

CONFIDENTIALITY AND PRIVACY POLICY

Section 1: Service Management and Governance	
Policy number: 1.7	Authorised by: Management Committee
Date adopted: 29 th July 2013	Date last reviewed: April 2020 Next review Due: April 2023
Related Standards	
Human Services Quality Standards Standard 1: Governance and Management Standard 2: Service Access Standard 4: Safety, Wellbeing and Rights Standard 5: Feedback, Complaints and Appeals	National Accreditation Scheme Standards A1: Organisational Management A 2 Information Management B1 Information, Assessment and Referral B2 Provision of Advice and Casework B4 File Management D2 Assessing client satisfaction and managing complaints

Purpose

The purpose of this policy is to ensure Northside Connect Inc (NCI) complies with its legal and ethical obligations to protect the privacy and confidentiality of all stakeholders, including clients, staff, volunteers, students, members, customers and the Organisation with respect to information collected by NCI.

Policy statement

NCI aims to uphold, to the highest standard, the rights of all stakeholders to confidentiality and privacy in accordance the principles embodied in the Privacy Act 1988 [Cth] and the Australian Privacy Principles. NCI respects that information shared by stakeholders belongs to them. It is important that NCI is consistent and careful in the way it is decided who can see or hear this information and the rights of stakeholders to access and if necessary correct their own records. This policy will apply to all records, whether hard copy or electronic, containing personal and sensitive information about individuals and other stakeholders.

Definitions

Personal Information: Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Sensitive Information: ‘Sensitive information’ is defined in the Privacy Act to mean information or an opinion about an individual’s:

- racial or ethnic origin;
- political opinions;
- membership of a political association;
- religious beliefs or affiliations;
- philosophical beliefs;
- membership of a professional or trade association;
- membership of a trade union;
- sexual preferences or practices; or
- criminal record.



Procedures

NCI will only collect information for the purpose of providing services and for use in funding submissions and tender applications where all information has been de-identified. Permission to collect and maintain information will be sought from the individual at all times. In seeking the permission NCI will:

- Only collect information that is relevant to the NCI'S primary functions.
- Inform the individual why information is being collected, for what purpose it will be used and who will be able to access that information.
- Inform the individual that their information will only be shared with others with their consent, in the circumstance hereunder or otherwise as provided by law.
- Ensure that personal information is only collected by fair and lawful means.
- Ensure that the collection of information does not intrude to an unreasonable extent upon the personal affairs of the individual involved.
- Take reasonable steps to protect all staff, volunteer and client records from misuse, interference and loss, and from unauthorised access, modification or disclosure.
- Provide individuals with access to their own records.
- Ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves.
- Advise that if they are unhappy with how NCI has managed their privacy they have the right to pursue these concerns via the complaints policy.

Due to the nature of work undertaken by NCI and our obligations to all stakeholders we are unable to provide individuals with the option of not identifying themselves, or of using a pseudonym when seeking to access our services.

The Privacy Policy is to be placed on the Organisation's website, to be affixed in the public foyer area of NCI's premises and enclosed in any handbook and/or manual signed by volunteers or other recipients. In addition the NCI website must contain a Privacy Statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.

Records

All Management Committee members, staff, volunteers and students will read and sign a Code of Conduct on commencement with NCI. All newcomers to the Organisation are to be trained in the induction process on the necessity of confidentiality in regards to ascertaining and maintaining information and location of service.

Subject to the Coordinator's overall responsibility and that of the Principal Solicitor under professional obligations, all staff are responsible for the management of personal information to which they have access and used in the conduct of their work.

All personal and sensitive information will be securely stored in locked cabinets and/or password protected databases with access restricted to those who require it to work with clients and to carry out the services of NCI ie on a "need to know " basis.

The Coordinator is responsible for safeguarding personal information relating to NCI staff, Management Committee members, volunteers and members and will handle client complaints about privacy.

Information recorded on the CLASS database for the purposes of conflict checking will be password secure and only approved staff who have undergone Legal Service induction training will be allowed access.

Written information should not be left on desks or on computer screens and electronic calendar appointments shall refer only to “client”, with their details in the body of the item. All confidential material should be kept in a locked cabinet when unattended. Keys to cabinets holding information should not be kept in an obvious place such as a top drawer.

All personal and sensitive information will be destroyed after minimum legal requirements for retaining documents have expired.

Whenever NCI receives unsolicited personal information, it will determine whether it would have been permitted to collect the information under Australian Privacy Principle 3. If so, then the provisions of APP 5 and APP 13 will apply to that information. If the information could not have been collected under APP 3, and the information is not contained in a Commonwealth record, NCI will destroy or de-identify that information as soon as practicable, if it is lawful and reasonable to do so.

All conversations regarding confidential personal or sensitive information should be conducted in private and only with appropriate persons.

NCI will not adopt, use or disclose a government related identifier of an individual as its own identifier of the individual (unless an exception applies).

Staff, student and volunteer records

In protecting the privacy of the information of staff, students and volunteers [including Management Committee members], NCI will ensure the following:

- All individuals will be allocated their own personnel file which will contain all personal information and be held in a secure location on site.
- No personal information will be released to a third party including other volunteers or staff without the permission of the individual.

Release of work related information such as work email address, current whereabouts etc must be authorised by an appropriate staff member prior to releasing this information. This information will only be released under exceptional circumstances.

From time to time the Organisation may send information to volunteers, students and staff on events and activities being held at the Centre. Individuals will always be given the option of opting out of this.

Client Information

All personal and/or sensitive information gathered during the provision of services will remain confidential and secure as per the Client Record Keeping Policy, except when:

- Required or authorised by law for example subpoenaed by a court of law or necessary to assist in law enforcement.
- Where there is a duty of care to lessen or prevent a serious and imminent threat to the life, health or safety of the client or any individual or to public health or safety and failure to disclose information would place that person at further harm. Such cases should be immediately discussed with the Coordinator as to whether disclosure is necessary.
- To assist in locating a person who has been reported as missing other than where the client is seeking advice from the BNCLS on such issue not involving the NCI.
- Where unlawful activity or fraud is suspected other than where the client is seeking advice from the BNCLS on such issue not involving the NCI.
- Approval of the client has been obtained to release information to another party.
- The case is being reviewed for the purpose of professional supervision, in which case all identifying information will be removed prior to review.
- When required by relevant authorities under the Legal Profession Act 2007 (Qld).

In sharing information regarding clients, NCI will ensure that the following steps are taken:

- Providing clients with information on our Privacy and Confidentiality Policy and Procedures on commencement of services. For those clients seeking individual assistance through BNCLS or the Family Support Program they will be required to sign a form acknowledging they have been provided with this information, including the right to access the full privacy policy; or alternatively confirm receipt in an email replying to the Organisation sending the client such information..
- Having a “Consent for Information Sharing” form which clients can sign on an as needed basis. Permission may also be given verbally in cases where the client is unable to sign a Consent for Information Sharing form. In this circumstance a senior staff member must be present when verbal consent is granted. Staff must explain this form to clients and how it will be used. Staff must not enter any new information on this form after the client has signed, unless permission is sought from the client and the client authorises the new entry by initialising it.

Right To Access

Individuals have a general right of access to their own personal information after their identity is confirmed, and have the right to have that information corrected if it is inaccurate, incomplete or out of date. The request to access personal and sensitive information is to be made in writing using the Client Request to Access Information Form. The request may also be given verbally in cases where the client is unable to sign the form. In this circumstance a senior staff member must be present when the verbal request is made.

The request will be considered by the Coordinator and, if there are no legitimate barriers to accessing the information, the information will be made available. If the request is denied, NCI will provide a written reason for the refusal and advise of available complaint mechanisms. Should people remain dissatisfied they may exercise their rights under the organisation’s Complaints Policy.

Access may be denied or limited for the following reasons:

- access would pose a threat to the life or health of any individual;
- privacy of others may be affected;
- the request is frivolous or vexatious;
- information relates to existing or anticipated legal proceedings;
- access would prejudice negotiations with the individual;
- access would be unlawful;
- denying access is required or authorised by or under a law;
- commercially sensitive information