

PRIVACY & CONFIDENTIALITY POLICY

This policy and procedure applies to:	Board, Staff, Prospective Staff, Students, Volunteers, & Clients
Standards or other external requirements:	Quality Improvement Council (QIC) Standards: HSS <ul style="list-style-type: none"> • 1. Empowerment • 2. Access & Engagement • 3. Wellbeing • 4. Participation QIC <ul style="list-style-type: none"> • 1. Governance • 3. Consumer & Community Engagement • 5. Service Delivery

Policy Statement

Ngwala strives to maintain the privacy of all individuals who work for Ngwala or receive Ngwala services. This policy provides guidelines on how Ngwala collects, uses, stores, manages, disposes and permits access to personal information.

Definitions

Individuals – refers to the Board, staff, volunteers, contractors, student and clients.

Client – a person who accesses and uses Ngwala services.

Information – refers to both health information and personal information.

Client information booklet – a booklet provided to clients to explain information about Ngwala services, client rights and responsibilities and relevant Ngwala processes.

Access – provision of a copy of the information or supervised access to the information.

Australian Privacy Principles (APPs) – the Australian Privacy Principles set out in the Privacy Act (1988) and the Amendment (Enhancing Privacy Protection) Act 2012

Consent – express consent or implied consent.

Personal Information – information or an opinion (whether true or not) about an individual which can be used to identify that person.

Sensitive Information – information or an opinion about an individual's racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices; criminal record.

Health Information –

- a. information or an opinion about an individual's:
 - i. physical, mental or psychological health or disability (at any time);
 - ii. expressed wishes about the future provision of health services to him or her;
 - iii. a health service provided, or to be provided; or
- b. other personal information collected in the provision of a health service, or in connection with

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donation (of body parts), or any other genetic information.

Child – a person under the age of 18 years.

Parent – includes a stepparent, adoptive parent, foster parent or guardian.

Functions and Responsibilities

Position	Functions and Responsibilities
Director, CEO	<ul style="list-style-type: none"> Ensure that this policy is endorsed and implemented at all levels within Ngwala.
Manager	To effectively manage and oversee the implementation of this policy by: <ul style="list-style-type: none"> Ensuring staff awareness and compliance are maintained Continually reviewing these Procedures.
Staff	Understand and comply with this policy

Procedures

List of Procedures

1. Australian Privacy Principles
2. Collection of Personal Information
3. Why Personal Information is Collected
4. Use of Personal Information
5. Storage and Disposal of Personal Information
6. Access to Personal Information
7. Inaccurate Information
8. Complaints
9. Staff Responsibilities

1. Australian Privacy Principles

There are 13 Australian Privacy Principles (APP's) within the Privacy Act (1988) and they govern standards, rights and obligations around:

- the collection, use and disclosure of personal information
- an organisation or agency's governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information

Ngwala follows the APP's with regard to collection, storage and disclosure of information. A breach of an Australian Privacy Principle is an 'interference with the privacy of an individual' and can lead to regulatory action and penalties.

2. Collection of Personal Information

Consent

Individuals who use Ngwala services or work for Ngwala are implied to have given consent to Ngwala to:

- Collect their personal information, (including but not limited to name, date of birth, address and contact details);
- Disclose their employment-related information to:
 - Accreditation and other quality monitoring agencies;
 - Auditors;
 - Legal advisors,
 - Departmental and funding bodies;
 - Other agencies integrated with the operational management of Ngwala.
- Monitor their use of the Ngwala equipment (such as motor vehicle, mobile phone, computer server, internet etc.).

Express consent to share information will also be sought where appropriate.

This information will be provided to staff during induction and clients in their relevant client information booklet.

How personal information will be collected

Ngwala will only collect information which is essential to the working relationship. All information will be collected in a lawful manner. Personal information will, so far as is practicable, be collected with the consent of the relevant person.

Ngwala will collect personal information from the relevant individual unless it is impracticable to do so. Information can only be shared by other individuals or organisations during business (such as referrals).

Sensitive Information

Ngwala may at times need to collect (by law or as per its Vision and Purpose) sensitive information or health information. Ngwala will endeavour to obtain consent from the relevant individual where practicable. Where the information relates to children, Ngwala will seek consent from the relevant parent or guardian (unless it is impracticable to do so).

Anonymity

Ngwala will give individuals the option to remain anonymous where it is practicable to do so.

3. Why Personal Information is Collected

Ngwala collects personal information for the following functions and services:

- Staff - recruitment and employment (including students, volunteers and contractors);
- Clients - services, programs, referrals, education, public enquiries, health and feedback;
- Governance;
- Membership;
- Stakeholder management and reporting requirements;
- Research and evaluation.

4. Use of Personal Information

All client records and communications will be kept confidential. Information will be used for the primary purposes of collection. However, information should be expected to be used for secondary purposes at times as well. Secondary purposes include disclosure to third party contractors who provide technical or other services to Ngwala. Ngwala may also disclose information to funding bodies which require organisational data on Ngwala's clients and program performance. However, all information is de-identified before it is provided to funding or research bodies.

If client information cannot be kept confidential, clients have the right to know (and should be advised) of the reason and details of the disclosure. Clients have the right to know how personal information will be used.

Disclosure

Ngwala will only disclose personal information for the reasons it was collected, unless:

- Consent is given for disclosure;
- It is necessary to prevent a serious and imminent threat to health, safety or welfare of the individual or the public;
- Required to do so by law under the relevant State Acts.

5. Storage and Disposal of Personal Information

Ngwala will use secure information storage systems and procedures to prevent misuse, loss, unauthorised access, modification and disclosure of physical and electronic information. Ngwala uses storage systems such as Ngwala's secured servers, secured hard copy files and electronic databases. Ngwala will ensure personal information is accurate, complete and up-to-date.

Disposal

Client records are required to be kept for 7 years as per the Privacy Act. After this time lapses, Ngwala will destroy or de-identify such information and it will be disposed of using confidential document shredders.

Security

When using Ngwala's website or the Internet on the intranet server, individuals should be aware that there is no absolute guarantee of secure data transmission. Ngwala strives to protect all personal information by the use of fire walls, anti-virus software, password access, secure servers and encryption of credit card transactions. However, individuals that use the Internet for data transmission, do so at their own risk.

6. Access to Personal Information

Individuals may access their client or personnel file and personal information (as far as the law permits). However, Ngwala has the right to refuse access (with reason) if it would be unlawful or unreasonable (e.g.: infringes on privacy of other individuals).

Individuals who wish to access their personal information will need to fill out and submit the *Request to Access Personnel/Client File* form 5 days prior to access. The relevant case worker or the HR Manager for staff should assist the individual to make this request. Once an appointment is made, individuals can access their files in the presence of the relevant case worker or HR. Ngwala does not charge a fee for providing access. Requests and details of access will be recorded in Ngwala's files.

7. Inaccurate Personal Information

Correction

Individuals have the right to request correction of any information Ngwala holds about them, which they believe is inaccurate, out of date, incomplete, irrelevant or misleading. Individuals are responsible for notifying the relevant person and having information corrected. Requests to change personal information must be put in writing to the Case Worker (for clients) or HR (for staff).

8. Complaints

If individuals have complaints regarding access, correction, privacy or the manner in which personal information is handled, the process set out in the *Grievance Policy* (for staff) or *Complaints & Feedback Policy* (for clients) should be followed with the associated timelines. Such complaints will be recorded on the relevant Grievance or Complaints Register.

Breaches

All alleged breaches of this policy will be investigated once a written complaint is made to the CEO. Staff misconduct will result in disciplinary action.

9. Responsibilities

All staff have a responsibility to protect people's privacy and maintain the confidentiality of information.

HR responsibilities during staff induction

HR should ensure:

- Staff understand that they consenting to Ngwala to collect, use and store their information;
- Staff are informed of their rights to access and correct information and make complaints;
- Staff are given appropriate induction at commencement of employment.

Staff responsibilities during client induction

When providing Ngwala services to clients, staff should ensure:

- Clients understand that they consenting to Ngwala to collect, use and store their information;
- Clients are informed of their rights to access and correct information and make complaints;
- Clients are given a copy of the relevant client information booklet upon commencement.

Documentation related to this policy

Related policies	<ul style="list-style-type: none"> • Ngwala Code of Conduct • Staff Conflict of Interest Policy • Staff Performance & Appraisal Policy • Grievance Policy • Complaints & Feedback Policy • Performance Counselling & Discipline Policy • Human Resources Management Policy • Information Security Policy
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Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> • Update of Existing Staff Personal Details • Consent to Share Information (clients) • Request to Access Staff/Client File Form • Client Information Booklet • Your Rights & Responsibilities Explained Booklet
Legislation	<ul style="list-style-type: none"> • Charter of Human Rights & Responsibilities Act 2006 (Vic) • Information Privacy Act 2000 (Vic) • Privacy Amendment (Enhancing Privacy Protection) Act 2012 • Children, Youth & Families Act 2005 • Privacy and Data Protection Act 2014, formally Information Privacy Act 1988 (Cth) • Health Records Act 2001 (Vic) • Freedom of Information Act 1982 (Vic) • Occupational Health and Safety Act (Victoria) 2004 • Fair Work Australia Act 2009 • Public Records Act 1973 (Vic)