

A2.1 (5.1)	PRIVACY AND CONFIDENTIALITY POLICY
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Applies to: RAILS Staff and volunteers	Version: 5
Specific responsibility: CEO/Principal Solicitor	Date approved: August 2026
	Next review date: August 2028

Policy context	
Legislation and other requirements	Privacy Act 1988 (Cth) Information Privacy Act 2009 (Qld) Privacy Amendment (Notifiable Data Breaches) Act 2017 Australian Solicitors Conduct Rules 2023 Migration (Migration Agents Code of Conduct) Regulations 2021
Contractual obligations and standards	Australian Charities and Not For Profit Commission (ACNC) Governance Standards National Association of Community Legal Centres (NACLC) National Accreditation Scheme Standards NACLC Risk Management Guide, 3 rd ed RAILS' funding agreements

I. POLICY STATEMENT

RAILS recognises the importance of your privacy and is committed to protecting the privacy of your personal information.

Your personal information is information or an opinion about you that identifies you. This privacy policy describes generally how we manage personal information and protect your privacy.

2. SCOPE OF THIS POLICY: WHO DOES THIS POLICY COVER?

RAILS is the name we use in this Privacy Policy to describe ourselves (“we”/“us”). This policy applies to RAILS and all the services we provide.

We collect, use and disclose personal information to perform our functions and activities. This includes providing legal assistance, referral and information services to our clients, providing legal education services, providing updates about our activities and events and collecting donations.

3. PERSONAL INFORMATION OF OUR CLIENTS

3.1 Collection of personal information

What is collected?

The kinds of personal information we collect from clients include:

- contact details (such as your phone number, email address and residential address);
- identity details, such as your date of birth, country of origin or visa status
- information you provide to us when applying for legal assistance such as your income, assets and the reason you need assistance;
- information required to provide legal services to you;
- communications between us in relation to the matter; and
- sensitive information, which is a category of personal information that includes information about things like health, ethnic origin, political or religious beliefs, sexual preferences and genetic or biometric information. We will only collect this kind of information from you with your consent (including if you give us consent to access records containing this information), so it is your choice whether or not to provide this information to us.

Sometimes, our clients give us personal information of other people. We only use that information to provide legal services to our clients.

We require you to provide ‘core’ information needed for us to help you, such as your name, date of birth, one method of contact as well as the name and date of birth of any other parties involved. We may also need you to provide information on your assets and income. Without this information, we may not be able to give you legal assistance. It is optional for you to provide other ‘non-core’ information. However, if you do not provide us with enough information about your matter, this may affect our ability to give you accurate legal assistance based on your individual circumstances.

How is it collected?

We prefer to collect your personal information directly from you through our referral form, conversations (in person or over the phone) or other correspondence with you.

Sometimes, we may collect your personal information from publicly available sources (such as your social media profiles) or from a third party if you have authorised it. For example, you may provide us with the contact details of a support worker and authorise us to speak to that support worker about you and your matter. You may also authorise us to collect information from third parties such as the Department of Home Affairs, police or health providers, people who you want to provide supporting statements and court registries.

If you are making a referral to RAILS about someone else, you will need to get their consent to provide their personal information to us.

How is it used?

If you tell us that you need legal assistance and if we assist you, we will collect personal information from you to:

- assess whether we are able to offer you legal assistance
- provide you with information, referral or legal assistance services

How is it disclosed?

We may share your personal information outside of RAILS:

- if you have given us consent to the use or disclosure (consent may be express or implied);
- in confidence, to our advisers and insurers including for regular audits;
- in confidence, to interpreters who assist us to communicate;
- in confidence, to third parties who provide services to us; and
- otherwise, where permitted or required by the law.

The law may require us to tell the police or child safety services if you tell us about a sexual offence committed against a child. We may also disclose your personal information in order to prevent a serious crime from happening or to prevent imminent serious injury to you or another person.

The categories of people that we may disclose your personal information to with your consent (which may be express or implied) are:

- the Department of Home Affairs, the Administrative Review Tribunal and Federal Courts;
- experts providing advice to assist with your legal claim;
- people or organisations that are supporting you, including health and social workers or a family member;
- other legal and/or community services who may be able to provide you with further assistance.
- reports to our funders, including the Queensland and Federal Governments: personal information included in our funding reports does not allow you to be identified as an individual
- include in external publications such as our annual reports, law reform submissions, contributions to legal and other publications, promotional materials and the content of training and presentations: we will ask for your consent and de-identify your personal information before we include it in any external publications.

4. COLLECTION, USE AND DISCLOSURE OF VOLUNTEERS AND SUPPORTERS PERSONAL INFORMATION

We collect personal information from people who are not clients of RAILS. The groups of people who we may collect information from are:

- Volunteers and volunteer applicants
- Members of the associations and membership applicants
- Donors

- People who attend professional education sessions provided by us.

The kinds of personal information we collect may include:

- contact details: phone number, address and/or email address
- identifying details including, but not limited to: name and date of birth
- employment and education history and associations
- emergency contact details
- information required to assess eligibility for membership or volunteering roles in the organisation
- sensitive information, with your consent or as otherwise permitted or required by the law.

If you would prefer to interact with us anonymously or using a name other than your own (a “pseudonym”), please let us know. If you do not provide us with certain personal information (such as your contact details), we may still be able to do certain things, like accepting donations. However, we may not be able to do other things, such as having you volunteer with us.

Personal information from people other than clients is generally collected directly from them. Sometimes it is collected from:

- a referee when you nominate that person to provide a reference for you; or
- an organisation that you have asked to provide your information to us, such as when you ask your university to nominate you to be a volunteer at RAILS; or
- from publicly available sources, such as a website or a social media profile.

We only contact third parties to collect information about you with your consent. However, failure to provide us with consent, may result in us being unable to do certain things, such as engage you as a volunteer.

Personal information we collect from people who are not our clients is used to:

- process and/or ask for donations to us;
- recruit volunteers;
- provide supervision to volunteers;
- report to funders
- report to regulators such as the OMARA
- contact you with updates about RAILS. You can contact us admin@rails.org.au at any time if you no longer wish to receive updates from us or from any of our services.

We will disclose the personal information of a non-client with their consent or as required by the law. Consent may be express or implied. For example, we imply that Registered Migration Agent who attends a Continuing Professional Development activity provided by us consents for us to report their attendance to the Office of Migration Agents Registration Authority.

5. STORAGE AND SECURITY OF YOUR INFORMATION

We take all reasonable steps to ensure that your personal information is protected from misuse, interference and loss and from unauthorised access, modification or disclosure.

The personal information we collect is stored electronically in secure computer systems or in hard copy files. Our IT service providers host information in data centres in Australia.

We are required by law to retain certain information for a certain number of years after their relationship with us ceases. For example, we must keep the personal information of clients for a minimum of seven years after they have ceased their relationship with us.

After such time has passed or if we otherwise determine that we no longer need information about you, we will securely destroy or de-identify your personal information.

All RAILS employees and volunteers are required, as part of their service, to treat all information from clients and prospective clients held by RAILS as confidential.

6. ACCESS TO YOUR PERSONAL INFORMATION

You can request access to your personal information.

Requests for access your personal information should be directed to us by email admin@rails.org.au or by writing to the address below.

We will respond to all requests for access to personal information within a reasonable time of you making the request and give you access to your personal information in the manner requested, unless it is unreasonable or impracticable for us to do so.

Sometimes we will be able to respond to your query over the phone, but sometimes we may need your request in writing and we might need some time to gather the requested information and get back to you. We may need more time to respond to requests for a large amount of information, or information which is not currently in use.

In some cases, we may be unable to give you access to your personal information where we are permitted by law to refuse access.

If we refuse to give you access we will provide you with reasons for our refusal in writing and we will let you know how you can make a complaint about our decision.

7. KEEPING YOUR INFORMATION UP-TO-DATE

We try to ensure that the information we hold about you is accurate, complete, relevant and up-to-date. Generally, if you request us to do so, we will amend any personal information we hold about you which is inaccurate, incomplete, irrelevant or out-of-date. Please help us to do this by letting us know if your details change or if we send you an email or letter that contains incorrect details.

If we are unable to correct your personal information, you may ask us to attach a statement to that information saying that the information is inaccurate, out-of-date, irrelevant or misleading, and we will take reasonable steps to associate this statement with your personal information.

8. QUESTIONS OR COMPLAINTS

If you would like more information about the way we manage personal information which we hold about you, or wish to make a complaint about how we have managed your personal information, please contact us:

- by email: admin@rails.org.au;
- by post: PO Box 5143 WEST END QLD 4101;
- by phone: (07) 3846 9300 or

We will try to respond to your enquiry as soon as possible.

We take any privacy complaint seriously and will deal with your complaint fairly and promptly. When we respond to you, we will let you know if there is an entity to whom you may escalate your complaint if you are not satisfied with our response or how we handled your complaint.

9. USING OTHER WEBSITES

Our website may contain links or references to other websites to which this privacy policy may not apply. You should review the privacy policy of each of those websites and assess whether those policies are acceptable to you before using those websites.

10. CHANGES TO OUR PRIVACY POLICY

Our privacy policy is available on our website. From time to time, it may be necessary for us to review and revise our privacy policy. We reserve the right to change our privacy policy at any time.

Our privacy policy was last updated in August 2026. By continuing to use our websites or otherwise continuing to deal with us, you accept this privacy policy as it applies from time to time.

We will update the privacy policy on our website www.rails.org.au/privacy.

DOCUMENTATION

Documents related to this policy	
Related policies	A2.1 (1) Information Technology Policy A2.1 (3) Management of Information and Data Policy A2.1 (4) Data Breach Policy A2.1 (5.1) Privacy and Confidentiality Policy – Client version D2.2 Complaints Management Policy
Forms, record keeping or other organisational documents	Information Collection Statement Volunteers Induction Acknowledgment Form

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Two-yearly	CEO, Principal Solicitor	CEO

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
V1	20/09/2010	Management Committee	20/09/2011
V2	23/05/2013	Management Committee	April 2019
V3	April 2019	Management Committee	April 2020
V4	April 2024	Executive Director	April 2026
V5	August 2026	Chief Executive Officer	August 2028