

## **DSS Engage Consultation – APP 5 Privacy Collection Notice**

The Department of Social Services (department, we us), is currently inviting participants to provide their views on the National Disability Insurance Scheme (Participant Service Guarantee and Other Measures) Bill 2021 Consultation (Consultation).

The Australian Government has promised to develop a National Disability Insurance Scheme (NDIS) Participant Service Guarantee (the Guarantee) to support positive participant experiences with the NDIS.

The Guarantee will set new standards for the time it takes for key steps in NDIS processes. This means there will be shorter, agreed timeframes for people to receive a decision on whether they will be covered by the NDIS, for them to get an NDIS plan, and to have their plan reviewed. The Guarantee will require the National Disability Insurance Agency (the Agency) to:

- to make decisions about a person's access to the NDIS and their plans within certain timeframes, providing participants, families and carers with greater certainty about how long NDIS processes will take;
- to meet specific service standards when working with people with disability and their families and carers; and
- to report on its progress in delivering each part of the Guarantee.

Disability ministers have agreed to consult with the disability community about the proposed changes. This Consultation forms part of the public consultations on draft amendments to legislation ahead of introduction of the laws into Parliament in October 2021.

The proposed changes will amend the *National Disability Insurance Scheme Act 2013* (NDIS Act) by introducing the Guarantee and other flexibility measures to improve the participant experience. Complementary changes are also being made to the NDIS Rules.<sup>1</sup>

### **Who is collecting your information**

Your information is being collected by the department and by Services Australia, who will be assisting the department with some of the information technology (IT) aspects of the Consultation.

### **What we collect**

As part of this Consultation, we will be collecting commentary from the public and organisations who wish to provide their opinions or insights into the proposed changes to the NDIS Act and the NDIS Rules.

---

<sup>1</sup> A list of the NDIS Rules is available here: [Legislation, rules and policies | NDIS Quality and Safeguards Commission \(ndiscommission.gov.au\)](https://www.ndiscommission.gov.au/legislation-rules-and-policies)

Through your participation in the Consultation, we may collect some personal information (some of which could be sensitive information) if you choose to provide that information to us, including:

- your name or other identifying information;
- the name of the organisation that you represent; and
- any further personal information you wish to share, such as the nature of your disability.

We may collect personal information from you directly, as well as from other people. For example, we may collect personal information from you about:

- your personal views in relation to your experience, and the experience of others, with the NDIS; and
- your personal views about the proposed changes to the NDIS Act and the NDIS Rules and whether you think those changes achieve the purpose of implementing the Guarantee and improving the participant experience in the NDIS.

As part of the Consultation, we **will not ask for you to provide your name, phone number or address**. Our intention is for people responding to not be identified or be reasonably identifiable. However, this may not always be possible for example, where you provide your own contact details or details of personal circumstances. Where we are able to identify you (or reasonably identify you) from your response, we will handle your response in accordance with the [Privacy Act 1988 \(Cth\)](#) (the Privacy Act) as it will be 'personal information'.

In addition, you may choose to have your submission available on the DSS Engage website. This is completely opt-in and you will be asked specifically if you wish this to occur. If you choose to opt-in, the information you provide in your submission, including personal information, will be published on the DSS Engage website.

We will collect your information (including any personal information) for one or more of the purposes specified in this Privacy Notice.

Your personal information is protected by law, including under the Privacy Act.

This privacy collection notice is designed to ensure you are aware of certain matters in relation to the department's collection of your personal information, as required by the Privacy Act.

## **What is 'personal information' and 'sensitive information'?**

'Personal information' is information or an opinion about an identified individual, or an individual who is reasonably identifiable.

'Sensitive information' is a subset of personal information. It includes information or an opinion about your racial or ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, membership of associations or unions, sexual orientation or practices, criminal record, or health, genetic or biometric information. Health information includes any information regarding whether a person has a disability and the nature of their disability.

## **How we collect your information**

Your personal information relating to your personal views and lived experience may be collected if you choose to make a submission as part of this Consultation. We will do this by:

- collecting information provided by you in your submission lodged through Engage.dss.gov.au; and
- collecting information provided by you in an email or postal submission received from you.

## **Why we collect your personal information**

Your personal information is collected for the purposes of informing changes to the NDIS Act and the NDIS Rules and ensuring that the views of people with a disability are incorporated into the design of the NDIS.

The information collected through this Consultation will be used to create a report that summarises the key issues raised in each of the submissions. The report will be published on the DSS Engage website. Individual submissions, including personal information, will not be included in the report.

If you do not provide your personal identifying information (including sensitive information), we will still be able consider your views as part of this process and your identity will remain anonymous.

Some of the information collected by us from our targeted or public consultations or surveys has research value in developing policies that extend beyond the specific consultation or survey for which it was originally collected. Where this is the case, the information that we collect from this consultation may be used for our other related research purposes. In doing so, we will apply the Australian Privacy Principles to the handling of any personal information.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with the Australian Government records management regime, including the *Archives Act 1983*, agency-specific records authorities and general records authorities. This ensures your personal information is held securely.

All personal information collected is held on Services Australia's cloud storage, on servers located in Australia. Services Australia and the department retains effective control over any personal information held on our cloud, and the information is handled in accordance with the Australian Privacy Principles.

## **Who we disclose your personal information to**

If you opt-in to have your submission published on the DSS Engage website, it will be publically available.

We will be developing a report of the key issues raised during the consultation process. The report will be published on the DSS Engage website. Individual submissions, including personal information, will not be included in the report.

We will not publish your submission if we consider (for any reason) that it should not be made public. We may redact parts of your feedback before publication, as appropriate. This may occur in circumstances where the submission contains information that is not relevant to this Consultation, it contains personal or sensitive information, could be potentially defame others, is offensive in nature or contains operationally sensitive information.

No information about you will be disclosed overseas unless you request that your submission be made publicly available.

## **More information**

More information about how we handle your personal information is set out in our [Privacy Policy](#). Our Privacy Policy contains more information about how you can access any personal information that we hold, and how to seek correction of that personal information. It also contains information about how to make a complaint about a breach of the Australian Privacy Principles, as set out in the Privacy Act. If you have any concerns or questions, you can contact us at [privacy@dss.gov.au](mailto:privacy@dss.gov.au).

## **Confirmation and consent**

This section only applies if you are providing sensitive information as part of your consultation response. Please note that you do not need to provide your sensitive information if you do not wish to do so.

By providing your sensitive information as part of your Consultation response, you consent to the department collecting your sensitive information and handling your sensitive information in accordance with this privacy notice.

I have read the privacy statement regarding this consultation

Select one of the options below:

I consent to the publication of my feedback anonymously.

I consent to the publication of my feedback with my name.

I do not consent to the publication of my feedback.