

Confidentiality and Privacy Policy

PURPOSE AND SCOPE

To set out the guidelines for the management of confidentiality and privacy in the workplace.

POLICY

Kentish Regional Clinic Inc. (KRC) is committed to participant privacy and developing a program that gives participants the most effective and safe experience. We respect and comply with participants rights under the Privacy Act 1988 (the Act), the Australian Privacy Principles 2014, Privacy Amendment (Notifiable Data Breaches) Act 2017 and the Personal Information Protection Act 2004.

This policy covers all management of personal information we hold, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion. This includes information we have collected from people through face to face conversations, over the telephone and over the internet.

We are guided by laws, which impose specific obligations when it comes to handling information. We have adopted the following privacy principles contained as minimum standards in relation to handling personal information.

We expect all our staff and volunteers to adhere to this policy without exception.

AUSTRALIAN PRIVACY PRINCIPLES

In accordance with the thirteen Australian Privacy Principles, we will have open and transparent management of personal information by:

1. will only collect personal information with an individual's prior knowledge and consent;
2. will only use personal information provided by an individual for the purposes for which it was collected;
3. will not disclose personal information to a third party without the individual's consent;
4. will not disclose personal information to other institutions and authorities except if required by law or other regulation;
5. will remove personal information from records when it is no longer required (except where archiving is required);

6. have processes and policies to protect the personal information that we have under our control from:
- unauthorised access;
 - improper use;
 - alteration;
 - unlawful or accidental destruction and accidental loss

DEFINITIONS

Confidentiality - Is the protection of an individual's personal information, any information shared should be kept between yourself and the individual, unless the individual has given you informed consent to share this information with another party.

Personal information – Is any information that could be related to an individual or reveal an identity even if their name or photograph is not disclosed.

Personal information can include, but is not limited to:

- name, date and place of birth
- address
- health/diagnostic information
- employment details
- photograph
- uniquely identifying number – e.g. driver license number, tax file number
- unique physical characteristics – e.g. tattoo, birthmark, scarring

PRIVACY GUIDELINES

Collection of Information

Personal information collected by us is only for the purposes, which are directly related to the provision of services by our organisation.

The information provided by people when engaging our services or participating in our activities is primarily used for communication purposes. This is usually limited to names, addresses and contact details but may require further information in certain circumstances. When we collect personal information from an individual, we will ensure that we do so in a fair manner and will only collect information that is necessary for one or more of our functions or activities. This information may also be anonymous, non-identifiable information, such as, age, gender, suburb and postcodes etc.

We will advise participants of the purpose for which their personal information is collected. If we collect sensitive information (as defined under the Act), we will treat it with the utmost security and confidentiality. We will ensure that it is not collected for any purposes, other than those for which we have obtained the individual's consent, unless the law requires otherwise, or if other exceptional circumstances prevail as described under the Act. For further information in regards to the collection of data, please see our privacy collection statement.

Where an individual chooses not to provide requested information, we will advise that individual of what consequences this non-disclosure may have. For example, withholding certain information may limit our ability to provide relevant services or support to participants.

We will collect contact details of our suppliers to enable us to place orders for our organisation.

We will collect personal information from our staff relating to their initial and ongoing employment, our volunteers as part of their service to perform work for our organisation.

Use and disclosure

We do not disclose individually identifiable information to any third party unless required to do so under law.

We will not disclose personal information about individuals to any third party other than when prior consent has been provided such as to confirm employment with a bank or fulfilling our obligations under law.

We may provide relevant personal information about an individual in an emergency if it will prevent or lessen a serious and imminent threat to yours or another person's health or safety. If we do this, a record will be made of the situation and decision making involved in releasing that personal information, and who it was released to. Please see our duty of care statement for further details

We will not use personal information or images for direct marketing, social media or our website unless prior consent has been obtained in writing and an opt-out provision has been explained.

Staff and volunteers are to refer to the organisation's management before providing information to an external source if they are unsure if the information is confidential.

Access to personal information

Staff, volunteers and participants have the right to access information held on them by KRC and will be able to access their personal information upon request. They will be able to update any information, which is inaccurately held on them, and are able to request that their information be removed from the database. However, our organisation may occasionally need to deny access to information in accordance with the exemptions contained in the Privacy Act. When access to or removal of information is denied, we shall do what is reasonably possible to provide an explanation as to why and to accommodate any further requests.

Security of information

We will take steps to protect the personal information held against misuse and loss, unauthorised access, interference, unauthorised modification or disclosure. These steps include reasonable safeguards for electronic and hard copy records such as:

- Locking filing cabinets and unattended storage areas;
- Physically securing the areas in which the personal information is stored;
- Not storing personal information in public areas;
- Participant attendance sheets removed from public display after all attendees have registered and stored securely to be transported back to head office
- Establishing different access levels so that not all staff and volunteers can view all information;
- Installing virus protections and firewalls; and
- Positioning our computer, phone and iPad/tablet screens so that they cannot be seen or accessed by unauthorised people or members of the public.

We will destroy personal information once it is not required to be kept for the purpose for which it is collected, including from decommissioned laptops and mobile phones.

CONFIDENTIALITY

Each staff member and volunteer are aware of our Confidentiality and Privacy Policy and have signed a privacy statement as part of their terms and conditions of employment/contract or volunteer role, and risk immediate dismissal, disciplinary or legal action should a breach of this agreement occur. This privacy statement continues to be binding even after the employment/contract or volunteer role has terminated.

Confidentiality relates to the treatment and accessibility of information that has been disclosed or overheard during the course of a professional relationship. Confidentiality is a balance between safeguarding the rights of individuals, discharging professional duty of care and weighing up the need for others to know.

We all have an obligation to refrain from disclosing or discussing information with others that is given in confidence. This obligation remains if you are no longer working with us. During your work with KRC, you are likely to come into contact with, or become aware of, certain sensitive information about either KRC or our clients which we are required to keep confidential.

We expect that individuals treat as confidential all information acquired by them during their employment, service or engagement including, without limitation:

- Trade secrets or other commercially sensitive or confidential information;
- Sensitive information such as financial transactions, the personal identity of clients accessing our services, attendance information etc;
- Any information provided by clients or potential clients; and
- Any other information from time to time indicated as confidential.

Participant privacy and confidentiality is assured for, face to face contact, telephone calls and electronic communication, once received. Our program does not leave participant information in any format that would allow unauthorised access. Information no longer required that contains any reference to participants, including personally identifiable information is securely disposed of via the appropriate means.

KRC is committed to and facilitates the training of all staff members and volunteers in the following:

- providing participants with detailed information about our privacy and confidentiality policy and procedures and how this would be applicable to them;
- how to safely collect and record sensitive information and in which circumstances data should be collected and recorded;
- being professional and appropriate in the language used in participants records;
- ensuring that information is secure and that only those who are authorised to view information can gain access;
- the specific circumstances where we can share individual's information without prior consent;
- disposing of records and sensitive information safely, when they are no longer required by the program/organisation.

BREACHES

If you suspect a breach of confidentiality or privacy, the matter should be raised with organisation management. Breaches of this policy may result in disciplinary action. The action taken will depend on the seriousness of the breach, but may include counselling, formal warning, or termination of employment or contract.

ADOPTION AND REVISION HISTORY

Reviewed March 2020

Reviewed August 2022