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CONFIDENTIALITY AND PRIVACY POLICY

CONTEXT AND PURPOSE

VIWA acknowledges that we owe a duty of confidentiality to our staff, volunteers, and customers. Confidentiality of information is not only the ethical and professional duty of all members of staff but is also one of the major means of obtaining the trust of our clients.

We ensure confidentiality is maintained and information is only disclosed following procedures that comply with the requirements of the relevant laws and professional codes of practice.

We acknowledge its obligations to ensure that private and sensitive information is only collected where it is absolutely necessary for the conduct of the organisation's business, and that such information is treated in accord with the 10 National Privacy Principles outlined in the amended Commonwealth Privacy Act 1988.

We will also ensure that individuals have, within the provision of legislative requirements, the right to know what information our service holds about them and the right to access, and correct such information as required.

LEGISLATIVE RESPONSIBILITIES

- Commonwealth Privacy Act 1988
- Privacy Amendment (Privacy Sector) Act 2000
- South Australian Freedom of Information Act 1991
- Commonwealth Aged Care Act 1997
- Commonwealth Human Rights and Equal Opportunity Act 1986
- Commonwealth Racial Discrimination Act 1975
- Commonwealth Sex Discrimination Act 1984
- Commonwealth Disability Discrimination Act 1997
- South Australian Workers Rehabilitation and Compensation Act 1987

DEFINITION

Personal information – Information or an opinion (including information or an opinion forming part of a data base), 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 – Information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual practices, criminal record and health information.

POLICY

VIWA is responsible for providing services to a wide range of people who differ according to age, cultural background, ability and social status. Collecting only the needed information to provide appropriate services is essential as well as ensuring that only those who need access to the information gain that access.

All individuals are entitled to their information being kept confidential, private and safe. This extends to staff, volunteers maintaining confidentiality of information and knowledge about circumstances of their customers as well as their colleagues.

Information can be collected in a number of ways and kept in a number of format. This policy covers all of information collected and stored by our service.

VIWA ensures that when customers want information about themselves, this information is provided using appropriate processes that meet legislative requirements. In some circumstances, access to information may be denied if doing so would be considered potentially harmful to the individual.

PARAMETERS OF MAINTAIN CONFIDENTIALITY

1. *Staff and volunteer Responsibilities*

Any information obtained about customers, including their names, is to be kept confidential. Prior to starting work with our service, all members of Committee of Management, staff and volunteers are required to sign a confidential agreement that supports this requirement.

Consent from the customer needs to be obtained before any information is collected from them. The type of consent will vary according to the type of information to be collected and for what purpose. Written consent is needed if the customer or members of their family are to be involved in some forms of research or if photographs, videos, films or recording of them are made for their care or publicity.

When staff and volunteers are collecting the personal or sensitive information they must explain to the customers that what information is to be collected from them, for what purpose, where the information will be stored and how they can access it.

Where the information needs to be made available to others involved in the delivery of care, it must be made clear that it is not a breach of confidentiality when the information remains with our service. However, the staff member who obtained the information must ensure before its release that it is being imparted in professional confidence and for a specific purpose.

Staff and volunteers must not discuss personal or sensitive information about a customer, or other person in a place where people could overhear the information and possibly identify that person. This includes talking on the telephone, discussions in meetings or leaving customer records where they can be picked up and read by another person.

We will ensure that staff and volunteers have the required support systems in place so that debriefing in a safe and confidential environment can occur; ensuring information about a customer, family member or other people is not shared inappropriately.

2. **Complying with the 10 National Privacy Principles**

We are required by law to comply with the 10 National Privacy Principles of the Commonwealth's Privacy Act 1988. Those are:

2.1 *Collection*

VIWA collects personal information, such as name and address, telephone numbers, age and date of birth, details of GP or other relevant service providers, details of family members, including spouse, next of kin, and persons to contact in an emergency in order to provide services, to engage an individual as a staff member or volunteer, or to process donations and maintain a history of donors.

Only personal information relevant to the delivery or management of a service, the administration and management of staff and volunteers, the processing of donations, management of fundraising activities, planning and research purposes will be collected by us.

In service planning, evaluation and research, the personal information is de-identified and aggregated so as not to disclose an individual's identity.

2.2 Use and Disclosure of Personal Information

VIWA only uses or discloses personal or sensitive information for the purposes for which it was collected. In no circumstances will such information be disclosed for the purpose of sale, rent or trade.

In some circumstances, we do not need to disclose individual's personal or sensitive information to a third party. At these times the customer's written consent is sought. If the customer is under the age of 18 or does not have testamentary capacity, the consent will need to be obtained from their parents or legal guardian.

We will keep a written note of the use or disclosure of any personal or sensitive information if formal consent had not been obtained beforehand.

2.3 Quality of information

VIWA ensures through regular review, that the personal and sensitive information it collects is kept up to date and accurate. Where new information is obtained from a customer it will replace the existing information in the paper or electronic file.

Where we submit copies of files and other documents for accreditation or quality assurance checks, all reference to personal or sensitive information that could identify an individual must be deleted from the documents prior to being submitted for review.

Records and any other information that are no longer needed are permanently de-identified of personal and sensitive information and where relevant, are archived.

2.4 Security of Personal and Sensitive Information

VIWA takes all reasonable steps to ensure that personal and sensitive information held by our service is secure from risks such as loss or unauthorised access, destruction, misuse, modification or disclosure.

Electronic records are password protected and comply with relevant security standards. Personal and sensitive information held on paper files, is stored in locked cabinets.

Only authorised staff and volunteers have access to personnel and customer records.

VIWA follows the storage and archiving guideline supplied by the South Australian State Records Act 1997. All records are required to be kept for a determined period of time.

When a client has not used our services for some time, their files are de-identified and appropriately archived as required by law.

Where personal or sensitive information is not required to be kept by law and is considered by us as no longer necessary, the information is destroyed using secure means such as shredding.

2.5 Openness

All customers are informed of the existence of the Confidentiality and Privacy Policy and that they are entitled to a full copy of it.

All of the **VIWA**'s policies may be accessed by its customers or any interested members.

On request, we will always take reasonable steps to let a customer know what type of personal or sensitive information the organisations holds, for what purposes and how it collects, uses and discloses that information.

2.6 Access and Correction of Information

Unless specifically prevented by legislation, customers can check for accuracy any of their personal or sensitive information held by our service.

Information will be made available to the customer making the request in a timely manner and will be provided in a hard copy or printed format from records held by us. The original file or record remains the property of

VIWA.

All information relating to a third party mentioned in a customer's file will be deleted when providing access.

Where information sought has already been archived, there may be a delay in providing access to the information.

VIWA reserves the right to impose a charge to cover the costs of accessing and making available the information.

On occasion, we may find it necessary to withhold information that has been requested. In such situation, the customer will be given either:

- The opportunity of using a mutually agreed intermediate to review the information, or
- A reason for the denial of access.

2.7 Anonymity

There are circumstances where we interact with customers anonymously such as in some telephone contacts, research and evaluations. We define the type of information that can be collected at these times in light of informing service planning, evaluation and development.

2.8 Transborder Flow of Data

VIWA will not transfer personal and sensitive information to a recipient who is not the customer, unless written permission is obtained from the customer.

Where obtaining consent may not be possible, we need to be assured in writing from the requestor why the information is needed and its intended use.

2.10 Sensitive information

VIWA ensures that consent to collect sensitive information pertaining to the characteristics of an individual such as racial or ethnic background, family status; workforce status or criminal record is obtained from the customer, staff person or volunteer prior to it being collected.

Sensitive information also includes health information covering the "health or a disability" (at any time) of an individual's expressed wishes about the future provision of health services to her or him or a health service provided, or to be provided, to an individual. Consent must be obtained from the individual when health information needs to be collected.

Sensitive information may be collected for the purpose of managing a planning the delivery of services or workforce planning.

Sensitive information is also required where such information is necessary to determine eligibility for a service or where the delivery of the service is contingent upon having access to such information.

Sensitive information is not obtained or kept in relation to donors.

Information of a sensitive nature is aggregated with other information from other customers to produce reports that do not identify an individual.

Clear reasons on why this information is needed and how it will be securely stored are provided to the person prior to them providing that information

CONTACTS AND SUPPORT

The Committee of Management delegates the Executive Officer to be responsible for the monitoring of confidentiality and privacy issues.

It is anticipated that issues in regards to confidentiality and privacy will be dealt with within our service in the first instance. However, if more information about the legislation or assistance is required, please contact:

Office of the Australian Information Commissioner
133 Castlereagh Street
Sydney NSW 2000
Privacy Hotline: 1300 363 992
Telephone: 02 – 9284 9800
Fax: 02 – 9284 9666
Website: <https://www.oaic.gov.au/>

REFERENCE

- Commonwealth Privacy Act 1988
- Privacy Amendment (Privacy Sector) Act 2000
- South Australian Freedom of Information Act 1991
- Commonwealth Aged Care Act 1997
- Commonwealth Human Rights and Equal Opportunity Act 1986
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