



Policy No: <b>15</b>	Policy Name: <b>Privacy and Confidentiality Policy</b>
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Applies to: This policy applies to the Management Committee, volunteers and all employees of Young Crisis Accommodation Centre including temporary, permanent and contract employees.	Version: 2
	Date Approved: 02/07/2019
	Review Date: July 2021

## 1. Purpose

Young Crisis Accommodation Centre is committed to protecting the privacy and confidentiality of clients, staff, Management Committee members, students, volunteers and stakeholders in the way information is collected, stored and used.

This policy provides guidance on Young Crisis Accommodation Centre’s legal obligations and ethical expectations in relation to privacy and confidentiality.

Young Crisis Accommodation Centre holds two types of information which are covered by this policy: personal and organisational information.

## 2. Policy statement

Young Crisis Accommodation Centre is committed to ensuring that information is used in an ethical and responsible manner.

Young Crisis Accommodation Centre recognises the need to be consistent, cautious and thorough in the way that information about clients, stakeholders, staff, Management Committee members, volunteers and students is recorded, stored and managed.

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

All staff, Management Committee members, volunteers and students are to have an appropriate level of understanding about how to meet the organisation’s legal and ethical obligations to ensure privacy and confidentiality.

## 3. References

SHS NQF Standard 1: Promoting, upholding and exercising rights

*Health Records and Information Privacy Act 2002 (NSW)*

*Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW)*

*Part 13A of the Crimes (Domestic and Family Violence) Act 2007 (NSW)*

*Privacy Act 1988 (Cth)*

*Privacy Regulation 2013 (Cth)*

*Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*

*FACS NSW: SHS Client consent, information and referral protocol*

## 4. Definitions

Privacy provisions of the privacy Act 1988 govern the collection, protection and disclosure of personal information provided to Young Crisis Accommodation Centre by clients, Management Committee members, staff, volunteers, students and stakeholders.

Confidentiality applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access, and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature e.g. it is information that is not available in the public domain.

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

Individual means any person such as a client, staff member, Management Committee member, volunteer, student, contractor or a member of the public.

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 means information or an opinion (including information or an opinion forming part of a database) about an individual. It may contain information such as names, addresses, bank account details and health conditions. The use of personal information is guided by the Privacy Act 1988 and the Privacy Regulation 2013.

The public domain in relation to confidentiality is “common knowledge” i.e. information that can be accessed by the general public.

## 5. Procedure

Young Crisis Accommodation Centre ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

All staff, volunteers, student and Management Committee members are made aware of this policy during orientation.

All staff are provided with ongoing support and information to assist them to establish and maintain privacy and confidentiality.

The privacy of personal information is defined by legislation (Privacy Act 1988, Privacy Regulation 2013). At all times, Young Crisis Accommodation Centre acts in accordance with these legal requirements. Young Crisis Accommodation Centre also strives to respect the confidentiality of

other sensitive information. However, in the spirit of partnership, we share information with clients and other involved individuals and organisations (subject to consent), where it would be in the best interest of the client or other individual to do so.

### Collection of information

Personal information collected by Young Crisis Accommodation Centre is only for the purposes which are directly related to the functions and activities of the organisation. These purposes include:

- Enquiry about programs
- Engagement in case management and support
- Administrative activities, including human resource management
- Sector development activities
- Community development activities
- Fundraising
- Complaint handling.

Young Crisis Accommodation Centre provides information to clients on collecting health and personal information including:

- Purpose of collecting information
- How information will be used
- Who (if anyone) information will be transferred to and under what circumstances information will be transferred
- Limits to privacy of personal information
- How a client can access or amend their personal information
- How a client can make a complaint about the use of their personal information.

### Use and disclosure

Young Crisis Accommodation Centre only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organisation. It may be provided to government agencies, other organisations or individuals if:

- the individual has consented
- it is required or authorised by law
- Young Crisis Accommodation Centre has reasonable grounds to suspect that an unlawful activity has been, or may be, engaged in
- it will prevent or lessen a serious and imminent threat to somebody's life or health
- the disclosure is reasonably necessary for the funding, management, planning, evaluation, training of employees of the SHS or persons working with the SHS, and reasonable steps are taken to de-identify the information.

Further information regarding the use and disclosure of service user information can be found in the Access to Confidential Information Policy.

### Data quality

Young Crisis Accommodation Centre takes steps to ensure that the personal information collected is accurate, up to date and complete. These steps include maintaining and updating personal

information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided by another person about an individual is correct.

### Data security

Young Crisis Accommodation Centre 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 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 public information in public areas
- Positioning computer terminals and fax machines 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 of passwords
- Establishing different access levels so that not all staff can view all information
- Using electronic audit trails
- Installing virus protections and firewalls.

### Access and correction

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
- The request for access is of a kind that has been made previously on the same grounds and refused
- Denial of access is required by legislation or law enforcement agencies.

Young Crisis Accommodation Centre is required to respond to a request to access or amend information within one week of receiving a request from a client and 30 days of receiving any other 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, Young Crisis Accommodation Centre may refuse the request.

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

The Co-ordinator is responsible for responding to queries and requests for access / amendment to personal information.

### Anonymity and identifiers

The Client Information Management System (and its link to the Australian Institute of Health and Welfare (AIHW) SHS data collection) creates an alpha code that is formed by using the second and third letters of the first given name and the second, third and fifth letters of the family name. This alpha code is used by the AIHW to create a completely unidentifiable code, or Statistical Linkage Key. This is done so that, as far as possible, each individual client has a unique code.

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves or requesting that Young Crisis Accommodation Centre does not store any of their personal information.

As required by the Privacy Act 1988, Young Crisis Accommodation Centre will not adopt a government assigned individual identifier number e.g. Medicare number as if it were its own identifier / client code.

### Collection, use and disclosure of confidential information

Other information held by Young Crisis Accommodation Centre may be regarded as confidential, pertaining either to an individual or an organisation. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the general public.

Staff members are to refer to the Co-ordinator before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to Young Crisis Accommodation Centre or its service users, staff and stakeholders.

### Organisational information

All staff, Management Committee members, students and volunteers agree to adhere to the Young Crisis Accommodation Centre Code of Conduct when commencing employment, involvement or a placement. The Code of Conduct outlines the responsibilities to the organisation related to the use of information obtained through their employment / involvement / placement.

### Staff information

The Filing and Records Management policy details how Young Crisis Accommodation Centre handles staff records to manage privacy and confidentiality responsibilities, including the storage of and access to staff personnel files. The Recruitment and Selection of Staff policy outlines the storage of unsuccessful applicants' information.

### Stakeholder information

Young Crisis Accommodation Centre works with a variety of stakeholders including private consultants. The organisation may collect confidential or sensitive information about its stakeholders as part of a working relationship. Staff at Young Crisis Accommodation Centre will not disclose information about its stakeholders that is not readily available in the public domain without stakeholder consent.

### Service user information

Detailed information regarding the collection, use and disclosure of client information can be found in the Client Records policy.

## Participants in research projects

People being invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how the information they provide will be used
- given copies of any subsequent publications.

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified.

Organisational participants in research projects will generally be identified in Young Crisis Accommodation Centre research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

## 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 Co-ordinator. If a service user or other stakeholder is dissatisfied with the conduct of Young Crisis Accommodation Centre staff or Management Committee member/s, a complaint should be raised as per the Managing Complaints Policy. Information on making a complaint will be made available to clients and stakeholders and will be found on the Young Crisis Accommodation Centre website.

## 6. Related documents

- Client Records policy
- Professional Ethics and Conduct policy
- Managing Complaints policy
- Filing and Records Management policy
- Access to Confidential Information policy
- Recruitment and Selection of Staff policy
- Code of Conduct

## 7. Review

Reviewing and approving this policy			
Frequency	Person responsible	Approval	
2 years	Co-ordinator	Management Committee	
Policy review and version tracking			
Review	Date approved	Approved by	Next review date
1	02.07.2019	Management Committee	July 2021
2			
3			