



| | | | |
|---------------------|---|-----------------------|---------------------|
| Policy Name: | Confidentiality Policy | Policy Number: | FCO-044 |
| Date Approved: | 28 February 2018 | Approved By: | Board of Management |
| Date Issued: | 2 March 2018 | Review Date: | February 2021 |
| Version 1.4 | This version of the policy was approved 28 February 2018 and replaces the version approved 4 August 2016. | | |

1. Aim

Firstchance is committed to maintaining the confidentiality of those involved in Firstchance services and activities. Firstchance aims to maintain confidentiality by ensuring that all records and information about individual children/young people, families/carers, staff and management are kept in a secure place and are only accessed by or disclosed to those people who need the information to fulfil their responsibilities at the service or have a legal right to know.

The purpose of this document is to set out the expectations to maintain confidentiality. The supporting systems and procedures will ensure that there are guidelines and consistency around how we implement this policy.

2. Scope

This policy applies to children, young people and parents/carers attending or receiving Firstchance services, as well as employees, volunteers and contractors.

For the purpose of this policy, confidentiality relates to the transmission of personal, sensitive or identifiable information about individuals or organisations, which comes into the possession of the organisation through its work.

3. Policy

- 3.1 The use or disclosure of personal information will only be for its original collected purpose, unless the individual consents or unless it is needed to prevent a health threat or is required or authorised under law.
- 3.2 Personal information will be kept in a secure and confidential way, and de-identified or destroyed by shredding or incineration, when no longer needed.
- 3.3 Every employee is required to sign their employment contract which contains details about the confidentiality requirements of each individual as a worker with Firstchance.
- 3.4 Personnel forms and employee information will be stored securely in accordance with the Workplace Relations Act 1996 in order to maintain confidentiality.
- 3.5 Information about employees will only be accessed by the General Manager and Program Manager. The Finance and Admin staff are able to access payroll and contract information about staff to fulfil their duties.
- 3.6 Workers will maintain the confidentiality of other workers by not relating personal information about another worker to anyone either within or outside Firstchance.
- 3.7 No staff member may give information or evidence on matters relating to children/young people and/or their families to anyone other than the responsible parent/guardian, unless prior written approval/consent by the responsible parent/guardian is obtained.

Exceptions may apply regarding information about children when subpoenaed to appear before a court of law or in making child protection notifications. Notwithstanding these requirements, confidential information may be exchanged in the normal course of work with other workers at Firstchance when this is reasonably needed for the proper operation of the Service and the wellbeing of families and workers.

- 3.8 Confidential conversations that workers have with parents/carers, or other Firstchance staff, will be conducted in a quiet area away from other children/young people, parents/carers and workers. Such conversations are to be recorded electronically in the Firstchance Client Management System (CMS).
- 3.9 Reports, notes and observations about children/young people must be accurate and free from biased comments and negative labelling.
- 3.10 Potential employees – applicants - will be asked for their consent before their references are checked.
- 3.11 All matters discussed at Board meetings will be treated as confidential. All Firstchance Board members will be requested to sign a confidentiality agreement.
- 3.12 Students and volunteers will be required to sign a Confidentiality Agreement when they commence with Firstchance.
- 3.13 Students/people on work experience/volunteers will not make workers/children or families at the Service, an object for discussion outside of the Service (e.g. college, school, home etc.), nor will they at any time use family names in recorded or tutorial information.
- 3.14 Students/people on work experience/volunteers will only use information gained from the Service upon receiving written approval from the Program Manager. If permission is granted, these documents must be de-identified before use.
- 3.15 All information kept on children/young people and families is saved electronically in the Firstchance CMS. Firstchance staff are to follow the Privacy in Practice Fact Sheet to ensure confidentiality of information on the CMS is maintained. The CMS developers can only access data on the CMS by request from Firstchance in order to provide help desk support and this information is treated in the strictest of confidence.
- 3.16 Some relevant hard copy records are kept in filing cabinets which are locked when not in use and are accessible only by key staff.
- 3.17 Any sensitive or personal information should be stored on the Firstchance Remote Desktop. Where any of this information is temporarily stored by staff on USB or external devices, these documents must be saved as password protected.
- 3.18 All information stored on the Firstchance Remote Desktop and related folders is accessible by staff only. Personnel files are also secured and only accessible by Managers, Finance and Administration staff.
- 3.19 Parents/carers will be asked to indicate whether they consent to information being shared with other agencies/professionals on the 'Third Party Consents Form' as part of the Enrolment process. Consent must be given before any information is shared with other agencies or third parties. An exception to this is sharing information to comply with Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 which provides for the sharing of information that relates to the safety, welfare or wellbeing of a child or young person with other prescribed agencies. This information can be provided without the consent of the family.
- 3.20 Non-compliance with this policy will be dealt with under the Feedback and Complaints Policy (where a breach is related to a family), the Staff Grievance Policy (where a breach is related to a staff member) and/or Staff Performance, Support and Management Policy.

- 3.21 All employee records relating to Domestic and Family Violence (DFV) will be kept strictly confidential to ensure the staff member's privacy. Information relating to domestic violence will not be recorded on an employee's personnel file, it will be kept in a locked filing cabinet accessible only to the General Manager. Disclosure of such information should only occur to relevant personnel (such as Admin/Reception staff) on a need-to-know basis when there is a safety risk to the employee or other employees. The decision to disclose DFV to colleagues and managers will be supported and will not be used as grounds for demotion, transfer or termination of employment

3.22 Advocacy/legal advice/independent support

Firstchance welcomes the inclusion of support for families which is external to the organisation, to assist families in their interactions with Firstchance. Assistance may be provided by a friend, family member, staff member, translator, advocate or anyone else who is acceptable to the family / person. Where necessary, Firstchance will offer assistance to a family by making a referral to an advocacy service with the consent of the family.

This policy must be read in conjunction with the related policies and procedure/s which supports this policy.

Privacy Policy
Child Protection Policy
Feedback and Complaints Policy
Family Law and Access Policy
Grievance Policy
Medical Conditions Policy
Record Keeping and Retention Policy
Social Networking Usage Policy
Set Up of Child Files Procedure
Recruitment File Procedures
New Employee Set Up Checklist
Domestic Family Violence – Safe in the Workplace Guidelines

4. References

Privacy Act 1988
Australian Privacy Principles
Privacy Amendment (Enhancing Privacy Protection) Act 2012
United Nations Convention of the Rights of a Child
Freedom of Information Act 1989
Child Protection Act 1998
NSW Children and Young Person's (Care and Protection) Act (1998)
Children Legislation Amendment (Wood Inquiry Recommendations) Act (2009)
Disability Inclusion Act 2014

NSW Disability Service Standards

Standard 1 – Rights

5. Persons Responsible

All employees are responsible for:

- Implementing this policy
- Recording documentation in an accurate and strengths based way
- Maintaining Confidentiality responsibilities as outlined in employment contract and Privacy in Practice Fact Sheet
- Ensuring child files are secure to maintain confidentiality (hard copy and soft copy files)

Supervisors are responsible for:

- Ensuring confidentiality agreements are upheld by all workers

Managers are responsible for:

- Organising for Confidentiality Forms to be signed by volunteers/students and board members
- General Manager is responsible for the secure storage of any information related to Domestic Family Violence related to staff

Board of Management are responsible for:

- Approval of this policy.

6. Definitions

Board of Management – the governing body of Firstchance, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation

Domestic & Family Violence - occurs when one person in a domestic relationship uses violence and abuse to exercise or maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, spiritually, psychologically or economically abusive; threatening and coercive or aimed at controlling or dominating the other person through fear. DFV can affect any person, regardless of gender, age, socioeconomic status or cultural background.

Family – refers to the parents/caregivers of the children or young people that receive support from Firstchance

Firstchance – all Firstchance Incorporated services and programs

Manager – refers to the General Manager or Program Manager, whichever is relevant in the context of the situation

Supervisor – refers to all senior staff who are responsible for supervising one or more staff members

Visitor – any person who is visiting a Firstchance service who is not a staff member, client or family

Worker – anyone who is carrying out work, in any capacity, for Firstchance. This includes employees, contractors/subcontractors and their employees, labour hire employees engaged to work in the organisation, outworkers, apprentices, trainees, students on work experience and volunteers

Document review history

| Date | Section | Change |
|-------------|---------------------------------|--|
| July 2014 | All | Policy separated from previous FCO-022 Privacy and Confidentiality policy. |
| | 3.19 | Addition to clarify related policies that will be used when there is a breach of this policy |
| | 3.20 | Addition to the policy to set out external supports for families. |
| March 2015 | 4 | Additional reference to Disability Inclusion Act |
| August 2016 | All | Removed reference to Nominated Supervisor and Educator. Amended to Supervisor or Worker as required. |
| | 3.15 | Clause added in relation to confidentiality and CMS, numbering amended accordingly |
| | 3.16 | Re-numbered, after addition of 3.15. |
| | 3.17 | Amendment to reflect use of Remote Desktop and any use of USB or External hard drives. |
| | 3.19 | Name of form changed to Third Party Consents (previously known as Other Agency form) |
| | Related policies and procedures | Removed Enrolment policy |
| | 4 | Removal of references to NQS and EYLF as Firstchance no longer a licenced service |
| | 5 | Changed Person responsible Nominated/Certified Supervisors |
| March 2018 | 3.21 & 6 | Addition of clause/definition/reference relating to Domestic & Family Violence |