



# Privacy and Confidentiality Policy and Procedure

## 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. It is important that we are consistent and careful in the way we manage what is written and said about a client and how we decide who can see or hear this information.

People have legislated rights to privacy. It is essential that we protect and uphold these rights, and also that we act correctly in those circumstances where the right to privacy may be overridden by other considerations.

To uphold the rights of clients to privacy, each staff and management member needs an appropriate level of understanding about how we meet our legal obligations.

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.

## Scope

This policy and procedure applies to The Wilsonton Heights Neighbourhood Centre as a whole. This policy and procedure should be read in conjunction with our Records and Information Management Policy and Procedure.

## References

Human Services Quality Standards Indicator 1.7

Human Services Quality Standards Indicator 4.1

*Information Privacy Act 2009 (Qld)*

Information Privacy Principles

*Right to Information Act (Qld)*

*Privacy Act 1988 (Cth)*

Australian Privacy Principles

*Privacy Amendment (Notifiable Data Breaches) Act 2017*

Information Privacy Act 2009: Obligations of Contracted Service Providers (Office of Information Commissioner Queensland)

Information Privacy Guide (Department of Child Safety, Youth and Women)

## Definitions

Confidentiality	Is the protection of personal information, and means keeping a someone's information between you and them, and not telling anyone else unless they have given you informed consent to do so.
Personal information	<p>Can include:</p> <ul style="list-style-type: none"><li>• name, date and place of birth</li><li>• race or ethnicity</li><li>• financial/banking details</li><li>• health/diagnostic information</li><li>• employment details</li><li>• photograph (including CCTV footage)</li><li>• signature</li><li>• uniquely identifying number – e.g. driver license number, tax file number, employee number</li><li>• details of services requested or obtained</li><li>• unique physical characteristics – e.g. tattoo, birthmark.</li></ul> <p>Personal information may reveal a person's identity even if their name is not mentioned. Other information may enable their identity to be deduced.</p> <p><a href="https://www.csyw.qld.gov.au/resources/dcsyw/about-us/right-to-information/privacy-guide.pdf">https://www.csyw.qld.gov.au/resources/dcsyw/about-us/right-to-information/privacy-guide.pdf</a></p>
Privacy	Under the Commonwealth Privacy Act, privacy relates to personal information. For The Wilsonton Heights Neighbourhood Centre, privacy also relates to physical privacy, that is, having a private space for oneself, or to speak about service or other issues.

## Procedure

The Wilsonton Heights Neighbourhood Centre recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies and also reflected in this policy and procedure, as well as our Records and Information Management Policy and Procedure.

We recognise that our obligations under Queensland *Information Privacy Act 2009* will prevail in relation to records held by us for services provided that are funded by a Queensland Government department.

The organisation has adopted the following principles contained as minimum standards in relation to handling personal information, which have been developed with respect to the 11 Information Privacy Principles of the *Information Privacy Act 2009*, and the National Privacy Principles.

The Wilsonton Heights Neighbourhood Centre will:

- collect only information which the organisation requires for its primary function;
- ensure that stakeholders are informed as to why we collect the information and how we administer the information gathered;
- use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's consent;
- store personal information securely in Australia, protecting it from unauthorised access; and
- provide stakeholders with access to their own information, and the right to seek its correction.

To uphold the above, each staff member and volunteer 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.

The Wilsonton Heights Neighbourhood Centre is committed to protecting and upholding the rights of our clients, staff and volunteers to confidentiality. This means that we make sure no personal information about a client, staff person or volunteer is shared with anyone, on purpose or by omission, unless we have their informed consent or in special circumstances where the law allows or dictates an exception.

We protect the privacy and confidentiality of our clients, staff, and volunteers by:

- Ensuring information is stored in a locked filing cabinet and only accessed by the Coordinator or authorised staff member for the purposes of service delivery.
- Any information stored electronically can only be accessed by a passcode.

In protecting the privacy of our clients, we ensure they are well informed about their rights and that we take our responsibilities seriously. At intake, staff must ensure clients are provided with the following:

- what information is required, why it is being collected, and how we will use their information;
- when information may need to be released or shared and with whom and when;
- their right to decline providing information;
- their rights in terms of providing, accessing, updating and using personal information, and giving and withdrawing consent;
- their right to make a complaint about privacy and confidentiality at any time; and
- what may occur if all or part of the information required is not provided.

Privacy and confidentiality information is also provided by the client or participant signing a consent form to release their contact details to a designated referral agency in order to receive a service appropriate to the client's needs.

In addition, all staff and volunteers are required to sign a Confidentiality Agreement and Code of Conduct when they commence at our organisation.

We make the following provision for private interview space when interviewing clients or talking with them about matters of a sensitive or personal nature:

## **Confidentiality principles**

The Wilsonton Heights Neighbourhood Centre is committed to and trains staff and volunteers in the following:

- providing clients with information about our privacy and confidentiality policy and procedure;
- collecting and recording information only if it is necessary for effective service provision, including assessments;
- being professional and appropriate in the language used in client records;
- being unbiased and non-judgmental in comments and assessments that are recorded;
- keeping client, staff and volunteer personal information secure and making sure that only those who are authorised to do so can gain access;
- making sure information is up to date and accurate before it is used;
- having written consent from a client prior to information sharing with other agencies;
- the specific circumstances where we can share information without consent;
- disposing of records safely, or transferring them to a more appropriate agency, when they are no longer required by your service.

The Wilsonton Heights Neighbourhood Centre will not disclose personal information except in the following circumstances:

- where consent is provided by the client;
- where disclosure would protect the client and / or others;
- where necessary for best service practice; and/or
- where obligated by law.

If the above circumstances are met, The Wilsonton Heights Neighbourhood Centre may disclose clients' personal information to other people, organisations or service providers, including:

- medical or health professionals who assist with the services we provide to clients;
- an authorised or personal representative if the client is unable to give or communicate consent e.g. power of attorney, next of kin, carer, or guardian;
- The Wilsonton Heights Neighbourhood Centre's professional advisers, e.g. lawyers, accountants, auditors;
- government and regulatory authorities, e.g. Centrelink, government departments, the Australian Taxation Office; and

- organisations undertaking research where information is relevant to public health or public safety.

The Wilsonton Heights Neighbourhood Centre is committed to the safety and wellbeing of the children and young people that are involved in our services. There may be times when - acting in the best interests of the child/young person, and only as necessary - we share information with the Department of Families, Seniors, Disability Services and Child Safety.

The following outlines our process for this:

- Wilsonton Heights Neighbourhood Centre will not tolerate incidents of child abuse. All employees and volunteers understand their obligation to notify the Department of Families, Seniors, Disability Services and Child Safety on:
  - **1300 683 390** South West Darling Downs Region or
  - After hours 1800 177 135 (24hrs a day) or 000
 as soon as practicable if they have a reasonable suspicion that a child has been, or is being, abused or neglected.

## Managing privacy breaches

Under the state and federal privacy legislation, The Wilsonton Heights Neighbourhood Centre is required to report to affected individuals, the department, and the Office of the Australian Information Commissioner when a data breach has occurred that is likely to result in serious harm to the people whose information is involved in the breach. Information on the Notifiable Data Breaches Scheme can be found here: <https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme>

The Wilsonton Heights Neighbourhood Centre will manage and report privacy breaches to the department as follows:

When an organisation or agency the Privacy Act 1988 covers has reasonable grounds to believe an eligible data breach has occurred, they must promptly notify any individual at risk of serious harm. They must also notify us.

An eligible data breach occurs when the following criteria are met:

- There is unauthorised access to or disclosure of personal information held by an organisation or agency (or information is lost in circumstances where unauthorised access or disclosure is likely to occur).
- This is likely to result in serious harm to any of the individuals to whom the information relates.
- The organisation or agency has been unable to prevent the likely risk of serious harm with remedial action.

<https://www.oaic.gov.au/privacy/notifiable-data-breaches/report-a-data-breach/>

## Privacy and confidentiality complaints

Anyone can make a complaint or raise a concern about our privacy and confidentiality practices and processes by contacting our office or you can contact the Office of the Australian Information Commissioner about the way we handle your personal information.

The Commissioner can be contacted at:

GPO Box 5218 SYDNEY, NSW 2001 Phone: 1300 363 992 Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

- Complaints can also be raised to the Office of the Information Commissioner: <https://www.oic.qld.gov.au/about/privacy/privacy-complaint-form>

## Supporting Documents

Records and Information Management Policy and Procedure  
Consent to Share Information Form

## Review

This document was last reviewed on 28 April, 2020. This document was last modified on 19/11/2024.