is handled correctly; and
- Destroying or permanently anonymising personal information if it is no longer needed for the purposes it was collected.

11. How long do we keep your personal information?

TLC will only retain your personal information for the period necessary to fulfil the purposes outlined in this Privacy Policy and as otherwise needed to comply with applicable law and internal company policies. Where your personal information is no longer needed, we will ensure that it is disposed of in a secure manner.

In some circumstances we may store your personal information for longer periods of time where we are required to do so in accordance with legal or regulatory requirements or so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your personal information or dealings.

12. Your legal rights

You have legal rights in connection with personal information. Under certain circumstances, by law you have the right to:

- **Request access** to your personal information. This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.

- **Request erasure** of your personal information . This enables you to ask us to delete or remove personal information in limited circumstances, where:
 - (i) it is no longer needed for the purposes for which it was collected;
 - (ii) you have withdrawn your consent (where the data processing was based on consent);
 - (iii) following a successful right to object;
 - (iv) it has been processed unlawfully; or
 - (v) to comply with a legal obligation to which TLC is subject.

We are not required to comply with your request to erase personal information if the processing of your personal information is necessary for a number of reasons, including:

- (i) for compliance with a legal obligation; or
- (ii) for the establishment, exercise or defence of legal claims.

- **Object to processing** of your personal information by us or on our behalf which has our legitimate interests as its legal basis for that processing, if you believe your fundamental rights and freedoms outweigh our legitimate interests. If you raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms.

You can also object at any time to your personal information being processed for direct marketing, profiling or automated decision-making.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, but only where:
 - (i) its accuracy is contested, to allow us to verify its accuracy;
 - (ii) the processing is unlawful, but you do not want it erased;
 - (iii) it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or
 - (iv) you have exercised the right to object, and verification of overriding grounds is pending.

We can continue to use your personal information following a request for restriction, where:

- (i) we have your consent;
- (ii) to establish, exercise or defend legal claims; or
- (iii) to protect the rights of another natural or legal person.

- **Request the transfer** of your personal information. You can ask us to provide your personal information to you in a structured, commonly used, machine-readable format, or you can ask to have it transferred directly to another data controller, but in each case only where:
 - (i) the processing is based on your consent or on the performance of a contract with you; and
 - (ii) the processing is carried out by automated means.

TLC will take reasonable steps to ensure that the recipient of any personal information or health information is aware of the TLC's expectations for personal information and health information to be dealt with in confidence.

- **Obtain a copy, or reference to, the personal data safeguards used for transfers outside the European Union.** We may redact data transfer agreements to protect commercial terms.
- **Withdraw consent** to processing where the legal basis for processing is solely justified on the grounds of consent

If you want to exercise any of these rights, please submit your requests in writing to the TLC Privacy Officer via the contact details set out in section 13 below. Please note, to ensure security of personal information, we may ask you to verify your identity before proceeding with any such request.

We reserve the right to charge a fee where permitted by law, for instance if your request is manifestly unfounded or excessive.

We may not always be able to fully address your request, for example if it would impact the duty of confidentiality we owe to others, or if we are legally entitled to deal with the request in a different way.

13. Protection Contracts

We have appointed a Privacy Officer to oversee compliance with this Privacy Policy. If you have any questions about this Privacy Policy or how we handle your personal information, please address these to:

Privacy Officer
TLC Healthcare
Level 10/468 St Kilda Road
Melbourne Vic 3004

Alternatively, please email <mailto:privacy@tlchealthcare.com.au> or telephone

14. Supervisory authority

If you have any questions, concerns or complaints regarding this Privacy Policy or how we manage your personal information, we encourage you to first contact our Privacy Officer. However you have a right to contact the Office of the Victorian Information Commissioner about your complaint. If the Commissioner is unable to resolve the matter, they may refer the case to VCAT. They can be contacted on <https://ovic.vic.gov.au/>

15. Changes to this Privacy Policy

We may amend this Privacy Policy from time to time to keep it up to date with legal requirements and the way we operate our business. Please regularly check this page for the latest version of this Privacy Policy.