



## 1.17 Privacy & Access to Information

Original Ratification Date	11/10/2017
Persons affected by Policy	Board of Management, Team Members & Consumers
Who is Responsible for Approval	Board of Management
Reviewer	Board of Management
Terms	The Organisation – Community Links Wellbeing Team Member – Employees & Volunteers unless otherwise stated Board of Management – The governing body of Community Links Wellbeing

### POLICY STATEMENT

The Organisation values and respects that consumers, team members and Board of Management members have a right to have their personal and private information kept confidential.

#### *Community Links Wellbeing: Privacy Statement*

Community Links Wellbeing (Ltd.) endeavors to uphold the highest standards of privacy. The Organisations' privacy procedures have been developed in line with The Australian Privacy Principles (APPs), which are contained in schedule 1 of the Privacy Act 1988 (Privacy Act).

### PROCEDURES

#### 1.17-1 Board of Management/Team Member Commitment

All Team Members including the Board of Management are responsible for abiding by this policy. Team Member questions or queries in regards to confidentiality and privacy should be directed to the appropriate Team Leader. Team Leaders should direct their queries and questions to the Executive Officer.

It is a policy that Team Members including the Board of Management sign a Code of Behaviour & Confidentiality Agreement when joining the Organisation and then on an annual basis. It is also a policy that all team members sign the relevant employment contract/volunteer agreement which outlines privacy, privacy/confidentiality and access to personal information policy within the Organisation.

Executive Officer and Team Leaders are responsible for ensuring that all new team members read the privacy/confidentiality section outlined in their employment/volunteer contract before signature. A breach of this policy or procedures is a disciplinary offence, and could lead to prosecution and/or dismissal

### 1.17-2 Australian Privacy Principles in Practice

- In reference to the Australian Privacy Principles, Team Members will:
- Only collect personal information about consumers that is required by the funding body or needed to provide our services
- Inform the consumers why personal information is collected and to whom else it is disclosed
- Only collect sensitive information, such as health information, from consumers if required to provide a safe and suitable service
- Collect personal information directly from the person we support unless they are a minor, under guardianship or have given consent for someone else to provide the information
- Will ensure that person's information we hold is accurate, up-to-date and complete
- Will protect the records of consumers from loss, unauthorised access, misuse, modification and disclosure and will ensure its appropriate disposal
- Will provide consumers with access to their records and tell them how they can get access
- Will allow consumers to correct any wrong, incomplete or misleading personal information we hold
- Will not use or disclose information about consumers for any other purpose except with the person's consent unless necessary to prevent harm to life or health
- Will only use identifying codes if necessary and do not use the same codes as other agencies
- Give consumers the option of not identifying themselves when personal information and data is being collected
- Will take all reasonable steps to de-identify information about consumers before it is disclosed for data collection or research purposes
- Keep information about consumers only as long as required
- Keep in a secure location

Specific information regarding:

- Breaching Privacy
- Data Breach
- Consent
- Intake & Privacy
- Duty of Care versus Privacy
- Records of consumers
- Group Processes and Privacy/Confidentiality
- Participants in Research Projects
- Privacy for Interviews and Private Discussions

*Is detailed in the Section 3 Service Delivery under Privacy & Confidentiality of consumers Procedure*

*Specific information regarding Information Management, Use of Technology & Privacy is detailed in Section 5 Operational Management – Information Management, Use of Technology & Privacy.*

**Definitions**

***Privacy/confidentiality***

Keeping information that is private and personal obtained through the course of employment or disclosed by the client, other staff, community partners or the Management Committee private.

***Personal Information***

Personal information includes all information that identifies or describes an individual. This includes information that is or is not stored in a database. See the Federal Privacy Act 1988 and the Privacy Amendment [Private Sector] Act 2000 for further information.

***Statutory Requirement***

This is an enactment made by a legislature and expressed in a formal document which must be abided by.

***Mandatory Reporting***

This is the protocol whereby, primarily those who work with children/vulnerable people are required by law to report to the relevant child welfare authorities anything of a prescribed nature (usually evidence of potential child abuse & neglect) that comes to their attention in the course of their duties.

**DOCUMENTATION**

**Documents linked to this policy**

Forms, record keeping or other organizational documents

1.17a Australian Privacy Principles

Please refer to Legislation on next page

**Policy context:** This policy relates to

Legislation or other requirements	<p>The Associations Incorporation Act (NSW)  2009 Anti-Discrimination Act (NSW), 1977  Australian Human Rights Commission Act (Commonwealth),  1986 Age Discrimination Act (Commonwealth), 2004  Disability Discrimination Act (Commonwealth),  1992 Racial Discrimination Act (Commonwealth),  1975 Sex Discrimination Act (Commonwealth),  1984  Privacy and Personal Information Protection Act 1998  (NSW) National Disability Standards  Community Justice Centres Act  1983 NSW Family Services  Principles  NSW Government Legislation: <a href="http://www.legislation.nsw.gov.au">http://www.legislation.nsw.gov.au</a> The  Australian Privacy Principles 2014</p> <p>Fair Work Act 2009 Fair Work Act 2009 Work Health and Safety Act 2011  Australian Charities and Not-for-profits Commission Act  2012 Taxation Administration Act 1953 (Commonwealth)  Income Tax Assessment Act 1997  (Commonwealth) Crimes Act 1914  (Commonwealth)  Criminal Code 1995 (Commonwealth)  Children and Young Persons (Care and Protection) Act (NSW),  1998 Commission for Children and Young People Act (NSW), 1998  Children and Young Persons Care and Protection Amendment Bill (NSW),  2009  Child Protection (Working with Children) Act (NSW), 2012  Child Protection (Working with Children) Regulation (NSW),  2013 Crimes Act (Commonwealth) 1914, (NSW) 1900.  Freedom of Information Act (Commonwealth) 1982 (NSW)  1989. Mental Health Act (NSW), 2007  Health Records and Information Privacy Act 2002  (NSW). Funding Agreements  NSW Family Services Principle  Case Management Society of Australia National  Standards NSW Disability Service Standards  NDIS Practice Standards and NDIS Act (2013)</p>
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## SECTION ONE: GOVERNANCE

Policy review and version tracking				
Version	Reviewer	Authorised By	Date Approved	Next Review Due
1	Board of Management	Board of Management	11/10/2017	10/10/2018
2	Board of Management	Board of Management	17/10/2019	17/10/2020
3	Board of Management	Board of Management	17.12.2025	21.10.2026