

<b>Policy Reference</b> OPOL- 019	<b>Confidentiality and Privacy Policy and Procedure</b>
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<b>Applies to:</b> Board Directors, CEO, all employees, volunteers, contractors and consultants	<b>Version: 2</b>
<b>Specific responsibility:</b> Board, CEO, CFO and Managers	<b>Date approved:</b> 15 July 2023
	<b>Next review date:</b> 15 July 2026

<b>Policy context:</b> This Policy relates to the following	
<b>Standards or other external requirements</b>	NDIS Quality and Safeguarding Framework
<b>Legislation or other requirements</b>	<i>Privacy Act 1988</i> <i>Privacy Amendment (Notifiable Data Breaches) Act 2017</i> NDIS (Code of Conduct) Rules 2018 YBLDHS Constitution
<b>Contractual obligations</b>	All Employee Agreements Board appointments All Service Agreements pursuant to NDIS services
<b>Organisational context</b>	Your Best Life Disability and Health Services Ltd includes: 1) Allied Health 2) Mental Health 3) Your Best Life Independent Living 4) Your Choice Plan Management 5) Corporate Office

## Definitions

<b>Term</b>	<b>Description</b>
Confidential Information	<ul style="list-style-type: none"> <li>YBLDHS Board papers and discussions;</li> <li>personal information of employees, volunteers, contractors, consultants, CEO or Board members such as home address, telephone numbers, and other non-work related information;</li> <li>personal information of clients such as home address, telephone numbers and including medical information, appointment details and whether or not they are clients;</li> <li>personal information provided by individuals or about individuals in the course of performance reviews, leave applications, supervision sessions or similar discussions;</li> <li>information about any internal dispute or grievance;</li> <li>any confidential and proprietary information concerning financial transactions, competitive tenders or expressions of interest or any other organisational plans or activities identified by the Board or CEO</li> <li>confidential information can be collected, recorded and stored electronically or in hard copy and can take the form of text, images or audio/visual recordings.</li> </ul>

## **1. Policy**

### **1.1 Confidentiality**

Your Best Life Disability and Health Service (YBLDHS) requires Board members, CEO, employees, volunteers, contractors and consultants to respect and maintain the confidentiality of individuals and the organisation's business generally.

Board members, CEO, employees, volunteers, contractors and consultants may from time to time have access to information that is confidential to YBLDHS, other agencies that have dealings with YBLDHS, or to other Board members, CEO, employees, volunteers, contractors or consultants.

### **1.2 Privacy**

YBLDHS is committed to protecting and upholding the right to privacy of Board members, CEO, employees, volunteers, contractors, consultants, and members, as well as clients and representatives of agencies we deal with.

In particular, YBLDHS is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store, and use information about them, their needs and the services we provide to them.

YBLDHS requires Board members, CEO, employees, volunteers, contractors, and consultants to be consistent and careful in the way they manage what is documented; whether in writing, sound recording, photographs, or video – in hardcopy, electronically, or online and said about individuals and how they decide who can see or hear this information.

YBLDHS is subject to legislation applying to the organisation and its client group. The organisation will follow the guidelines of the Australian Privacy Principles in its information management practices.

YBLDHS will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients, Board members, CEO, employees, volunteers, contractors and consultants;
- clients are provided with information about their rights regarding privacy;
- clients, Board members, CEO, employees, volunteers, contractors and consultants are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature;
- Board members, CEO, employees, volunteers, contractors and consultants understand what is required in meeting these obligations;
- it will adhere to all requirements imposed under the *Privacy Act 1988*, including the requirements imposed by the *Privacy Amendment (Notifiable Data Breaches) Act 2017*, to strengthen the protection of personal information.

This policy conforms to the *Privacy Act 1988* and the Australian Privacy Principles which govern the collection, use and storage of personal information.

## **2. Procedure**

### **2.1 Confidentiality**

The Board, CEO, employees, volunteers, contractors, and consultants will:

- retain all confidential information in the strictest confidence and not disclose any confidential information to any person other than for purposes directly related to their position at YBLDHS;
- not use any confidential information which they have acquired in relation to the activities of YBLDHS for their own interests or the interests or purposes of others not associated with YBLDHS;
- not make copies of any confidential information for any other reason other than those essential to and directly related to their position and responsibilities with YBLDHS;
- upon the request, and in any event upon the cessation of their engagement or employment with YBLDHS, return or destroy materials containing confidential information which are in their possession.

This will not prevent an individual from:

- disclosing information to proper authorities in relation to concerns about improper conduct, breaches of laws or breaches of duty of care;
- providing access for external reviewers to non-identified information for the purposes of formal audit processes;
- making a formal complaint to appropriate authorities about an aspect of the organisation's operation;
- disclosing any information that they may be required to disclose by any court or regulatory body or under applicable law.

### **2.2 Board Post-Director Obligations**

For Board Directors, the obligations of confidentiality under their Confidentiality Agreement continue to apply after the cessation of their tenure with the Company for a period of five years.

### **2.3 Privacy**

In dealing with personal information, YBLDHS's Board, CEO, employees, volunteers, contractors and consultants will:

- ensure privacy for clients, Board, CEO, employees, volunteers, contractors and consultants when they are being interviewed or discussing matters of a personal or sensitive nature;
- only collect and store personal information that is necessary for the functioning of the organisation and its activities;
- use fair and lawful ways to collect personal information;
- collect personal information only by consent from an individual;
- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it;
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves;
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure;
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired;
- notify individuals and the Office of the Australian Information Commissioner (OAIC) when there

has been a data breach (or suspected breach) of personal information, if it is likely to result in serious harm to individuals whose privacy has been breached.

### **3. Responsibilities for Managing Privacy**

All Board members, CEO, employees, volunteers, contractors and consultants are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.

The CEO is responsible for content in YBLDHS's publications, communications and website and must ensure the following:

- appropriate consent is obtained for the inclusion of any personal information about any individual including YBLDHS's personnel;
- information being provided to other agencies or external individuals conforms to privacy principles;
- that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.

The CEO is responsible for safeguarding personal information relating to YBLDHS's clients, Board, employees, volunteers, contractors, consultants, and members.

The Privacy Contact Officer will be the Corporate and Commercial Services Manager (CCSM).  
The CCSM will be responsible for:

- ensuring that all employees are familiar with the *Confidentiality and Privacy Policy* and administrative procedures for handling personal information;
- ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy;
- handling any queries or complaint about a privacy issue.

### **4. Privacy information for clients**

At client intake, clients must be informed what information is being collected, how their privacy will be protected and their rights in relation to this information.

### **5. Privacy for interviews and personal discussions**

To ensure privacy for clients, the Board, CEO, employees, volunteers, contractors and consultants when discussing sensitive or personal matters, the organisation will ensure that private consulting rooms are available for such discussions.

### **6. Participants in research projects**

People being invited to participate in a research project must be:

- given a choice about participating or not;
- given the right to withdraw at any time;
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used;
- given copies of any subsequent publications.

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified.

Organisational participants in research projects will generally be identified in YBLDHS's research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

## 7. Documentation

<b>Documents related to this Policy</b>	
Related policies	NDIS Code of Conduct SPOL-007 Professional Code of Ethics and Conduct SPOL-006 Conflict of Interest OPOL-039 Access to Confidential Information OPOL-007 Service Provision to Clients who are Employees OPOL-010 Client Rights and Service Charter OPOL-021 Grievance and Disputes OPOL-022 Discipline OPOL-023 Performance Appraisal and Review OPOL-025 Upholding the Rights of Clients OPOL-030 Staff Recruitment, EEO, Equity and Diversity OPOL-031 Client Record OPOL-040 Intake and Referral OPOL-047 Open Disclosure OPOL-048 Domestic and Family Violence
Forms, record-keeping or other organisational documents	Professional Code of Ethics and Conduct Agreement Confidentiality Agreement Website Privacy Statements New Client Intake Checklist Staff Induction Checklist
<b>Reviewing and approving this Policy</b>	
<b>Frequency</b>	<b>Person responsible</b>
Every 3 years	CEO