

POLICY

PRIVACY AND SECURITY

RECORD DETAILS

Policy	Client Privacy and Confidentiality Policy
Date authorised by Executive	13 October 2015
Review responsibility	GM Mallee, GM Support Services North, GM IAP (Metro); Quality and Risk Manager
Date last reviewed	May 2020
Next review date	February 2021
Version	V 3

PURPOSE

To ensure that Home; Haven, Safe (HHS) abides by the legal requirements for Client Privacy and Confidentiality.

POLICY

HHS is committed to its legislative responsibility to protect the personal information of its clients including tenants. When personal information is collected, HHS will ensure:

- It is collected by lawful and fair means
- It is used for lawful purposes
- It is collected with the client's consent
- The purpose for collection is clear and explicit

All HHS staff will respect the confidentiality of information obtained in the course of their work.

HHS has encompassed a holistic approach that enables clients to have access to their records, however, governed by strict processes and requirements. Staff need to familiarise themselves with the relevant SOPs to ensure the requirements for access to files is strictly adhered to if such circumstances arise.

HHS will securely store and maintain health, personal and sensitive information. Information is stored on computers with active firewalls, password-protected databases and in hard copy files. All files will be securely locked in cabinets within the service's facilities.

PROCEDURE

Records are disposed of according to prevailing legislation and other regulations.

WORKERS' RESPONSIBILITY

All personal and identifying information about the client will be considered confidential and will not be given out to anyone without the informed consent of the client.

Clients are to be made aware they have control over the information they provide as well as which details they are prepared to have recorded on file.

Workers should avoid intruding on, or being insensitive to, clients when collecting information.

Only essential information will be recorded, i.e., material that is necessary for the work that the client and the worker are doing together. Information, such as HIV status, should not be recorded unless the person's privacy can be protected by ensuring that the information, when recorded, will not be accessible to any other person.

Data analysis for research, planning and service development is conducted on de-identified information. Identifiable information will only be used with prior written consent from clients.

Workers will read client files only when they have to do so in order to undertake their work. Reading a file out of curiosity or because of a personal connection is a breach of the Privacy Act.

EXEMPTIONS FOR DISCLOSURE

A legal requirement to disclose personal information may override the client/tenants right to confidentiality; this is known as a "Duty of Care" (please see Duty of Care Policy). Situations where this may occur include the following:

- Where there is a serious risk of abuse or physical harm to the individual or another person, including HHS clients/tenants, the general public and employees
- Where the disclosure is required under a law
- When the disclosure is necessary by or for a law enforcement agency (e.g. prevention, investigation, prosecution or punishment of criminal offences, protection of public revenue, preparation or implementation of a court or tribunal order)
- A concern for a child's welfare
- In the event that a legal need for disclosure arises, the employee will inform their supervisor or manager prior to making a decision to breach confidentiality and privacy.

FEDERAL AND STATE PRIVACY COMPLIANCE LAWS :

Commonwealth Privacy Act 1998

Privacy Amendment (Notifiable Data Breaches) Act 2017.

Victorian Health Records Act 2001

More information about the Australian Privacy Principles and the Health Privacy Principles can be found on the Australian Information Commissioner's website www.oaic.gov.au