

WWILD – SVP Association Inc.

POLICY AND PROCEDURES

CONFIDENTIALITY and PRIVACY

REVIEWED MAY 2022

NEXT REVIEW DUE MAY 2024

Policy

Privacy is a human right and involves the protection of individual's personal information and sensitive information held by WWILD. Privacy is a protected right of all people under Queensland's Human Rights Act 2019. WWILD-SVP Association Inc. recognises that individuals who access the service, are employed by or volunteer for the service have rights to confidentiality and privacy, in order to preserve individuals' dignity and autonomy. WWILD is committed to maintaining each individual's confidentiality and protecting private personal information which is collected and handled by the service.

Confidential information is any information disclosed to and/or provided in confidence to WWILD for purposes of services provision, legal and ethical requirements as an employer and as an Incorporated Association. Personal and sensitive information, which is reasonably necessary for the organisation's functions and activities, is collected for the purposes of delivering the most effective service for WWILD clients and relates solely to individual activities within WWILD.

At times, non-identifying information may be discussed by staff to other service providers for the purposes of case management, professional development, and research projects and to highlight issues for people with intellectual disabilities. Some information may be shared in accordance with WWILD's External Information Sharing Policy.

Procedure

Clients

WWILD workers will request relevant personal information (noted below) and verify consent to share personal information with WWILD, for the purposes of completing Intake assessment using WWILD's Client Enquiry/Intake/Referral form, as per the WWILD Enquiry Intake Referral Case File Management Policy and form.

Where appropriate and required, WWILD will request personal and sensitive information from clients during their first and subsequent meetings. This will be done with the utmost respect for the person's privacy and their possible experiences of trauma. This information includes:

- Name or alternative Pseudonym (a descriptor different to actual name)
- Address and/or Contact phone numbers
- Alternative contacts for person
- Names and contact details of guardians, Adult Guardian, relevant support workers, relevant family members
- Nature of disability, gender, race or cultural identity.
- Any relevant physical health, mental health and support history, current risk assessment, and information that is required for WWILD's Duty of Care requirements as per other WWILD policies.
- Nature and experience of trauma and victimization for the purposes of appropriate WWILD service delivery.

WWILD clients may also share other relevant solicited and unsolicited information with WWILD workers in the course of providing clients with a service. This information, and above noted personal information, will be kept private and confidential, utilising WWILD's case file management process (see below). Irrelevant unsolicited information will not be recorded. Relevance is determined according to the requirement of service provision for each individual client (see Attachment 5). Information will be recorded when workers are informed about contact or other information updates.

WWILD workers will share Information with clients (and identified supporters) regarding WWILD's Confidentiality and Privacy policy, according to legislative and service ethical requirements. This will be discussed in concrete terms utilising the Confidentiality and Privacy information sheet (see Attachment 2), which is written in easily understood and accessible formats. Workers will explain confidentiality in context, in particular situations as they arise, not just the one time during initial assessment. A laminated poster with the Easy English version of the 'Confidentiality and Privacy Information' will be on the walls upstairs and downstairs to enable easy access for all service users and carers/workers. Workers will also explain that WWILD workers work as a team and may share personal and sensitive information with each other in order to provide services to WWILD clients. Where possible and appropriate consent and its implications will be revisited regularly in discussion (for example, even though clients may sign a form giving general consent for their image to be used in publications, where possible reminding people that if they do not wish for their photo to be published they may choose to opt out of the photo, or asking about in relation to each publication. By properly working through privacy, confidentiality and consent in concrete terms, this will enable clients to give informed consent and may help develop a deeper understanding of the concepts over time. If a client is unable to give informed consent, the worker will seek the consent of the assigned legal guardian (see Attachment 3).

Each client will be advised during initial referral conversation and meeting that personal information shall be recorded for the purposes of processing referral and future service provision. WWILD must gain informed consent for WWILD to store personal, sensitive and confidential information about individual clients. Clients or their Legal Guardian will be asked to sign a Client Confidentiality, Privacy, Rights and Complaints Agreement form (Attachment 3) that indicates that they give their informed consent to their personal and sensitive information being stored in confidential case files – hard and computer files (see Attachment 5).

WWILD ensures that clients have access to their case file information on request.

If a client requests to access their case file, staff will (where safe and appropriate) offer to assist the person to read and understand what is in their file if they wish. If they request a copy of their case file for them to hold outside of WWILD, the notes will be reviewed to ensure the confidentiality of any other WWILD client or vulnerable person who may be mentioned in the notes. A discussion about the confidentiality of the client's private information held in the file will be had with the client wherever possible, to assist them to consider and plan for ensuring that their private file is kept safe in their possession (such as considering who else might access their house and may come across it).

A form will be supplied to the client for written verification of their request of their file (see Attachment 5).

Postage of case notes where requested should be by registered post.

Clients can also request corrections to this information based on accuracy, service provision and legal requirements. In this case workers will consider how these corrections fit with the worker's observations and interpretations, and whether the information should be corrected outright, or the client's comments and interpretation be added to the notes as they stand.

Employees/Consultants/Students/Volunteers Responsibilities

All WWILD employees, consultants, students and volunteers (including members of the Management Committee) are educated about the Confidentiality Policy and required to sign a confidentiality and privacy agreement as part of their induction process. (See Attachment 1 and Management Committee policy and attachments). In particular they will learn that:

- WWILD employees/consultants/students/volunteers have a duty of care to maintain confidentiality and privacy for all individuals personal and sensitive information involved with WWILD.
- WWILD employees/consultants/students/volunteers are not allowed to give out any personal and sensitive information about clients or workers and volunteers to third parties, except in cases detailed below and as per the External Information Sharing Policy.
- Access to computers is kept secure through use of passwords.
- Confidential and Private Information about clients are stored in Case files - hard and computer files.
- All paper case files containing personal and sensitive information about clients are stored in locked filing cabinets on-site.
- All employee/consultants/student/volunteer files containing personal information are stored securely in locked filing cabinets on-site, alongside organizational information.
- Any personal and sensitive information taken off-site for the purposes of outreach work are de-identified. If purposes of work require it however, the information should be secured.
- The limitations and considerations of electronic communication technology, including but not limited to mobile phone, email and social media.
- The use of case files and case notes, and limitations.
- Archived case files are stored in locked filing cabinets for a period of 7 years and then destroyed.
- Any information about clients discussed with outside organisations in the aim of case management, professional development or to highlight the issues for people with intellectual disabilities will be de-identified.
- Any collection of information for research purposes or for use in training will also be de-identified.
- Team processes of de-identification and any limitations (e.g. for continuity of service provision, supervision purposes).

Client Case Files

Individual client case files (see Attachment 6) shall include but will not be limited to:

- Personal and Sensitive Information as noted above
- Relevant unsolicited information
- Counselling and Case Management Support Plans
- Case notes
- Any other relevant information for appropriate service provision
- Records of critical incidents involving individual incidents.

Information in case notes will be factual, clear, accurate and objective upholding dignity and respect of individuals and the recording of case notes should follow the worker's ethical guidelines according to the *Australian Psychological Association* and the *Australian Association of Social Workers*. Notes should be accurate, non-judgemental and free from interpretation. They should serve the purpose of a record of a session and should be directly relevant to the outcomes required for the clients. Case notes should only be used for the benefit of the client or to improve practice of workers or allow for continuity of service between workers. Workers should be aware that these notes can be subpoenaed through the criminal justice system in compliance with a summons or a court order.

Limitations to Confidentiality and Privacy

Clients are advised about the limits to confidentiality in situations relating to risks to safety and wellbeing, of the individual, family, group or community. The following limits to confidentiality may occur;

- If written consent is provided by the client's authorised representative
- where the worker believes it is necessary to disclose information to lessen or prevent a serious and imminent threat to the life, health, safety or welfare of the individual or another individual
- where the worker has reason to suspect that unlawful activity is or will be engaged in and discloses the information to the relevant authorities
- where it would be reasonable to expect a disclosure in the context of providing a service
- In response to a Section 159C request under the Child Protection Act 1999
- For the purposes of assessing or responding to significant risk of harm from domestic and family violence under the Domestic and Family Violence Information Sharing Guidelines (May 2017)
- If the worker is required to provide information by law or in compliance with a summons or a court order
- If required by summons or a court order WWILD will inform the client about their right to protect sexual assault counselling records in accordance with Queensland law
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If personal information is disclosed to a third party WWILD ensures that clients have information about the third party and the purpose of disclosing information. If personal information is disclosed to a third party, if possible, a written consent form (see External Information Sharing Policy) should be completed by the client supplemented by detailed file notes as follows. If verbal consent is attained, detailed file notes must include:

- the name of the third party disclosed to
- the date of disclosure
- the purpose of the disclosure
- where consent is obtained, the name of the person giving consent
- where consent is obtained, the date and time consent is obtained
- where consent is obtained, whether consent was obtained via the telephone or in person.

Employees, Consultants, Students and Volunteers – Personal and Sensitive Information

In regards to employees, consultants, students and volunteers, WWILD will collect and store confidential and personal information as pertains to their employment, student placement or volunteer roles respectively, as per Recruitment and Selection, Supervision and Professional Development, and Volunteer Policy. Each individual will be notified of information collection during the Induction process. This information will include:

- Legal Name
- Address and/or Contact phone numbers, relevant electronic addresses
- Date of Birth
- Next of Kin
- Taxation Information (employees)
- Blue Card Details
- Driver's License
- Superannuation Information (employees)
- Bank Details (employees)
- Medical Certificates as required (employees)
- Curriculum Vitae including training, employment history
- Supervision Agreement and records

Due to legal requirements of Taxation and Commission for Children and Young People Blue Cards, Pseudonyms exclusions apply for staff, student and volunteers.

WWILD-SVP Association Members

In regard to WWILD-SVP Association members, the information collected and stored regarding individual members pertains to the operation of and meeting the legal requirements of the Association, under the Associations Act 1981. Personal Information Includes:

- Legal Name
- Address and/or Contact phone numbers, relevant electronic addresses
- Role and/or organisation they may represent.

Website and other External Organisational Activities

In regard to use of the website/social media, see Website/Social media section in Acceptable use of Computers, Internet and Electronic and Other Communication policy. All emails, website and newsletters or other forums shall have privacy, confidentiality and/or intellectual property disclaimers. In regards to the WWILD mailing list, this information is gathered for the sole purpose of sharing information about WWILD activities to parents, carers, service providers and community sector in general. All collection of mailing list subscriber's email addresses or contact details shall be done with the consent of the subscriber and have options for subscriber to 'unsubscribe' from the mailing list. Website security will be upgraded as recommended by the website consultant to protect personal information gathered utilising website. All mailing list contact details shall be held on WWILD the server and not be freely available.

Electronics/Computers

WWILD's Computer data server is regularly updated and maintained by IT consultants. No overseas based electronic use in terms of communication, storage, and access will be permitted to carry out WWILD's service provision. WWILD's policy regarding contract management requires that any contractual arrangement that requires the handling of personal information of clients or employees will be reviewed to ensure the contractor is APP compliant.

Texting of private information and multi-media use on mobile phones by workers should be limited to direct service provision and should be de-identified where at all possible (for example, sending a contact detail with someone's initials rather than their full name). The sharing of private and confidential information of WWILD and its clients, consultants, students, employees and volunteers, using information technology including but not limited to the computer server, laptops or desktop computers, mobile and wireless devices, communication options such as email, social media and professional online networks, for any use other than service provision or organisational requirements, is prohibited.

The emailing of private documents regarding clients to anything other than secure governmental portals/addresses should be avoided wherever possible. If this is unavoidable, a password should be created to access the document. The password should be shared with the receiving party via another method such as text message or phone call, rather than email.

Secure storage

All information pertaining to all individuals at WWILD - Clients, Employees, Consultants, Students, Volunteers and WWILD -SVP Association members - is protected from misuse, loss, unauthorised access, modification or disclosure by secure storage and authorised access. These files will be archived for a period of 7 years and then destroyed. Information is held for the period authorised by legislation.

Breaches of Privacy

Where a breach of privacy has occurred, it is WWILD's obligation to report the privacy breach to the Department of Justice and Attorney General, and any other relevant authorities. In the case of a potential breach this is immediately reported to the Manager and where cybersecurity is threatened to the IT provider to assess any possible harm and address risk. Breaches of a client's privacy must also be

disclosed to the client as soon as possible, other than in exceptional circumstances, such as if this would place them or another person at risk of harm.

Complaints

Complaints in regards to the improper use of client's personal and sensitive information will be addressed as per the Complaints and Disputes Policy.

Policy Access

This policy shall be freely available on request to all active clients, any legal guardians, employees, students, volunteers and WWILD members.

Legislation and Policy

Associations Incorporation Act 1981

Child Protection Act 1999

Commonwealth Privacy Act 1988

Commission for Children and Young People and Child Guardian Act 2000

Domestic and Family Violence Protection Act 2012

Domestic and Family Violence Information Sharing Guidelines (May 2017)

Privacy Principles (Privacy Amendment [Public Sector] Act 2000)

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Australian Privacy Principles 2012

Disability Services Act 2006

Queensland Right to Information Act 2009

Income Tax Assessment Act 1936 & Subsequent Amendments

Tax Administration Act 1953 & Amendments

Fair Work Act 2009

Queensland Human Rights Act 2019

Related Policies/ Attachments

Client Rights Policy and attachments

External Information Sharing Policy

Client Intake Policy and form

Recruitment and Selection Policy

Supervision and Professional Development Policy

Volunteer Policy

References

Commonwealth Privacy Act 1988 <http://www.comlaw.gov.au/Details/C2011C00503>

Right to Information Act 2009 <http://www.legislation.qld.gov.au/LEGISLTN/ACTS/2009/09AC013.pdf>

Privacy Amendment (Enhancing Privacy protection) Act 2012