Encircle Ltd.
Privacy Policy

Date adopted: 12 April 2017		
Responsible Committee: Finance**,** Audit and Risk Management Committee		
Authorised by: Encircle Ltd Board of Directors		
Date last reviewed: 18/05/2016	**Reviewed by**: Amanda Mundy 11/04/2017	**Date of next review:** 11/04/2019
Policy context: This policy relates to:		
Human Services Quality Framework	1.7	
DSS Administrative Approval Requirements	1.2, 12.1, 12.2	
NACLC Standard	A2.1	
Legislation or other requirements	◊ Privacy Act 1988 (Cwlth) ◊ Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cwlth) ◊ Privacy Regulation 2013 (Cwlth) ◊ Information Privacy Act 2009 (QLD)	

RATIONALE
Encircle Ltd. is committed to safeguarding confidential personal and sensitive information related to all its stakeholders. This includes any information regarding people inquiring about services, people using services and those waiting for services, those who decide not to accept services, people applying for positions paid or unpaid with the organisation, and past and present volunteers and staff.

POLICY STATEMENT
Encircle Ltd. will ensure that all personal and sensitive information is collected, used and disclosed in accordance with the requirements of the Australian Privacy Principles and the Information Privacy Principles. Personal information will only be collected if necessary for the purpose of the organisation's activities with the individual. Sensitive information will be only be collected with an individual's consent and if necessary for the purpose of the organisation's activities with the individual. All personal and sensitive information that is collected will be kept confidential, unless there are serious legal or ethical requirements to the contrary. Furthermore, Encircle will ensure that individuals are able to access their own personal information and have this information corrected if inaccurate, incomplete or out of date. All volunteers, staff, students and contractors will agree to and sign a Declaration of Confidentiality.

PROCEDURES

Confidential personal and sensitive information relating to Encircle and all its stakeholders, including its Board, clients, volunteers, members, staff, students, hirers, partner organisations and contractors will be secured in accordance with the Australian Privacy Principles as extracted from the Privacy Amendment (Enhancing Privacy Protection) Act 2012; and the Information Privacy Principles as extracted from the Information Privacy Act 2009 (Qld)

All staff, volunteers, students and contractors must agree to and sign the Declaration of Confidentiality Form and thereby have read and agree to the Australian Privacy Principles which can be read here and the Information Privacy Principles which can be read here

Breaches of confidentiality:

- Can be raised via the complaints process
- Will be managed according to the misconduct procedure.

Information considered to be personal and confidential includes:

- Names, addresses, phone numbers and email addresses without permission to pass on.
- The nature of the service being used.
- Any information provided for written records.
- Any matters raised during assessment, counselling, group activities, interviews or review.
- Reason for accessing the service.
- Client stories.

Encircle will only collect personal information for the purpose of the organisation's activity with the individual.

Information considered to be sensitive and confidential includes:

(a) information or an opinion about an individual's:

- i. racial or ethnic origin
- ii. political opinions
- iii. membership of a political association
- iv. religious beliefs or affiliations
- v. philosophical beliefs
- vi. membership of a professional or trade association
- vii. membership of a trade union
- viii. sexual identity
- ix. criminal record

b) health information about an individual

c) genetic information about an individual that is not otherwise health information

Encircle will not collect sensitive information without an individual's consent. Sensitive information will only be collected if it is necessary for the purpose of the organisation's activity with the individual.

When collecting information Encircle workers will provide the following information:

- the purpose for which the information is being collected
- to whom the information is usually disclosed; and
- whether any other has been collected from another source (eg referring organisation/service)
- when information may be shared (e.g. due to duty of care);
- their right to access their information and have this information corrected if it is inaccurate;
- their right to view the privacy policy

- that if they are unhappy with how Encircle has managed their confidentiality, that they have the right to pursue these concerns via the complaints policy.

Encircle will take reasonable steps to ensure that the personal and/or sensitive information that it collects is accurate, up-to-date and complete.

Encircle will provide individuals with the option of not identifying themselves, or of using a pseudonym, unless it is impracticable to deal with individuals who have not identified themselves.

Personal and/or sensitive information is not to be shared except where there is a duty of care, or as outlined below.

What information is considered confidential and how do we kept this information confidential?

Oral Information:

- All conversations regarding confidential personal or sensitive information should be conducted in private and only with appropriate persons.

Recorded information:

- Any written information should be kept in the appropriate file.
- Encircle will not adopt, use or disclose a government related identifier of an individual as its own identifier of the individual (unless an exception applies).
- Written information should not be left on desks or on computer screens; all confidential material should be kept in a manila folder or envelope and placed in a locked cabinet when unattended.
- The keys to cabinets holding information should not be kept in an obvious place such as a top drawer.

Information about volunteers, members, hirers, contractors and staff:

- Private addresses and phone numbers should never be given out; inquiries should be recorded and the person contacted to return the call.
- Only when authorised by the Manager should volunteers give their private phone number to a client. It is preferable that other services are contacted after hours e.g. Lifeline.

Duty of Care

Duty of Care may be grounds to override confidentiality. Duty of Care occurs when the safety of a child or adult is considered compromised. Such cases should be immediately discussed with the relevant Manager (FAM or the CEO. The Manager will make a decision about whether there is a duty of care to disclose information based on whether the manager reasonably believes that the disclosure is necessary to lessen or prevent a serious or imminent threat to the life, health or safety of any individual, or to public health or safety.

When can information be shared?

Information can be shared with other Encircle staff or volunteers when:

- These workers are or will be directly involved with the person/s.
- In supervision.
- Necessary for intake and case discussion.

Personal and sensitive information held by the Centre will only be used for the primary purpose for which it was intended except in the following circumstances:

- by consent;

- a related or secondary purpose where the individual would reasonably expect the Centre to do so for that secondary purpose;
- where unlawful activity or fraud is suspected;
- it is required /authorised by law or necessary to assist law enforcement;
- related to an imminent threat to life, health or personal safety;
- to assist in locating a person who has been reported as missing
- for the purposes of a confidential alternative dispute resolution process
- In the case of a Child Protection Matter of Concern there may be cause for information to be passed on to Department of Child Safety without the client's permission; the Child Protection Reporting Procedure is to be followed in these cases.

When can't information be shared?

A client's identity and story is to be kept confidential:

- At no time should information about one client be passed on to another.
- Even if workers are aware that clients are known to each other, they must not share information regarding those clients.

External agencies or inquiries:

- Information should never be passed on to an outside agency without the person's permission.
- No inquirer, including partners and family members, should be told that a client has used the service or be given any information, except with permission of the client.

Encircle will:

- Never disclose an individual's personal information to overseas recipients,
- Not use an individual's personal information for direct marketing without consent
- Ensure that recipients of marketing information (via email and post) will have the option to unsubscribe.

How else do we ensure confidentiality?

All personal and sensitive information is to be securely stored in locked cabinets and/or password protected databases. Access to these records is restricted to those who require access to work with clients and to carry out the services of Encircle.

When a person/s are known to workers:

- Any worker who becomes aware that they know a client socially must let their Manager know*. Unless the Manager, after discussion with the family and worker agrees, the worker should not support the family and must absent themselves from any discussion, formal or informal, concerning that client*.
- Any worker who observes a client in a public place should not initiate acknowledgement.

*(*Conflict of Interest Procedure to be followed)*

Client files are not to be taken offsite except with the advance authorisation of the Manager e.g. in the case of a court subpoena.

Disposal of Written Material:

- After the decision to dispose of documentation holding personal or sensitive information is made and recorded (if relevant), it will be shredded and bagged and disposed of in the garbage bin (not the recycle bin) or a shred bin, if available.

Can people access their own information?

Individuals have a general right of access to their own personal information after their identity is confirmed, and have the right to have that information corrected if it is inaccurate, incomplete or out of date. The request to access your personal and sensitive information is to be put in writing using the **Client Request to Access Information Form.**

The request will be considered by the Manager and, if there are no legitimate barriers to accessing the information, the information will be made available. If retrieval from archived material is required a cost may be incurred. If the request is denied, Encircle will provide a written reason for the refusal and advise of available complaint mechanisms.

Access may be denied or limited for the following reasons:

- access would pose a threat to the life or health of any individual;
- privacy of others may be affected;
- the request is frivolous or vexatious;
- information relates to existing or anticipated legal proceedings;
- access would prejudice negations with the individual;
- access would be unlawful;
- denying access is required or authorised by or under a law;
- commercially sensitive information.

If access is denied, Encircle will provide written reasons for the refusal and the mechanisms available to complain about the refusal.

Clients' rights and responsibilities are publicly displayed throughout the centre and in the handbook signed by participants.

RELATED DOCUMENTS

- Form – Declaration of Confidentiality
- Form - Board Member Declaration/Annual Statement of Commitment
- Legal Service Procedure – Confidentiality
- Encircle Information Handbook
- Form – Intake (Focus Area/Program)
- Procedure – Intake (Focus Area/Program)
- Procedure - Conflict of Interest
- Form - Request to Access Personal Information
- Procedure - Child and Youth Risk Management
- Procedure – Child Protection and Reporting Procedure
- Procedure – Critical Incident and Lockdown Procedure
- Procedure – Archiving
- Procedure – Password Security
- Network Structure
- Feedback, Complaints and Appeals Policy, Procedure and Complaint Form.
- Misconduct Procedure