**Policy KCLC 4 Client Confidentiality V7**

**Date of CEO Endorsement**:25th September 2018

**Signature of CEO:**

**Responsible Person:** Program Co-Ordinators (IFS, CC, NH)

**Last Review Date**: 10th August, 2018

**Next Review Date**:10th August, 2019

**Reference Documents**:

Privacy Act

Family Violence Protection (Information Sharing) Regulations 2018

Family Violence Protection Act 2008

Child Protection Legistlation

Victorian Privacy Legislation

Privacy and Data Protection Act 2014

Freedom of Information

Professional Standards

***Policy Statement***

Consumers and carers right to privacy and confidentiality is recognised, respected and protected in all aspects of their contact with Kyabram Community Learning Centre (KCLC).

Kyabram Community Learning Centre will at all times operate according to the requirements of applicable privacy legislation.

Kyabram Community Learning Centre will only request and retain information that is necessary to:

* assess a potential consumer’s eligibility for a service;
* provide a safe and responsive service;
* monitor the services received;
* fulfil our duty of care responsibilities; and
* fulfil contract requirements to provide non identifying data and statistical information to a funding body.

Kyabram Community Learning Centre is committed to ensuring the confidentiality of all consumer information, in all the forms in which it might be stored. All Consumer service records are to be kept up to date and stored securely.

Consumers will have access on request, to the information that Kyabram Community Learning Centre holds about them, and have the right to have any inaccurate information corrected.

Consumer information will generally not be disclosed to a third party without the prior knowledge and consent of the Consumer or their appointed guardian, attorney or advocate. However, there could be occasions on which Kyabram Community Learning Centre must release personal information to a third party, and these will be explained to each consumer before personal information is collected in the

Assessment Interview.

These occasions will include, but not necessarily be limited to the following:

(1) The exercise of duty of care

Occasionally, there might be conflicts between KCLC’s duty of care to the consumer and the duty to maintain privacy and respect confidentiality. If there are concerns that a consumer might cause harm to himself/herself, or pose a threat to another individual or group, or that someone else poses a threat to a consumer, confidentiality

might need to be broken to ensure the safety of the individuals or group concerned.

(2) Fulfilling legal obligations

Confidentiality might need to be broken in order for KCLC to comply with its obligations under law.

Personal information such as:

* medical conditions and health status;
* racial or ethnic background;
* political opinions and membership of political organisations;
* religious and philosophical beliefs and/or affiliations;
* employment, qualifications and/or industrial affiliations;
* sexual preferences or practices; and
* criminal records

are not to be collected and recorded without the consumer’s consent.

***Procedures***

Consumer and Carer Information

• As part of their orientation to the service, all new consumers (and carers where relevant) will be advised of:

* KCLC’S commitment to maintaining their privacy and confidentiality and the occasions when legal requirements or our duty of care to ensure the safety and wellbeing of all of our consumers could mean that we might not be able to keep our commitment;
* the practices in place to help meet privacy and confidentiality obligations;
* the reasons why particular information is requested, and what KCLC does with the information;
* their rights to decline to provide information; and
* how they can access the personal information that KCLC holds, and any limitations to that access.

This information will be summarised in an easy to read Privacy and Confidentiality Information Sheet to be provided to all consumers (and carers where relevant) when they commence receiving a service.

* Consumers (and carers where relevant) will sign a statement to confirm that they have been advised of and have written information to explain KCLC’S Privacy and Confidentiality of Consumer and Carer Information Policy.
* Consumers (or families and/or advocates) will be required to give written informed consent before personal information is communicated to a third party, except in situations where not informing the third party could:
* constitute a breach of our duty of care by placing the consumer or others at risk; or
* place KCLC in breach of legal requirements.

Staff and Office Practices

* Interviews with consumers (and carers and advocates) will be conducted in a room where privacy can be assured.
* If a staff member is in a situation where they believe that they need to disclose information about a consumer that they ordinarily would not disclose, they should seek the advice of the Program Manager before making the disclosure.

Computer screens must not be visible to members of the public

• Consumer files are not to be left on unattended desks.

• Staff must log off their computer when they leave their desk and must not reveal their access password to anyone.

• Hard copies of information regarding service users will be stored in a filing cabinet that is kept locked when the office is unattended, with keys only available to Authorised staff.

• Consumer (and carer where relevant) information that is in electronic form and stored on KCLC’s computer network will be password protected so that information is only accessible to authorised staff.

• Consumer files, or individual sections or pages of files, are not to be removed from KCLC’S premises in any format, unless KCLC is so directed by an authority with the legal mandate to give the direction to do so.

• Information from a consumer file is not to be copied, except as part of a backup procedure, without the express permission of the consumer.

• Organisational arrangements for maintaining consumer privacy and confidentiality will be reviewed annually as part of a privacy audit.