

Privacy, Confidentiality & Information Management Policy and Procedure

<p>Applies to: All employees, contractors, volunteers, Board members and clients of Koorana Child & Family Services Limited.</p>	<p>Version: 4</p>
<p>Purpose: Provide guidance and establish processes to protect the privacy, dignity and confidentiality of the persons associated with Koorana.</p>	<p>Date approved: 16 June 2022</p>
	<p>Next review date: 16 June 2024</p>
	<p>Approved by: CEO</p>

Policy context: This policy relates to	
Standards or other external requirements	<ul style="list-style-type: none"> ▪ Australian Privacy Principles ▪ National Disability Practice Standards and Quality Indicators
Legislation or other requirements	<ul style="list-style-type: none"> ▪ NDIS Framework ▪ NQS Framework ▪ NDIS Code of Conduct ▪ Privacy Act 1988 (Cth) ▪ Privacy and Personal Information Protection Act 10998 (NSW) ▪ Health Records and Information Privacy Act 2002 (NSW) ▪ Health Records and Information Privacy Code of Practice 2005 (NSW) ▪ Children and Young Persons (Care and Protection) Act 1998
Contractual obligations	<ul style="list-style-type: none"> ▪ Employment Contract ▪ Service and Support Contracts ▪ Funding Agreements

Documents related to this Policy	
Related Policies and Documents	<ul style="list-style-type: none"> ▪ Recruitment and Onboarding Policy ▪ Code of Conduct ▪ Confidentiality Agreement ▪ Privacy Collection Statement & Consent ▪ Privacy Collection Statement - COVID-19 Vaccination Collection Notice ▪ Privacy Disclosure Statement ▪ Delegations of Authority ▪ Incident Management Policy and Procedure

	<ul style="list-style-type: none"> ▪ Feedback, Complaints, Grievance and Compliment Policy ▪ Hazard and Incident Report form ▪ Feedback and Complaints form ▪ Intranet Access Form ▪ Employment contracts
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Definitions
<p>Koorana: Koorana Child & Family Services Limited.</p> <p>Client(s): a child receiving Koorana’s services, includes Parent(s)</p> <p>Confidential Information: means Personal Information or Sensitive Information about Staff and Clients, includes other relevant information related to Koorana’s activities</p> <p>Consent: means the informed and voluntary consent, includes implied and express consent.</p> <p>Parent(s): the parent of a Client(s), includes a legal guardian.</p> <p>Staff: a person employed by Koorana on a casual or permanent basis, paid or unpaid, includes Board members, students, and volunteers.</p> <p>Personal Information: information or opinion about an identified individual, or an individual who is reasonably identifiable, includes Sensitive Information.</p> <p>Privacy Officer: The Head of People and Quality, or another delegate as appointed.</p> <p>Sensitive Information: means Personal Information, including information or opinion about an individual’s race, political opinion, religious beliefs, sexual orientation, criminal records, health information.</p>

1. POLICY STATEMENT

Koorana is committed to protecting the rights to dignity, privacy and confidentiality of all staff, volunteers, NDIS participants and their families, contractors, and other persons, in relation to the information Koorana collects, shares and store.

Koorana adhere and complies with its legal and ethical obligations and recognises all persons’ rights to privacy of Personal Information. Koorana also recognises that in some instances legal requirements may override such rights.

The purpose of this Policy is to:

- Ensure Staff understand and complies with their obligations regarding to privacy and confidentiality of information.
- Outline the process for ensuring privacy and confidentiality of information.

2. CONFIDENTIALITY DUTY

At the commencement of employment, Staff will receive a copy of this Policy and sign a Confidentiality Agreement.

Staff must keep confidential all Staff, Client and any other information obtained in the course and for

All children. All abilities. All possibilities.

reasons of their employment at Koorana. This duty survives the termination of the employment contract.

Staff must:

- Not disclose information without the consent of the person subject to the information.
- Not leave Confidential Information in visible place.
- Not allow third-parties to access Confidential Information

In the event of breach or loss of information, Staff must immediately notify their manager and the Privacy Officer.

Breach to the confidentiality duty may result in consequences, including disciplinary and legal actions.

3. PROCEDURES

i. Access to information

Staff must only have access to Staff, Clients and other business information that are relevant to the performance of their role.

ii. Collection of information

Koorana only collects information necessary to its operations and delivery of services, including:

- Clients' enrolment
- Employment contracts
- Incident management
- Recruitment
- Risk management, e.g., Covid-19
- Feedback and complaint management
- Quality improvement
- Reporting obligations

Koorana will ask Clients and Staff to consent to the collection of their information, the consent will be recorded in the Privacy Collection Statement. Clients and Staff who refuse to consent to the collection of information will not suffer consequences. The refusal of consent may impose the limitations on Koorana on meeting its statutory obligations, delivering services, and performing the actions for which purpose to the request for information.

The Privacy Collection Statement will outline the type of information collected, storage, the process for accessing such information, and the express consent of the person providing the information.

iii. Use of information

Koorana only uses Personal Information for the purposes permitted by the person providing that information (Permitted Purposes).

Koorana will not disclose or share Personal Information, except if:

- Authorised to do so
- Required by law
- Ordered by court or other statutory authority.

iv. External Request for access to information

i) Health Professionals

Information necessary to continuing care of a Client will be released to requesting health professionals, subject to a signed Consent Release Form by the Parent of the Client.

If an urgent request for information is received by telephone or verbally, the Staff should inform their manager. Information must only be disclosed after the identity of the person requesting the information and relevance are verified. Staff must check:

- confirmation of the identity of the requestor of the information
- the requestor's name and telephone number
- authority to request and receive the information
- return phone call to requestor to check authenticity

The Staff should enter a contemporaneous file note regarding the urgent circumstances in the Client's file within 24 hours of the urgent request.

Both the Staff and the Team Leader must mutually agree on the information to be released to ensure relevance.

ii) Police

Koorana may disclose Client information to the Police, subject to the Client's consent.

If the Police request access to Client's information, and the Client refuses to consent to the release of information, the matter must be escalated to the Privacy Officer and CEO.

The Privacy Officer and CEO will assess the relevance of releasing the requested information.

iii) Statutory obligations

Koorana may have statutory obligations to release information.

If required, Koorana will seek independent legal about the disclosure of information and the extend of information required to be released.

v. Client Information

Koorana will only require and keep information about a Client that is necessary for the services provided. If Koorana engages a third-party to assist with the delivery of services or requires disclosing Client's information to a third-party, Koorana will ask the Client to consent to the release of this information. Information about a Client must not be shared without the permission of the Client or their Parent, unless if Koorana is required to do so by law.

Where possible, Koorana will de-identify the Personal Information.

i) Access to Information

Clients have the right to access their Personal Information kept by Koorana.

To access their Personal Information, Clients should make a request to the Privacy Officer or Staff that will direct the request to the Privacy Officer.

Koorana will provide access to the Personal Information. If required, information concerning third-parties may be redacted or de-identified.

ii) Record storage

Koorana will keep all records containing Personal or Sensitive Information securely.

Staff will only access such information for the purposes of their role. Students and volunteers have no access to Clients' Personal Information, unless authorised by their manager and the Client for the specific purposes of performing their role.

Personal or Sensitive information about clients kept in hard copy format are secured in locked storage. Personal or Sensitive Information about Clients in electronic format are secured in Koorana's client information management system which has a Protected Data Certification.

iii) Archiving and Destruction of Records

Koorana takes a conservative approach and aligns its practice with the key record-keeping recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse to retain records, relating to child sexual abuse which has or alleged to have occurred, for at least 45 years.

Koorana extends this practice to all records to ensure information required for the investigation of a delayed disclosure by abuse victims is not prematurely destroyed.

The period of 45 years exceeds all other legal requirements, including ACECQA and NDIS requirements.

Destruction of records must be approved according to Koorana's Delegations of Authority Policy.

vi. Staff, Volunteer, Contractor, or Student Information

Koorana only asks and keeps Personal Information about Staff, Volunteer, Student, or Contractor which is

relevant to their engagement or prospective engagement with Koorana.

Koorana may engage third parties to assist with the delivery of its services and business operations.

Where this does occur, Koorana may share the information with those parties as required to perform the role or function.

Koorana will not share Personal Information about Staff, Volunteer, Student or Contractor without their permission, unless required to do so to comply with statutory requirements and obligations.

i) Access to Information on File

Staff, Volunteer, Student or Contractor has the right to access their respective Personal Information kept by Koorana. If Staff, Volunteer, Student or Contractor wish to access their respective Personal Information, they should request access to the Privacy Officer.

Koorana will provide access to the Personal Information. If required, information concerning third-parties may be redacted or de-identified

ii) Record Storage

All records containing Personal or Sensitive information are kept securely and will only be accessed by Staff who require such access for the purposes of their role. Personal or Sensitive Information regarding staff kept in hard copy format is secured in locked storage. Personal or Sensitive information regarding staff kept in electronic format is secured in Koorana's SharePoint and [information management system] which has a Certification of Protected Data.

iii) Archiving of Records

Koorana will archive and kept records of Staff, Volunteer, Student or Contractor for at least 45 years, in accordance with the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse

The period of 45 years exceeds all other legal requirements, including of the Fair Work Commission, Fair Work Ombudsman, or the Australian Taxation Office.

Destruction of records must be approved in line with Koorana's Delegations of Authority Policy.

vii. All Other Business Information

Koorana will keep records necessary its activities and operations.

i) Record Storage

Koorana keeps all other Personal Information it has access securely. Only the relevant Staff have access to such Personal Information.

Personal or Sensitive Information kept in hard copy format is secured in locked storage. Personal or

Sensitive Information kept in electronic format is secured in Koorana's SharePoint and password protected to limit access.

ii) Archiving of Records

Koorana will archive and kept records of Staff, Volunteer, Student or Contractor for at least 45 years, in accordance to the recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. Destruction of records must be approved in line with Koorana's Delegations of Authority Policy.

4. DATA BREACH

A Data Breach when Personal Information is accessed or disclosed without consent, or when the Personal Information is lost. Data Breach may trigger notification requirements.

i. Identifying and Reporting Data Breach

If a Data Breach occurs, Staff must immediately report to their manager, who will escalate the matter to the Privacy Officer. Staff must also report the Data Breach by using the Hazard and Incident Report form, which must be submitted to incidents@koorana.org.au within 24 hours of the Staff becoming aware of the breach. Please refer to Koorana's Incident Management Policy and Procedure. Investigating and responding to Data Breach

The process for assessing, responding to Data Breach will follow Koorana's Risk Management Framework, and Koorana's Incident Management Policy and Procedure.

ii. Notifiable data breach

Koorana is required by law to notify affected individuals and the Office of the Australian Information Commissioner (OAIC) when an eligible Data Breach involving personal information is likely to result in serious harm, e.g., identify theft, financial loss, physical harm, psychological harm, reputational harm.

An eligible data breach occurs when the following criteria are met:

- there is unauthorised access to, or disclosure of Personal Information held by Koorana or a contracted professional service, or information is lost in circumstances where unauthorised access or disclosure is likely to have occurred.
- the breach is likely to result in serious harm to any of the individuals to whom the information relates.
- Koorana or a contracted professional service has been unable to prevent the likely risk of serious harm with remedial action.

Koorana must promptly notify the Australian Information Commission and the affected person of an eligible Data Breach.