CS_02 Privacy and Confidentiality Policy

Policy Statement

To provide an effective and high-quality service and to maintain appropriate accountability, we must collect, store and sometimes share relevant personal information about our clients, staff and volunteers. It is important that we are consistent and careful in the way we manage what is written and said about a client, staff person or volunteer and how we decide who can see or hear this information.

Our clients, staff and volunteers have legislated rights to confidentiality and privacy, and to accessing their own records. It is essential that we protect and uphold these rights, and also that we act correctly in those circumstances where the right to confidentiality or privacy may be overridden by other considerations.

To uphold the rights of clients, staff and volunteers to confidentiality and privacy, each staff and management member needs an appropriate level of understanding of:

- Confidentiality, limits to confidentiality and obtaining clients', staff and volunteer consent to share information about them.
- Our processes for providing information to people using, or working in, our services.

Respect for the privacy and confidentiality of all stakeholders is implemented through a comprehensive strategy which includes: obtaining formal declarations of confidentiality from all workers and volunteers; conducting all meetings with, or about clients, in private; respecting the right of clients to personal privacy; monitoring access to client files; maintaining strict control of files and other documents; observing fixed protocols re: sharing client information; protecting the security of written and electronic information.

Scope

This policy will apply to all clients and program service users, stakeholders, staff and volunteers.

References

Human Services Quality Framework

Standard 1: Governance and Management

Indicator 7: The organisation has effective information management systems that maintain appropriate controls of privacy and confidentiality for stakeholders.

Standard 4: Safety, Wellbeing and Rights

Indicator 1: The organisation provides services in a manner that upholds people's human and legal rights

Other Standards – DSS Standards

Standard 12: Client Confidentiality and Privacy

Forms or other organisational documents

- Constitution
- Service Agreements
- Moreton Bay Community Consortium Agreement (Encircle and DBNC)
- Deception Bay Neighbourhood Centre Strategic Plan
- Operational Plan
- Evaluations
- Organisational Structure
- DBNC Risk Assessment Forms
- Office of the Information Commissioner - Qld Privacy Breach Management and Notification – Guideline https://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/privacy-compliance/privacy-breach-management-and-notification

Procedure

Privacy and Confidentiality

Respect for the privacy and confidentiality of all stakeholders creates a culture of professionalism and trust, where workers and clients are aware of their rights and responsibilities, and where clients can enter the service with confidence.

Information considered to be of a confidential nature includes:

- Personal contact details for Management Committee members, staff, contractors, volunteers, students and clients.
- The nature of the service being provided to a client.
- Any information provided by a client for written records.
- Any matters raised by clients during assessment, interview, individual or group activities.

Confidentiality Declarations

All Management Committee members, staff, contractors, volunteers and students are required to sign a document indicating their agreement to adhere to the Organisation's confidentiality policy and procedures before undertaking any work on behalf of DBNC:

- Management Committee Code of Conduct
- Confidentiality Declaration (Staff/Contractor/Volunteer/Student).
- Organisations receiving funding from DSS (Department of Social Services) must use their Deed of Confidentiality, available online.

Limits to confidentiality

There may sometimes be grounds to override confidentiality. Before any action is taken that will override confidentiality, the proposed action is to be discussed with the Director. Reasons for overriding confidentiality may include:

- The information refers to illegal activity.
- The information impacts on the safety of a child.
- The information is subpoenaed by a court of law, etc.

Respecting the privacy of clients

All workers and volunteers engaged by DBNC will respect the privacy of clients by:

- Conducting all conversations and meetings with clients regarding personal matters in such a way that client privacy and confidentiality is maintained.
- Conducting all conversations and meetings related to clients and their information in such a way that client privacy and confidentiality is maintained.
- Ensuring that no unnecessary physical contact occurs between the worker/volunteer and the client.
- Ensuring that workers/volunteers do not enter any room of a client's home, or touch any private possessions belonging to the client, without the express permission or invitation from the client.
- Respecting the various cultural traditions of clients, including gender-specific customs.

Use of personal information

Personal information will only be used for the primary purpose for which it was intended, except in the following circumstances:

- A related or secondary purpose where the individual would reasonably expect the organisation to do so for that secondary purpose.
- Where unlawful activity is suspected.
- It is required/authorised by law or necessary to assist law enforcement.
- If it is related to health, in an emergency situation.
- For newsletter distribution.

Sharing client information internally

Information will only be shared with other workers of DBNC when these workers are or will be directly involved in assisting the client, e.g.:

- For intake
- In supervision
- In case management discussion
- In peer support meetings

Sharing client information externally

- Information should never be passed on to an outside agency without advance permission from the client, in accordance with the Information Sharing Procedure.
- In the case of notification of child abuse there may be a cause for information to be passed on to the Department of Children, Youth Justice and Multicultural Affairs without the client's permission; the Director will make the decision, in accordance with the Child Abuse and Neglect Notification Procedure.
- No enquirer, including partners and family members, should be told that a client is using, or has used the service, or be given any information relating to the client, except with permission of the client.

Sharing staff and volunteer information externally

- Private addresses and phone numbers of DBNC Management Committee members, workers, volunteers and students will never be given out; enquiries are to be recorded and the worker asked to return the call.

Sharing staff, volunteer and client information overseas

DBNC is permitted, in accordance with the Information Privacy Act, to transfer an individual's personal information to an entity outside Australia **only if**:

- (a) the individual agrees to the transfer; or
- (b) the transfer is authorised or required under law; or
- (c) the Centre is satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- (d) two or more of the following apply –
  - (i) the Centre reasonably believes that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially like the Information Privacy Principles (IPPs);
  - (ii) the transfer is necessary for the performance of the Centre's functions in relation to the individual;
  - (iii) the transfer is for the benefit of the individual, but it is not practicable to seek the agreement of the individual, and if it were practicable to seek the agreement of the individual, the individual would be likely to give the agreement;
  - (iv) the Centre has taken reasonable steps to ensure that the personal information it transfers will not be held, used or disclosed by the recipient of the information in a way that is inconsistent with the IPPs.
- Any transfer of information must be advised to the Department of Communities, Housing and Digital Economy, Tel: 13 QGOV (13 74 68).

Clients known to each other

- At no time will information about one client be passed on to another client.
- Even if workers are aware that clients are known to each other, they must not share information regarding those clients.

Clients known to workers

- Any worker who becomes aware that they know a client socially, must inform the Director.
- Unless the Director agrees, after discussion with the client and worker, the worker should not service the client and must not be present at any discussion, formal or informal, concerning that client.
- Any worker who observes a client in a public place is not to initiate acknowledgement.

Written information

- Any written information relating to a client is to be kept in that client's file.
- Written information is not to be left on desks or on computer screens; all confidential material is to be kept in a folder or envelope and placed in a locked cabinet when unattended.
- The key to cabinets holding information must not be kept in an obvious place, such as a top drawer.

- Any written information held at reception is to be in a file or envelope marked 'Confidential' and destroyed or archived once its use is finished.
- Telephone messages containing sensitive information are to be placed face down in the appropriate pigeonhole.

Electronic information

- All confidential information stored electronically is to be password-protected and accessible only to authorised workers who have signed a Confidentiality Statement.

Filing cabinets

- Relevant staff members will ensure that cabinets containing confidential information are locked at the end of each day.
- The keys for these filing cabinets are to be stored in the main reception area of the DBNC offices.

Authorisation to access client files

- Workers directly involved with clients are the only people authorised to access client files.

Client files or other documents off-site

- Files are to be taken to, or held at, locations outside the Organisation only with the permission of the Director.
- All files and documents remain the property of DBNC.

Government identifiers

- These identifiers (e.g., Medicare Number, Seniors Card, and Tax File Numbers) will only be used for the purpose for which they were intended.

Breach of Privacy and Confidentiality

DBNC is required at all times to take reasonable steps to secure the personal information of staff, volunteers and clients.

- All data breaches must be reported to the Director, who will take appropriate action depending on the level of severity of the breach – minor, medium or major.
- For the purposes of assessment of severity, the DBNC Risk Assessment form should be used in conjunction with the Office of the Information Commissioner (OIC) guidelines on handling data breaches, which refer directly to the Information Privacy Act 2009. These are available at:
  - CS_02appx - OIC Qld Privacy Breach Management and Notification -Guideline.pdf
  - https://www.oic.qld.gov.au/guidelines/for-government/guidelines-privacy-principles/privacy-compliance/privacy-breach-management-and-notification

The OIC points to four key steps in responding to a privacy breach:

1. *Contain the breach*
2. *Evaluate the associated risks*
3. *Consider notifying affected individuals*
4. *Prevent* a repeat.

The Centre will apply these steps to minimise harm to both affected individuals and the Organisation.

Where required, breaches will be notified to:

- Office of the Information Commissioner Tel: (07) 3234 7373 / enquiries@oic.qld.gov.au
- Department of Communities, Housing and Digital Economy Tel: 13 QGOV (13 74 68).

Affected individuals will be advised of their legal right to make a complaint and, if required, be provided with the information and resources to do so.

Relevant advocacy agencies that individuals may contact include but are not limited to:

- Department of Communities, Housing and Digital Economy – 13 74 68
- Caxton Legal Centre Inc - (07) 3214 6333
- Community Legal Centres Qld - (07) 3392 0092
- Dispute Resolution Branch - (07) 3239 6269
- Queensland Ombudsmen - (07) 3005 7000