

## 6.26 Confidentiality and Privacy

### **Definition: Confidentiality and Privacy**

- Is the preservation of personal information concerning the clients, carers and client's family, which is disclosed in the course of asking for and receiving services, referral processes and statistical collection.
- Extends to all other aspects of information regarding organisational and service/project staff, management, internal business, finances and operations of the organisation and services.

### **Statement of Principle**

NORWACS is committed to respecting family's right to privacy and confidentiality and ensuring that their personal and health information is protected throughout their participation with the organisations services and projects.

### **Primary Responsibility**

All Staff and Management

### **Policy**

Commonwealth and State Privacy Legislation require that all NORWACS Staff comply with the Privacy and Personal Information Protection Act (NSW) 1998.

Within their roles NORWACS staff comes in contact with information, written and verbal that must be kept confidential and private at all times.

Breaches of confidentiality and privacy can result in the termination of employment of a staff member.

### **Exemptions**

The following are exemptions from the information privacy principles;

Information that is;

- Necessary to prevent a serious or imminent threat to life or health;
- Required by law (e.g. mandatory reporters making a risk of harm report to Community Services NSW); and
- Provided or exchanged under Section 248 of the Children and Young Persons (Care and Protection) Act 1998.

# Procedures

## Service Responsibilities

- It is the Managers and Coordinators responsibility to ensure that upon commencement at the service or project all new staff, volunteers, work experience and TAFE work placement personnel have read, agreed to, signed and abide by the NORWACS Privacy and Confidentiality statement.
- As soon as a client enters, or engages with a service or project they are to be informed about the Confidentiality policy and that:
  - Their confidentiality and privacy will be respected with the exception of the services/staffs legislative requirements as per Exemptions above; and
  - They are expected to respect confidentiality and privacy of others. Specifically, let clients/family's know they are not to tell anyone outside the service the names or details of other families in the service.
- The sharing of clients, carers and family's personal information will take place on a need to know basis only, and will be conducted with the well being, privacy, confidentiality and dignity of the client, carer and family member paramount.
- Client's information is not to be discussed with staff members that are not involved in the client's case plan or provision of service. Where it is necessary to work with other supporting services, agencies or departments in order to provide services or referrals the obligation of confidentiality is binding for all stakeholders involved. A signed consent form to share information process should be utilised.
- If confidentiality is breached by a staff member or a family, the service or project must ensure that the safety and security of the service, staff and/or families has not been threatened by the breach.
- If the NORWACS Confidentiality policy is breached, the organisation must act immediately to initiate the appropriate Grievance, Disputes and Complaints policy.
- If a family breaches their confidentiality responsibilities, the service or project must act immediately and may withdraw services from this family.
- NORWACS will gain written permission before taking/displaying photos of any clients or family members involved with the organisation.
- NORWACS will take breaches of confidentiality seriously and act on claims immediately.

# Staff Responsibility

## In Relation to Clients

- NORWACS staff will ensure families are aware that most personal and health information supplied is confidential, however if information relates to child abuse and/or neglect, threats of self harm or assault on others or damage to property, staff are obliged to report such to Community Services NSW and/or the Police.
- NORWACS staff will not discuss clients personal or health information; disclose family names or other information, to any member of the NORWACS Management Committee, except where the safety and security of the family or staff member may be at risk.
- Staff will not give out any information regarding a client, including whether or not they are a client, without consent unless there is a duty of care obligation to others.
- Clients and family's privacy and confidentiality will be maintained by conducting all interviews in a private area free from interruption.
- When visiting clients in their homes all NORWACS staff will request admittance before entering, and respect the clients and/or family member's entitlement to deny entry.
- NORWACS staff will not disclose family names or personal or health information at interagency meetings.
- NORWACS staff members are encouraged to allow privacy and confidentiality by not approaching (ex) clients or their family members in a social setting. However, should the (ex) client or family member makes first contact staff members will allow them to lead introductions as they may not wish roles to be disclosed.
- Not all information disclosed by staff is necessarily shared with all service/project staff members, particularly if it is not relevant to service delivery.
- NORWACS staff will not discuss family personal or health information with other family members not in the service/project unless given authority to do so.

## In Relation to Staff

- Staff must not give any other staff members details, including address and phone numbers, to any family or other organisations without the staff member's permission.

- When staff members are using clinical supervision outside the service, it is acceptable to discuss general details of a case, but not the family's name.
- Staff members are not to discuss information concerning the financial and confidential arrangements of the service, project or NORWACS with anyone outside the organisation.
- Where a staff member requires information regarding any aspect of, the organisation, their employment or their work with clients, carers or family members this should be sought from their direct supervisor (Manager, Coordinator or Executive Officer) not from any other source.

## **Family Responsibility**

### **Statement of Principles**

- Families are encouraged to protect each other's privacy and confidentiality at all times and will be educated by staff about the importance of these issues.
- Families are able to specify which agencies receive and/or exchange their personal and health information and a decision by the family to withhold consent for the exchange of information with an agency does not exclude them from participation in the service.