



<b>Document Name:</b>	<b>Confidentiality and Privacy Policy</b>
<b>Document Version:</b>	V2
<b>Endorsed:</b>	March 2020
<b>Review Date:</b>	March 2022

## 1. Purpose

To protect the privacy and confidentiality of Whittlesea Community Connections (WCC) clients.

## 2. Objective

To provide guidance on WCC's legal obligations and ethical expectations in relation to privacy and confidentiality.

## 3. Scope

This policy applies to employees, volunteers, students and board members of WCC.

## 4. Definitions

Consent: means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.

Confidentiality: Implies the relationship of confidence between the organisation and individuals. Confidentiality ensures that information is accessible only to those authorised to have access.

Organisational information: Includes publicly available, and some confidential, information about Organisations. Organisational information is not covered in the Privacy Act (1988) but some organisational information may be deemed confidential.

Personal information: 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 the information or opinion is recorded in a material form or not. It may include information such as names, addresses, bank account details and health conditions.

Sensitive information: Information or 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, criminal record or health, genetic or biometric templates, that is also personal information.

## **5. Policy**

All employees, students, volunteers and board members are bound by the Privacy Act 1988 (Commonwealth). The Privacy Amendment Act 2000 governs the collection, use and storage of personal and/or sensitive information, including written and verbal information.

WCC is committed to ensuring that information is used in an ethical and responsible manner.

WCC recognises the need to be consistent, cautious and thorough in the way that information about clients, stakeholders, staff, board members, students and volunteers is recorded, stored and managed.

All individuals including clients, stakeholders, staff, board members, students and volunteers have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy and/or legal framework.

### 5.1 WCC Legal Service:

While the duty to preserve confidentiality is regulated by privacy legislation, for the legal service operated by WCC, a further layer of regulation applies. Legal professional privilege attaches to communications by clients to lawyers. The privilege is the client's, not the lawyers, and cannot be waived without the consent of the client. It will be the responsibility of WCC's lawyers to deal with all privileged communications appropriately.

## 5.2 Collection, use and disclosure of information:

WCC collects personal or health information for the purpose of delivering direct services, administering processes associated with service delivery e.g. case work, referrals, meeting any requirements for government funding, group work and monitoring or evaluating the services we provide. WCC also collects personal information from employees for the purpose of administering their employment conditions. The nature and extent of the information collected by WCC varies depending on the individual's interaction with us.

Such information may include but is not limited to:

- Contact details (name, address, email, etc.)
- Personal details (date of birth, gender, income, emergency contacts, etc.)
- Information on personal issues and experiences, areas of interest or relationships
- Family background or supports that participants may have in the community
- Health information and/or medical history
- Criminal history
- Credit card or bank account details, donation history
- Australian Business Number (ABN)
- Server address and online visit information

This information may be collected by WCC using face to face interviews, intake, over the telephone or electronic communications.

If clients would like to access any WCC services on an anonymous basis or using a pseudonym, the participant is required to advise us of this and, if it is possible and lawful, we will take all reasonable steps to comply with the request. However, WCC may not be able to provide the services in question if we are not provided with the personal information requested.

WCC takes steps to ensure that information it collects is accurate, up-to-date and complete. These steps may include maintaining and updating information either proactively or when we are advised by individuals that the information has changed, and can include checking information that is provided by a person about another individual is correct.

Any personal or health details collected will not be disclosed to any other person or agency external to WCC without the individual's written consent or unless required or authorised by law. If we receive information about an individual from a third party, WCC will take all reasonable steps to contact that individual to ensure that you are aware of the purposes for which we are collecting that information.

### 5.3 Exemptions for disclosure:

A legal requirement to disclose personal information is known as a 'duty of care'.

Examples of situations where this may occur include:

- Where there is serious risk of abuse or physical harm to the individual or another person, including our participants, the general public and WCC employees.
- Where the disclosure is required under a law.
- Where the individual would reasonably expect us to use or give that information, e.g. referral processes.
- When the disclosure is necessary by or for a law enforcement agency (e.g. prevention, investigation, prosecution or punishment of criminal offences, protection of public revenue, preparation or implementation of a court or tribunal order.)

In the event that a legal need for disclosure arises, the employee will inform their supervisor or manager prior to making the decision to breach confidentiality and privacy. This decision will also be communicated to the individual, unless such advice to the individual is not allowed by legislation.

If a client is dissatisfied with the conduct of one or more of our staff members regarding privacy and confidentiality of information, the client is encouraged to have their concern addressed using WCC's Complaints and Feedback Policy.

### 5.4 Data Security:

WCC takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas
- Physically securing the areas in which the personal information is stored
- Not storing personal information in public areas
- Positioning computer terminals, fax machines and printers so that they cannot be seen or accessed by unauthorised people or members of the public

Reasonable technical safeguards include:

- Using passwords to restrict computer access, and requiring regular changes to passwords

- Establishing different access levels so that not all staff can view all information
- Ensuring information is transferred securely
- Installing virus protections and firewalls

The WCC *Code of Ethics* also outlines the expectations of staff and contractors to take all reasonable steps to protect organisational and personal information and all employees and third party contractors are required to sign a confidentiality and privacy agreement to that effect.

Requests to access personal information are required in writing and need to be submitted to the relevant Coordinator or Manager. Staff are encouraged to assist participants in completing any written requests for access where required or appropriate to do so. Proof of identity of the individual will be required before any access is granted. To process access requests, refer to the Access to Information Requests section of the Confidentiality and Privacy Procedure.

#### 5.5 Access to Personal Information:

Individuals may request access to personal information held about them. Access will be provided unless there is a sound reason under the Privacy Act or other relevant law. Other situations in which access to information may be withheld include:

- There is a threat to the life or health of an individual
- Access to information creates an unreasonable impact on the privacy of others
- The request is clearly frivolous or vexatious or access to the information has been granted previously
- There are existing or anticipated legal dispute resolution proceedings
- Denial of access is required by legislation or law enforcement agencies.

WCC is required to respond to a request to access or amend information within 45 days of receiving the request.

Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete and not misleading, taking into account the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, WCC can refuse the request.

If the requested changes to personal information is not made, the individual may make a statement about the requested changes which will be attached to the record.

### 5.6 Organisational Information:

All staff, board members, students and volunteers agree to adhere to WCC's *Code of Ethics* when commencing employment, involvement or a placement. The Code of Ethics outlines the responsibilities to the organisation related to the use of information obtained through their employment/ involvement/ placement.

### 5.7 Breach of Privacy or Confidentiality:

If staff are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor or CEO. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

## **6. Contact**

For questions about this policy, please contact CEO WCC.

## **7. Authority**

This Policy is approved by WCC board and will be reviewed biennially.

### **Related documents**

<b>Related procedures, guidelines, forms etc</b>	Consent Form
<b>Related frameworks</b>	
<b>Related policies</b>	Complaints and Feedback Policy Code of Ethics
<b>Relevant legislation or standards</b>	Privacy Act 1988

### **Document Change History**

<u>Version</u>	<u>Status*</u>	<u>Comments</u>	<u>Author</u>	<u>Ratified by</u>	<u>Date Ratified</u>
V1	Draft	New Policy			
V2	Endorsed	Updated format	Sandra Natale – Quality Consultant	Board	March 2020

\* Valid values for this column are: *DRAFT, ENDORSED, REVIEWED (no revision)*