



## PRIVACY AND CONFIDENTIALITY POLICY

### 1. PURPOSE

The purpose of this policy is to establish standards of privacy, dignity and confidentiality in the dealings with prospective, current and past users of BCWCA's services. The policy has been framed around the individuals' rights as they are specified in the Privacy Act (1988), Freedom of Information Act (1982), Disability Services Act (1993), NDIS Practice Standards Provider Governance and Operational Management Core Module (Information Management) and Standard 1 of the National Standards for Disability Services.

### 2. SCOPE

This policy applies to all BCWCA Directors, staff members, volunteers and individuals who are engaged in BCWCA programs and activities.

### 3. POLICY STATEMENT

BCWCA respects every individual's legal right to privacy. This policy sets out BCWCA's practices relating to the collection, holding, use and disclosure by BCWCA of personal and sensitive information relating to an individual.

### 4. DEFINITIONS

**Consent** is a voluntary and informed agreement by an individual to something BCWCA does. Where BCWCA considers that a person is unable to give this consent to the use of his or her personal information for a particular purpose, BCWCA will ask that person's parent or guardian to provide the consent.

**Health records** are part of personal information and sensitive information and include information or an opinion about a person's health or disability. In the case of BCWCA, most health records that are subject to the Law are collected for the purpose of assessing client's health to ensure support needs are met.

**Personal information** is information, or an opinion, about an individual who is reasonably identifiable, whether that information or opinion is recorded in some way, and whether the information or opinion is true. Personal information collected by BCWCA includes contact details, educational qualifications, personal history and personal financial information.

**Sensitive information** is part of personal information and includes information BCWCA may collect such as racial or ethnic origin, religious beliefs, membership of a professional or trade association, criminal record, or health information.

### 5. OPEN AND TRANSPARENT MANAGEMENT OF INFORMATION

- i. BCWCA will make this policy publicly available on its website at [www.bcwca.org.au](http://www.bcwca.org.au) and will take reasonable steps to provide a copy of this policy, to anyone who asks for it. A person may request a copy of the policy by contacting BCWCA at [info@bcwca.org.au](mailto:info@bcwca.org.au).
- ii. When asked to do so by an individual, BCWCA will take reasonable steps (subject to the Law) to let the person know, generally, what sort of personal information BCWCA holds about that person, for what purposes, and how it collects, holds, uses and discloses that information.



- iii. BCWCA has in place procedures, including this policy, to ensure that it complies with the Australian Privacy Principles, and that individuals may approach BCWCA with any questions or complaints about BCWCA's compliance with the Law.

## **6. PROCEDURES**

Based on the Ombudsman NSW Information Sharing Guidelines, the following procedures are to be implemented to ensure that BCWCA meets its policy objective of respecting every individual's right to privacy.

Additionally, 'ISG Decision Making Steps' and 'ISG Practice Guide' appendices will be followed to ensure BCWCA will:

- i. Only collect information about the participant that can be shown to be directly relevant to effective service delivery and BCWCA's duty of care responsibilities.
- ii. Seek the written consent of the participant or family prior to obtaining information from any other source.
- iii. Seek the written consent of the participant or family prior to releasing information to any other source.
- iv. Ensure that personal information is stored securely and is not left on view to unauthorised personnel or general public.
- v. Ensure that only those BCWCA staff members who need access to the above information will be granted access.
- vi. Advise the participant and family of the nature of the personal information that is held by BCWCA about the participant.
- vii. Advise the participant and family of the nature of the personal information that is held by BCWCA about the participant.
- viii. Ensure that personal information about the participant is only held by BCWCA as long as it remains relevant to the delivery of effective services and BCWCA's duty of care obligations.
- ix. Promptly investigate, remedy and document any consumer grievance regarding privacy, dignity or confidentiality.

## **7. PERFORMANCE STANDARDS**

- i. All participants and their families can access BCWCA's Privacy and Confidentiality Policy on BCWCA's website [www.bcwca.org.au](http://www.bcwca.org.au).
- ii. All staff members and volunteers have been provided with a copy of BCWCA's Privacy and Confidentiality Policy and a staff copy is kept in each service outlet.
- iii. Participants and families have been informed why the information sought is required by BCWCA.
- iv. Client Consent Forms have been completed by the participant and/or their family prior to information being obtained and stored.
- v. Photographic, video or other identifying images are not displayed or aired publicly without the written prior permission of the participant or family and signing of Talent Release Forms
- vi. Any grievances have been addressed in accordance with the privacy, dignity and confidentiality principals outlined in this policy and Compliments, Complaints and Feedback Policy.



## **8. DATA QUALITY**

BCWCA will take all reasonable steps to ensure that the personal information it collects is accurate, complete and up-to-date and relevant, having regard to the purposes of the use or disclosure of the personal information that is collected.

## **9. DATA SECURITY AND HANDLING**

- i. BCWCA will take all reasonable steps to protect the personal information it holds from misuse, interference (which may include measures to protect against computer attacks), loss and unauthorized access, modification or disclosure.
- ii. BCWCA data handling practices are regularly reviewed. All sensitive information is separately stored and shared among staff members on a need to know basis only.
- iii. Client management records (that include personal, sensitive and health records) are stored on individual participant databases on Egnyte and are accessible only to those who require the information to undertake this activity e.g. support workers, head coaches and assistant coaches.
- iv. All BCWCA personnel have been provided with guidance to support this privacy policy.
- v. BCWCA will take all reasonable steps to destroy or permanently de-identify personal information about an individual that it holds, if the information is no longer needed for any purpose for which it is able to be used or disclosed, and where there is no law or Court/tribunal or Government contract that requires BCWCA to keep the information.

## **10. REVIEW**

This Privacy Policy will be reviewed on a two-yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

### **RELATED POLICIES**

Compliments, Complaints and Feedback Policy

### **SUPPORTING DOCUMENTS**

Client Consent Form

Complaint Register

Talent Release Form

### **RELEVANT LEGISLATION OR STANDARDS**

Disability Services Act (1993)

Freedom of Information Act (1982)

National Standards for Disability Services, Standard 1: Rights

NDIS Practice Standards and Quality Indicators (2020)



Privacy Act (1988)



#### DOCUMENT HISTORY

Version No.	Version Date	Description of Change	Author
1.0	3 April 2021	Initial Release	Savva Petridis