

PRIVACY and CONFIDENTIALITY POLICY

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Drafted by	Company Secretary	Approved by Board on	19 October 2022
Policy Setting	Ethics	Scheduled review date	21 Sep 2023
Responsible person	Executive Manager	Audience	Staff and Volunteers

1. Purpose

The privacy and confidentiality of information provided to Burnie Works and its sub-committees and programs is fundamental to its operations. Effective management of private and confidential information is essential to the development of trust. Privacy and confidentiality of personal and sensitive information is fundamental to our relationships with our stakeholders.

This Policy provides the parameters and our legal responsibilities for staff and volunteers relating to the privacy and confidentiality of stakeholder information in regard to the collection, protection, receipt, storage and analysis of the information.

This policy provides information in relation to the following:

- when confidentiality/privacy applies and circumstances where it does not apply
- information that must be provided to stakeholder when information is collected about them
- collection and storage of stakeholder information
- penalties for breaching confidentiality.
- Disposal Authority

The Policy upholds the Australian Privacy Principles (2014) and the Privacy Act (1988).

2. Scope

This policy and associated procedural guidelines apply to all workers (volunteers, students and paid workers). As a condition of employment, all workers are required to abide by its terms when they are engaged in Burnie Works activities and its programs

All Burnie Works staff and volunteers are required to have an awareness and understanding of the privacy principles and how they relate to any personal or confidential information encountered during the course of their work.

This policy applies to any personal or confidential information obtained during and/or after the involvement with Burnie Works has ceased.

3. Definitions

Stakeholder Information refers to personal and/or sensitive information for the purpose of this policy.

Personal information refers to information such as name, date of birth, residential address and contact telephone numbers.

Sensitive information includes, but is not limited to, information such as financial details, details of previous housing or tenancies, marital status, number and ages of dependents, health information, racial or ethnic origin, religious beliefs, political opinions, sexual practices or criminal records.

Sub Committees and Programs refers to West North West Working (WNWW), WNWW Committee, Youth Pathways, Knowledge Collector

4. Policy statement

Burnie Works is committed to protecting the privacy and confidentiality of information obtained as a result of its operations.

5. Procedural Guidelines

Stakeholder Information

All information relating to a stakeholder is confidential, unless it falls within the exceptions listed below.

Only information which the Organisation requires for its primary function should be collected.

If information is collected about a stakeholder, then the stakeholder must be clearly informed about the following:

- the right to remain anonymous or provide a pseudonym (if the stakeholder chooses to do so, then the stakeholder must also be advised that it may impact on the level of service the stakeholder receives or other services the stakeholder is able to access)
- what information is being collected.
- the purpose of collecting the information.
- how the information is being collected.
- how the information will be protected (stored) and maintained.
- who has access to the information (e.g., funding body).
- how the information can be accessed by the stakeholder.
- how the information can be amended by the stakeholder; and
- how to make a complaint if the stakeholder feels that their privacy has been breached.

All stakeholder's will be provided upon request with the Privacy Brochure entitled "Your Privacy"

Stakeholder must acknowledge that they have been informed about and understand their rights in relation to privacy/confidentiality – see Stakeholder Acknowledgement form.

If workers use, disclose or share the information collected with an individual, agency or organisation outside of Burnie Works they must first obtain the stakeholder' consent in writing or by electronic permission. This includes information entered on to an external database or external funder – see Stakeholder Consent Form.

If the information collected about a stakeholder is “sensitive” then the stakeholder must provide specific consent on the Stakeholder Consent Form to collect that information – see Stakeholder Consent Form.

Other Information

Confidentiality/privacy also applies in relation to the following:

- information involving the operations of Burnie Works.
- information relating to Board Members, workers, students or volunteers that is acquired by virtue of being one of the aforementioned; and
- information relating to any Organisational planning that is underway and/or development and/or change that is not available for general information.

Exceptions to Confidentiality

Confidentiality does not apply in the following instances:

- Police - investigating a serious crime
- Court or by Court orders - where a worker is required to provide evidence (in person, case notes, diary) by subpoena
- Coroner's office - where a worker is required to provide evidence
- Mandatory reporting requirements - i.e. pursuant to the Children, Young Persons and their Families Act – see Mandatory Reporting Policy.
- Where there is a serious and imminent threat to life and health to any person – i.e. suicide
- Duty of Care requirements.
- Child Safe – see Child Safe Commitment and Policy

Burnie Works staff and volunteers should use their professional skill and experience to decide on what action may be required in each situation. Where possible, decisions should be discussed with the Business Manager prior to action being taken.

Recording of Information:

See Stakeholder Records and Files Policy and Records Management and Archiving Policy.

Access to Information:

Access to information is granted pursuant to the Right to Information Act 2009.

All Board Members, workers, students, volunteers and stakeholders are entitled to know that information kept on them is correct and non-discriminatory and to have access to their file or any material that is written about them.

Storage procedures will ensure information is not accessed by any person not authorised to do so.

A person cannot access another person's information, even if they know that they are mentioned in the information, as this would breach that person's confidentiality/privacy.

Stakeholders will not have access to written reports about themselves provided by other agencies. Queries for access to this information will be referred back to the original agency.

All stakeholders of Burnie Works are to be told how they may access their records containing personal information. The following outlines the procedure for processing requests for information or access to files: -

- The stakeholder's initial written request for access to their record/case notes is forwarded to the Executive Manager.
- The Executive Manager or the relevant worker will contact the stakeholder and organise a time that is convenient to both parties for the records/case notes to be viewed.
- The viewing of the records/case notes is to take place at the appropriate site.
- When an authorised person (i.e. someone that has the written, electronic consent or preferred communication method) views a file or record it is to be recorded within the case notes.

Amending Information

Any person who has information collected about them has the right to amend that information if they find it to be wrong or if they feel it is inaccurate or discriminatory.

Amendments to paper files are to be made by adding to the information or by ruling a line through the existing information. Amendments must be initialled. Correction fluid or tape is not to be used. Amendments to electronic stakeholder notes/files are to be made in an additional note (i.e. so the original remains intact), which also states the amendment/s was/were made at the stakeholder's request, together with the date and time of the request.

Storage of Information

Confidential information must be stored securely, protecting it from unauthorised access (e.g. locked filing cabinet, computer protected by password).

All computers (including laptops and tablets) and mobile phones are to have security safeguards in place that protect stakeholder records from loss, unauthorised access, misuse, modification or disclosure. In order to protect against loss of information stored on computer, the information must be further protected by being saved and backed up, daily, through an off-site data storage facility. The files and information stored off-site must be encrypted to ensure that they cannot be read by unauthorised persons.

1. Stakeholder records and files must be stored for a minimum of 7 years. If the stakeholder is a minor, then the record must be retained for 7 years after the stakeholder attains 18 years of age. If a stakeholder is a disability stakeholder, or an ATSI stakeholder, records must be kept indefinitely. See Records Management and Archiving Policy and the

2. Stakeholder information must also be disposed of appropriately. Reasonable steps must be taken to de-identify information if it is no longer needed for any purpose and is not going to be continued to be stored (e.g. shredding).

Breach of Confidentiality

The people who use the service are entitled to have their confidentiality and privacy respected. Sometimes, however it is necessary to tell others about confidential matters in order to protect either themselves or others from injury. When this is the case, workers should always consider that the onus is on them to justify why this breach of confidentiality is necessary.

If workers or stakeholder have any concerns, questions or complaints relating to the manner in which personal information is managed, they are encouraged to contact the Executive Manager. Dissatisfaction with the response can be lodged via a complaint with the Australian Information Commissioner on 1300 363 992.

6. Risk Management

All workers, volunteers, students and Board Members are made aware of this policy and changes to it as a result of any review process. Workers are provided with ongoing support and/or training to assist them to effectively understand, utilise and adhere to this policy at all times.

7. Breach of Policy

Breaches of this Policy may lead to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including sub-contractors and temporary contractors) may have their contracts with Burnie Works terminated or not renewed.

8. Review of Policy

This policy is reviewed in consultation with relevant stakeholder, and/or relevant legislative changes.

Related Documents

Child Safe Commitment and Policy

Stakeholder Records and Files Policy

Records Management and Archiving Policy

“Your Privacy” Brochure

Stakeholder Acknowledgement Form

Australian Privacy Principles - <https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Privacy Act 1988

Personal Information and Protection Act 2004 (Tas)

Freedom of Information Act 2010

Children, Young Person's and Their Families Act 1997

Children, Young Person's and Their Families Amendment Act 2009 (Tas)

References: <https://www.oaic.gov.au/privacy/australian-privacy-principles>