

# Privacy - Confidentiality Policy

## Introduction

Carers ACT is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Personal information is information which directly or indirectly identifies a person.

## Policy

Carers ACT collects and administers a range of personal information for the purposes of carrying out the functions of Carers ACT. The organisation is committed to protecting the privacy of personal information it collects, holds and administers.

Carers ACT 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.

Carers ACT is bound by Privacy Act 1988 including Privacy Legislation Amendment Act which imposes specific obligations when it comes to handling information.

In broad terms this means that we:

- 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, protecting it from unauthorised access; and
- Provide stakeholders with access to their own information, and the right to seek its correction.

All Carers ACT contractors, staff, volunteers, students, and Board of Directors members are expected to sign an acknowledgement of these confidentiality and privacy provisions on their induction. Each person's signed form is retained by Carers ACT management within their human resource files.

## Scope

This policy applies to all Carers ACT contractors, staff, including administrative staff, service providers, volunteers, students, and Board of Directors. This policy is also inclusive of all clients who may be privy to information through support programs. Group confidentiality and privacy guidelines will be fully explained at the first meeting and participants are encouraged to respect the dignity, rights and responsibilities of others.

## **Procedures**

### **Collection**

Carers ACT will:

- Only collect information that is necessary for the performance and primary function of Carers ACT.
- Notify stakeholders about why we collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.

### **Use and Disclosure**

Carers ACT will:

- Only use or disclose information for the primary purpose for which it was collected.
- For other uses we will obtain consent from the affected person.

### **Data Quality**

Carers ACT will:

- Take reasonable steps to ensure the information we collect is accurate, complete, up-to-date, and relevant to the functions we perform.

### **Data Security and Retention**

Carers ACT will:

- Safeguard the information we collect and store against misuse, loss, unauthorised access and modification.
- Only destroy records in accordance with legislative requirements.

### **Openness**

Carers ACT will:

- Ensure stakeholders are aware of Carers ACT's Privacy Policy and its purposes.
- Make this information freely available in relevant publications and on the organisation's website.

### **Access and Correction**

Carers ACT will:

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or out of date.

### **Anonymity**

Carers ACT will:

- Give stakeholders the option of remaining anonymous when completing evaluation forms or opinion surveys.

### **Making information available to other service providers**

Carers ACT will:

- only release personal information about a person with that person's expressed permission. For personal information to be released, the person concerned must sign a release form.
- release information to third parties where it is requested by the person concerned.

## **CONFIDENTIALITY OF CLIENT INFORMATION**

### **Limitations**

There are legal limits to confidentiality as specified in the Privacy Act 1988, and under certain circumstances, client files and staff may be subpoenaed by a Court of Law, search warrant or summons, or written requests from the Human Rights Commission or Ombudsman.

In cases where a staff member believes a child or children have been abused or are at risk of injury or harm an exception to client confidentiality will arise. Staff at Carers ACT, in consultation with the Chief Executive Officer, will provide relevant information to the Office of Children, Youth and Family Support. See Child Protection Policy (Section 3.7).

### **Informing Clients**

All clients will be informed verbally and/or in writing, of their right to confidentiality and the limitations of this right before receiving a service

### **Confidentiality within the group setting**

Confidentiality guidelines and requirements are discussed with all participants of all groups at the first meeting of the group. Participants are advised that the proceedings of the group are confidential and that while they may choose to discuss their experience of the group, it would constitute a breach of confidentiality should they discuss other participants outside of the group environment. Group participants are also advised in the first meeting of limits to confidentiality, namely any serious concerns that might arise in regard to others safety. In certain group settings, these guidelines are set down in and form part of a contract of participation.

### **Release of client information**

No information about any carer/client(s) will be made available to any person external to the organisation without the explicit informed consent of the carer/client verbally and/or in writing.

### **Client Files**

Client records must be maintained in accordance with current professional standards and relevant legal requirements, in particular the Commonwealth Privacy Act (1988).

Client records are kept to provide a history of contact with a client and to assist the staff member to,

- recall session information over time;
- discuss and record outcomes of clinical supervision relating to a client;
- track a client's progress and health outcomes over time;
- fulfill requirements for professional accountability in case planning and management;
- prepare reports, if required;
- allow for continuity of care of the client; and
- record and monitor 'Duty of Care' issues.

### **Attachments:**

Privacy and Confidentiality Statement

### **Related Documents**

<b>Name</b>	<b>Location</b>
Privacy Act 1998	Section 1
National Privacy Principles Section 1 (B)	Section 1
Health Information and the Privacy Act – A short guide Dec O1 – Section 1(B)	Section 1
Child Protection Policy	Section 3
Carers ACT Client Information Brochure	