




Policy	Privacy & Confidentiality
<b>Document Status:</b>	Current
<b>Policy Owner:</b>	Grant Finlay
<b>Signature:</b>	
<b>Scheduled Review Date:</b>	September 2025
<b>Familiarisation Frequency:</b>	Annually

## LEGISLATION

- Health Records Act 2001 (Vic) including the Health Privacy Principles
- Information Privacy Act 2000 (Vic)
- Privacy Act 1988 (Cth)
- The Privacy Amendment (Private Sector) Act 2000, which extends the Privacy Act 1988 to cover the private health sector throughout Australia.

## POLICY STATEMENT

Collaborative Connections Counselling (CCC) is committed to protecting the privacy and confidentiality of clients, staff, and stakeholders in the way information is collected, stored and used.

This policy provides the appropriate guidance on legal obligations and ethical expectations in relation to client privacy and confidentiality.

CCC is committed to ensuring that information is used in an ethical and responsible manner. Collaborative Connections Counselling recognises the need to be consistent, cautious and thorough in the way that information about clients, staff, and stakeholders is recorded, stored and managed.

All individuals, including clients, staff and stakeholders have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (e.g. child protection concerns or family violence), staff act in accordance with the relevant policy and/or legal framework (e.g. Family Violence Information Sharing).

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## DEFINITIONS

**Privacy Provisions** – of the Privacy Act 1988 govern the collection, protection and disclosure of personal information provided to CCC by clients, staff, contractors, volunteers, students and stakeholders.

**Confidentiality** – applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain.

**Consent** – means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed and voluntary agreement.

**Individual** – means any person such as a client, staff member, contractor, volunteer, student, or member of the public.

**Personal Information** – means information or opinion (including information or an opinion forming part of a database) about an individual (Office of the Privacy Commissioner, 2001). It may include information such as names, addresses, bank account details and health conditions. The use of personal information is guided by the Privacy Act 1988.

**Public Domain** – the public domain in relation to confidentiality is “common knowledge”, i.e. information that can be accessed by the general public.

## PROCEDURES

CCC provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative and ethical obligations.

All staff will understand their privacy and confidentiality responsibilities in relation to personal and organisational information about CCC, its clients, staff, and stakeholders. This understanding will be demonstrated in every facet of an individual’s work practices.

CCC abides by the 13 Australian Privacy Principles (APPs):

- APP 1 – open and transparent management of personal information
- APP 2 – anonymity and pseudonymity
- APP 3 – collection of solicited personal information
- APP 4 – dealing with unsolicited personal information

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- AAP 5 – notification of the collection of personal information
- APP 6 – use or disclosure of personal information
- APP 7 – direct marketing
- APP 8 – cross-border disclosure of personal information
- APP 9 – adoption, use or disclosure of government related identifiers
- APP 10 – quality of personal information
- APP 11 – security of personal information
- APP 12 – access to personal information
- APP 13 – correction of personal information

For further information regarding complying with the legislation visit the website of the Office of the Australian Information Commissioner.

### **Risk Management**

CCC ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

### **Collecting Information**

Personal information collected by CCC is only for purposes which are directly related to the functions or activities of the business. These purposes include:

- Enquiry about programs and services
- Referral to programs and services
- Providing treatment and support to clients
- Administrative activities
- Complaint handling

### **Disclosure of Information**

Collaborative Connections Counselling only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organisation. It may be provided to government agencies, other organisations or individuals if:

- The individual (whose information is being shared) has consented
- It is required or authorised by law
- It will prevent or lessen a serious and imminent threat to somebody's life or health.

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A client can consent to the use or disclosure of health information by doctors, locums, registrars and other authorised healthcare service providers.

The maintenance of privacy and confidentiality requires that any information regarding individual clients, must not be disclosed in any form (verbally, in writing, electronic forms inside/outside the Service) except for strictly authorised use within the client care context within the Service, where legally directed, or with informed client authority that is recorded in the client record.

Health records must be kept where constant staff supervision is easily provided if not already stored in an area where public access is not possible. Personal health information in any form (e.g. letter, note pad, computer screen) must be kept out of view of unauthorised persons and must not be accessible by the public.

In the case of computers and portable electronic equipment such as phones or tablets, screens should be turned away from client/patient view, screensavers utilised, client records closed when not in use, and passwords and personal logins used. If being left unattended for a significant period of time, systems should be logged off.

Conversations regarding clients and their confidential information must not be conducted in the presence of, or overheard by, unauthorised persons. All client/patient health information must not be disclosed to family, friends, staff or others without the client's/patient's consent. This information includes medical details, family information, address, employment and other demographic and accounts data obtained via registration. Any information given to unauthorised personnel will result in disciplinary action, possible dismissal and other legal consequences.

Items left at front counters for clients/patients must not be left in public view.

Any contact with a client (e.g. ringing their home, leaving a message or sending mail) should be done with consent and respect to the client's individual situation to ensure that confidentiality and client safety are maintained (e.g. family violence situations).

Group programs run by CCC should include a discussion with participants about the importance of confidentiality in a group setting where personal information may be disclosed by other participants.

## **Data Quality**

Collaborative Connections Counselling takes steps to ensure that the personal information collected is accurate, up to date and complete. These steps include

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maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

### **Data Security**

Collaborative Connections Counselling takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

At Collaborative Connections Counselling, any client information collected in hard copy, must be transferred to the electronic client file and the hard copy destroyed. No additional or supplementary client records are to be kept in addition to the client record in the Client Management System.

Hard copies of client records and any other client information contained in hard copy (on paper) or soft copy (on a computer) are to be considered as confidential and therefore not to be viewed by unauthorised persons. Any hard copy client information must be stored when not in use in appropriate lockable space. Client information kept in hard copy should be transferred to electronic client files as soon as practicable and then the hard copies destroyed through the appropriate means.

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