CLEVER IDEAS
CHANGING LIVES

SUB POLICY: PRIVACY AND CONFIDENTIALITY

1.0 SUB POLICY

TAD Disability Services (TAD) recognises that all records about people who use its services, employees, volunteers, subcontractors, and other service agencies must be kept and stored in a safe, secure and organised manner that best protects those records for future use, and protects the confidentiality of the information they contain.

2.0 POLICY CONTENT

TAD will promote and uphold an individual's right to privacy, dignity and confidentiality and seek to ensure compliance with all federal state and local laws. TAD is committed to upholding the principles of the NSW Disability Services Act and Standards and TAD's Standards Policies:

GSP01 Rights
GSP02 Participations and Inclusion
GSP03 Individual Outcomes
GSP04 Feedback and Complaints
GSP05 Service Access
GSP06 Service Management

3.0 RESPONSIBILITIES

The Chief Executive Officer (CEO) is responsible for ensuring that the storage of information about service users, employees, volunteers, subcontractors, and other service agencies is secure, and as safe as possible from access by unauthorised persons, and destruction by natural or contrived disaster.

The Operations Manager or delegate is responsible for ensuring that all relevant information about a current or potential service user's project application and progress is kept securely, entered onto the person's individual file and that details are factual, accurate, complete, and timely.

The Development Manager or delegate is responsible for ensuring that all relevant information about a current or potential volunteer is kept securely and in an organised manner.

PROCEDURE: PRIVACY AND CONFIDENTIALITY

4.0 PROCEDURES

4.1 INFORMATION MANAGEMENT

For all the people it supports, TAD will

- collect and keep information only when it is relevant and necessary to the provision of the service;
- ensure data about each person is up to date, accurate and secure and stored in accordance with privacy legislation;
- take account of any relevant cultural or religious sensitivities of people using services in the way information about them is collected and used;
- store and dispose of personal records correctly;
- provide information to service users about
  a. the information it collects and holds, and how personal information is collected, used, disclosed, and managed;
  b. how they may access personal information held by TAD about themselves;

c. how they can complain about a breach of privacy and how TAD will deal with such a complaint.

4.1.1 Personal Files

When TAD collects, keeps and uses identifiable data about a service user, the following procedures will be implemented to guarantee the person's privacy and ensure that records are appropriate, accurate and secure.

Personal files and their contents remain TAD's property at all times. Upon request, a person may access his/her personal file and any associated documents held in archive storage.

TAD collects and records the information required to support an individual's request for service. Such information may include, but not be limited to, details regarding

- Health;
- Behaviour;
- Community inclusion and participation;
- Communication;
- Important contacts and circle of support information.

This information is collected for the purpose of

- planning, implementing, monitoring and reviewing individualised services;
- service monitoring, evaluation and reporting (de-identified information only is used for this purpose); and
- meeting the reporting requirements of the relevant government agencies.

When information is being sought, the TAD representative must tell the individual or parent/guardian

- the reason for requesting the information;
- how the information will be recorded and stored;
- what other information will be recorded during the provision of service;
- how privacy will be protected; and
- the right to view or access the information.

When identifiable information about a person is to be shared with another agency, this must be done only by a TAD staff member after obtaining consent from the individual or parent/guardian. The individual (or substitute decision maker) must sign a consent form or, if the consent is verbal, the TAD staff member must document the verbal consent.

4.1.2 Maintaining Personal Records

When an individual submits an application for a TAD project/service, an electronic file will immediately be opened in the Priority database on the secure server. All project progress and documentation relating to that individual and any additional support provided will be entered directly into the individual's electronic file. All paperwork associated with that project will be scanned, uploaded and attached to the electronic file; the paperwork will be stored in the individual's file in a locked filing cabinet.

When an individual's project is complete the electronic file in the Priority database will be closed. The project information remains TAD's property and will be archived on the secure server under the control of the Operations Manager. The individual may request a copy of these records, but TAD will not copy or provide them to a third party without the written consent of the individual or substitute decision maker.

In recording personal information, employees will ensure that the information is

- factual;
- accurate;
- comprehensive;
- timely (in chronological order, showing the dates and times they were written/ received), and
- objective – avoiding judgement, bias, and personal opinion.

4.1.3 Information Use in Professional Setting

Employees are

- permitted to raise personal information (that is appropriate and relevant in the context of professional supervision, debriefing, or personal counselling) about people they support, or about volunteers or associates of TAD;
- to ensure that people are aware of their right not to provide information or sign documents unless they are satisfied that they understand the purpose and use;
- to seek translation and/or qualified interpreting if necessary, to ensure a person understands information and documents.

4.1.4 Protecting Social Privacy and Dignity

Except when they have obtained the consent of the person, employees and volunteers must not discuss a service user's confidential personal information with

- unauthorised employees or
- employees from other services.

Any discussion must not be in a public place or in a location where that conversation may be overheard by unauthorised persons.

Meetings with project applicants must be conducted in a professional manner that respects an individual's privacy and dignity at all times.

4.2 VOLUNTEER INFORMATION MANAGEMENT

See PCP07 Volunteer Recruitment, Selection and Development. Volunteers have the right to request the Development Manager for access to their information.

4.3 EMPLOYEE INFORMATION MANAGEMENT

All employee recruitment, selection, performance review and training documen–tation will be filed in each individual's Personnel File. All personnel files will be kept in a locked cupboard under the supervision of the CEO. All employees have the right to request the CEO for access to their personal information.

4.4 MEMBER INFORMATION MANAGEMENT

Upon a member's application being processed in accordance with *GSP20 Processing Membership*, all member information will be appropriately filed and stored in a locked filing cabinet within the Development Department.

4.5 DONORS AND SPONSORS INFORMATION MANAGEMENT

Identifying information received from donors or sponsors will be entered into the Raiser's Edge database by the Development Team and stored on the TAD secure server. Any documents in relation to Donors, Sponsors or supporters containing personally identifying information is appropriately filed and stored in a locked filing cabinet.

One-off Donations: Donor information is entered into the Raiser's Edge database. Documents containing credit card details are immediately processed with credit card information then being blocked out before filing.

Regular Donors: Donor information is entered into the Raiser's Edge database. Documents containing credit card information are to be locked in the safe.

4.6 APPEALS

Individuals who are refused access to records or information may appeal by contacting the CEO or Board who will review the decision in the context of this policy and relevant legislation.

The CEO and/or the Board will, where required, seek legal clarification and advice on access to documents by any party other than the person to whom the documents relate.

4.7 DOCUMENT ARCHIVING AND DESTRUCTION

Each TAD department will archive files at least annually. Archive files will be clearly labelled to enable easy future access.

Archived files will be kept in a secure storage area with all documents retained in line with related legislation and funding agreements.

5.0 REFERENCES

NSW Disability Service Standards
Quality Policy for ADHC Funded Services
Privacy and Personal Information Act 1998
Privacy Act 1998
Human Rights and Equal Opportunities Commission Act
Australian Privacy Principles
ADHC Governance Policy
Anti-Discrimination Act

6.0 DOCUMENTATION

GSP16 Code of Ethics and Conduct
GSP20 Processing Membership
GSP22 Continuous Quality Improvement Committee Charter
PCP05 Staff Recruitment and Selection
PCP07 Volunteer Recruitment, Selection and Development
PCP10 Grievance, Complaints and Disputes Management
SDP02 Service Access to *Freedom Wheels* and *Custom Designed Equipment*

Appendix A – Records Retention Table

Record Type	Location *	Retention Period	Authority for disposal
TAD-owned properties	Archiving	Until property is sold	CEO
Financial records	Archiving	7 years	CEO
General files	Archiving	7 years	Dept Managers
Human Resources, Staff Files	Archiving	7 years after termination of employment	CEO
WH & S	Archiving	20 Years after termination of employment	CEO
Payroll	Archiving	7 years	CEO
Committee minutes	Electronic	7 years	CEO
Internal audit reports	Electronic	7 years	CEO
Client surveys and feedback	Archiving	7 years	Dept Managers
Client files (over 18 years old)	Archiving	7 years after last contact	Dept Managers
Client files (Children under 18 years old)	Archiving	18 years	Dept Managers
Superseded policies and procedures	Electronic	7 years	CEO