

AGENCY Policy: Privacy and Confidentiality

PURPOSE

Centacare is committed to the safe collection, use, storage, and disclosure of personal information, and protecting the confidentiality of all personal and sensitive information relating to Centacare's Directors staff, clients, volunteers, and stakeholders.

SCOPE

All stakeholders (Directors, staff, clients, students, and volunteers) must uphold a person's right to Privacy and Confidentiality as set out in this policy, except when required by a subpoena or mandatory reporting/duty of care obligations.

DEFINITIONS

- **Privacy:** Relates to the person.
- **Confidentiality:** Relates to information or data about a person.

For the purposes of this policy "Confidential Information" means all information (regardless of its form and whether the staff member becomes aware of it before or after the date of their contract of employment) relating to services, operations or other business includes but is not limited to: -

- Personal or business information, reports, or data;
- Business procedures, marketing or business plans or customer lists;
- Records or reports regarding staff members or prospective staff members of Centacare NENW;
- Records, reports, or identifiable client data;
- Hardware;
- Intellectual property rights, except information that is in the public domain other than by breach of this clause.

For further information regarding client's records, refer to **CBPRO007 – Client files**.

Personal information is information or an opinion about an identified individual or an individual who is reasonably identifiable.

Sensitive information is a subset of personal information and includes information or an opinion about a person.

- Racial or ethnic origin
- Political opinions
- Religious beliefs or affiliations
- Philosophical beliefs
- Sexual orientation
- Criminal record
- Health information
- Genetic information.

LAWFUL COMPLIANCE

All Stakeholders must conform to the Privacy Act (1988) and follow the guidelines of the *Australian Privacy Principles* in information management practices while engaged by Centacare.

PERSONAL INFORMATION MANAGEMENT

Directors, Management, staff, volunteers, and students are to be consistent and careful in managing what is written and said about individuals and deciding who can access this information.

Centacare conforms to the Privacy Act (1988) and will follow the guidelines of the *Australian Privacy Principles* in its information management practices.

When handling personal information, Centacare will ensure:

- Compliance with legal and ethical obligations to protect the privacy of clients and organisational personnel.
- Clients are informed about their privacy rights.
- Records are protected from loss, destruction, falsification, unauthorised access, and unauthorised release.
- Privacy is provided during interviews or discussions of personal or sensitive matters.
- All stakeholders understand their privacy obligations.
- Adherence to all requirements under the *Privacy Act 1988*, including the *Privacy Amendment (Notifiable Data Breaches) Act 2017*.

PURPOSES FOR THE COLLECTION OF PERSONAL INFORMATION

The Privacy Act requires that Centacare only collects information for the purposes that are reasonably necessary for, or directly related to the functions or the organisation.

Centacare collects and holds personal information in relation to:

- Employment of staff and contractors
- Clients and stakeholders participating in programs
- Complaints and feedback
- Internal and external audits
- Management of contracts and funding agreements
- Correspondence from stakeholders including other service providers.

COLLECTION OF PERSONAL INFORMATION

Personal information collected lawfully, fairly, and with the individual's consent through a variety of different means which may include but is not limited to:

- Paper based forms
- Electronic forms (including online forms)
- Face to face meetings
- Telephone conversations
- Email communications
- Data sharing with other service providers
- Surveys and feedback.

Disclosure/Transfer of Information

Centacare will not use or disclose personal information for another purpose unless:

- The individual has consented to the use or disclosure of the information.
- The purpose is directly related to the purpose for which the information is obtained.
- The individual is reasonably aware or made aware that the information is usually passed to that person, body, or organisation.
- The use or disclosure of information is required or authorised by or under an

Australian law or a court/tribunal order.

- Required under a government agency order or any procedure for discovery in any proceedings i.e. a subpoena.
- Centacare reasonably believes that the use of or disclosure of the information is reasonably necessary for one or more enforcement related activities conduct by, or on behalf of, an enforcement body.

Information disclosed or transferred within and/or outside the organisation will occur in a secure and confidential manner to prevent unauthorised access or disclosure of sensitive information.

Confidential information is managed by the following:

- Classifying information based on its sensitivity level
- Encryption
- Secure transfer
- Clinical secure messaging.

For further information regarding sharing data and information please refer to ITPRO015 – Information Transfer.

DATA SECURITY AND INTEGRITY

Centacare takes all reasonable steps to protect the personal information held to prevent loss, unauthorised access, use, modification, or disclosure. For full details regarding information security please refer to ITPRO003 – Information Technology and Security.

This policy will apply to all records containing personal information about individuals, whether hard copy or electronic, and to interviews or discussions of a sensitive personal nature.

HANDLING DATA OF EXISTING CLIENTS AND STAFF

Upon the exit of clients or staff, Centacare will ensure:

- Personal data is securely archived, deleted, or transferred in accordance with legal, regulatory, and contractual requirements.
- Clients and staff are informed about how their data will be managed after their exit.
- Access to data by unauthorised personnel is prevented.
- Procedures are followed to ensure data retention policies are adhered to,

including any specific timeframes for retaining or disposing of personal information.

BREACH OF POLICY

A breach of the policy may result in disciplinary action, which may include warnings, suspension from duty and/or termination of employment.

Centacare NENW Internal Reference Documents:

Procedures

CBPRO004 – Subpoenas

CBPRO007 – Client files

ITPRO015 – Information Transfer

ITPRO003 – Information Technology and Security

External Reference Documents / Legislations:

Privacy Act 1988 – www.legislation.gov.au

The Privacy Amendment (Notifiable Data Breaches) Act 2017

Privacy and Personal Information Protection Act 1998 – www.legislation.gov.au

Australian Privacy Principles – www.oaic.gov.au/privacy/austrian-privacy-principles

For applicable Legislations, refer to: [HR FORM083 - Legislation Register - HR.doc](#)