

PRIVACY AND CONFIDENTIALITY POLICY

Purpose

Cornerstone Youth Services (CYS) is committed to protecting the privacy and confidentiality of clients, staff, Board Members and students in the way information is collected, stored and used. This policy outlines CYS legal and ethical expectations in relation to privacy and confidentiality.

Scope

This policy applies to all employees of CYS and any service providers, contractors, volunteers, students or Board members who are working for or on placement with CYS.

Definitions

Privacy provisions – as stated in the Privacy Act 1988 that govern the collection, protection and disclosure of personal information provided to CYS by clients, Board members, staff and students

Confidentiality – is the protection of personal and organisational information.

Consent – a voluntary agreement to some act, practice or purpose. The provision of consent is based on the premise that the individual has knowledge of the agreed matter.

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

Personal information – is information or an opinion (including information or an opinion forming part of a database) about an individual.

Organisational information – includes both publicly available and confidential information. While organisational information is not covered by the Privacy Act (1988), organisational information that is not available in the public domain should be considered confidential.

Public domain - in relation to confidentiality is 'common knowledge'; that is, information that can be accessed by the general public.

Policy Principles

- CYS is committed to ensuring that information is used in an ethical and responsible manner
- CYS recognises the need to be consistent, cautious and thorough in the way that information about clients, stakeholders, staff, Board members, and students is recorded, stored and managed.
- All individuals, including clients, stakeholders, staff, Board members and students have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy and/or legal framework.
- All staff, Board members and students have an appropriate level of understanding about how to meet the organisation's legal and ethical obligations to ensure confidentiality of individual and organisational information.
- All clients are full informed of the manner in which CYS will adhere to the Privacy Act (1988) regarding their personal information.

Clients

All clients accessing CYS services should be provided with information related to privacy and confidentiality prior to the disclosure or collection of any personal information. They must also be made aware of the limits of confidentiality and the instances where information can be shared without their consent.

The following information must be provided to clients in both written and verbal formats prior to the collection of personal information:

- The type of personal information that CYS collects;
- The purpose for collecting information and how it will be used;
- The manner in which information is stored;
- Who has access to personal information;
- When and how information is disclosed, including instances required by law;
- How they can access their personal information;
- How and when the information is archived and/or destroyed; and
- How they can make a complaint about the use of their personal information.

Staff

All staff, students, volunteers, Board members and services working at CYS will be informed about privacy and confidentiality requirements and will be required to sign a confidentiality agreement at the commencement of their employment or engagement.

All staff working at CYS will ensure that:

- All personal information related to clients and staff is kept confidential;
- All personal information is stored securely and is only accessible by staff with appropriate authority;
- Personal information that is recorded is accurate, comprehensive and up-to-date;
- They consult with their line manager or the CEO if they have any concerns about the management of personal information or in the event personal information is required to be disclosed by law.

Collection of Information

Personal information collected by CYS is only used for purposes that are directly related to the functions or activities of the organisation. These purposes include:

- Enquiry about programs;
- Referral to programs;
- Providing treatment and support to clients;
- Administrative activities, including human resources management;
- Sector and community development activities;
- Complaint handling; and
- Quality improvement and clinical governance requirements.

Disclosure of Information

Personal information can only be used for the purpose for which permission was given, or for purposes that are directly related to one of the functions or activities of the organisation. Personal information may be provided to government agencies, other organisations or individuals if:

- The client or staff member has **consented**, which means that:
 - It was freely given with no threat or pressure;
 - It is informed with sufficient information being provided so the client genuinely understands what they are consenting to; and
 - It is specific with clear information provided about what will be disclosed, who to and for what purpose.
- It is required or authorised by law; or
- It will prevent or lessen a serious or imminent threat to somebody's life or health.

For clients who are aged 16 years and older, no information will be disclosed without documented client consent.

For clients who are aged 15 years and younger, consent should be sought and documented if they are deemed a Mature Minor. If they are not deemed to be a Mature Minor, consent should be sought from the person responsible for the client, usually a parent or legal guardian.

Related Documents

Policies and Procedures

Mature Minor Policy

Consent to Obtain and Release Information Procedure

Breach of Privacy Procedure

Mandatory Reporting Procedure

Human Resource Management Policy

Client File Management Policy

Legislation

Children, Young Persons and their Families Act (1997)

Privacy Act 1988