

2.9 Privacy Policy

Approval Date:		Manager: Robyn Lord	Applies to: All Board members
Review Date:			

POLICY CONTEXT

Policy context: This policy relates to	
Standards or other external requirements	National Privacy Principles NAS 6 Management of information and data
Legislation or other requirements	Freedom of Information Act 1992 (WA) Privacy Act 1988
Contractual obligations	Various funding contracts Letters of employment

POLICY

WCLC is committed to protecting and upholding the right to privacy of clients, staff, volunteers, Board members and representatives of agencies we deal with. WCLC is committed to protecting and upholding the rights of clients to privacy in the way staff collect, store, and use information about them, their needs and the services we provide to them.

WCLC requires staff, volunteers, and Board members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

The Centre will follow the guidelines of the *National Privacy Principles* in its information management practices.

WCLC will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of its personnel and its clients.
- clients are provided with information about their rights regarding privacy.
- clients and personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
- all staff, Board members and volunteers understand what is required in meeting these obligations.

This policy conforms to the *Privacy Act 1988 (Cth)* and the *National Privacy Principles* which govern the collection, use and storage of personal information.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

PROCEDURE

WCLC, will

- only collect information with prior knowledge and consent.
- only use the information provided for the purposes for which it was collected.
- not disclose information to a third party without consent.
- not disclose information to other institutions and authorities except if required by law or other regulation.
- remove information from records when it is no longer required (except where archiving is required). The information held on a client or client Centre will be up-to-date, relevant, non-obtrusive and objective. WCLC will take reasonable steps to correct inaccurate, incomplete, or out-of-date information on a regular basis.
- Have processes and policies to protect the information the organisation has under its control from:
 - Unauthorised access
 - Improper use
 - Alteration
 - Unlawful or accidental destruction and accidental loss.

DEFINITIONS

Personal Information – is defined by the Privacy Act as “information about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion” which is maintained electronically, on video or in written/printed form; and/or verbal information given to an staff member, volunteer or Board member about an individual.

Sensitive Information – means personal, health or legal information or an opinion about an individual’s

- Racial or ethnic origin
- Political opinions
- Membership of a political association
- Religious beliefs or affiliations
- Philosophical beliefs
- Membership of a professional or trade association
- Membership of a trade union
- Sexual preferences or practices
- Criminal record

Staff member, volunteer, or Board member Record – in relation to a staff member, volunteer or Board member, means a record of personal information relating to the employment or volunteer record of the staff member, volunteer or Board member. Examples of personal information may include all or any of the following:

- Engagement, training, discipline or resignation of the staff member, volunteer, or Board member.
- Termination of the staff member, volunteer, or Board member.

- Terms and conditions of employment of the staff member.
- Staff member, volunteer, or Board member's personal and emergency contact details.
- Staff member, volunteer or Board member's performance and conduct.
- Staff members hours of employment.
- Staff members salary or wages.
- Staff member, volunteer, or Board member's membership of a professional or trade association.
- Staff member, volunteer, or Board member's trade union membership.
- Staff members recreation, long service, sick, personal, maternity, or other leave.
- Staff member, volunteer or Board member's taxation, banking, or superannuation affairs.

Dealing with personal information

In dealing with personal information, WCLC staff members will:

- ensure privacy for clients, staff, volunteers, or Board members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the Centre and its activities
- use fair and lawful ways to collect personal information
- collect personal information only by consent from an individual
- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, complete, and up-to-date, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification, or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.

Responsibilities for managing privacy

All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation, or advocacy work.

The Manager is responsible for content in WCLC publications, communications and website and must ensure the following:

- appropriate consent is obtained for the inclusion of any personal information about any individual including organisation staff members
- information being provided by other agencies or external individuals conforms to privacy principles
- the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.

The Manager and Principal Solicitor are responsible for safeguarding personal information relating to staff, Board members, volunteers, contractors, and WCLC members.

The Manager is responsible for ensuring all staff, volunteers and Board members are familiar with the Privacy Policy and administrative procedures for handling personal information.

The Manager will be responsible for:

- ensuring clients and other relevant individuals are provided with information about their rights regarding privacy
- handling any queries or complaint about a privacy issue

Clients Privacy and Confidentiality

In addition to the procedures described above, the following procedures apply to clients who access services from the organisation.

- At the first point of contact with a client, the staff member speaking to that person will advise them what information is being collected, how their privacy will be protected and their rights in relation to this information.
- Personal information collected from clients will be used to assist with the provision of legal and related services and for the purpose of gathering statistical information for use in monitoring and assessing the services provided by WCLC.
- For the purpose of monitoring and assessing services or for funding purposes WCLC may collect sensitive information from clients such as ethnic or racial origin. This information will only be collected with consent. Sensitive information will only be disclosed to third parties once it has been de-identified and for the purpose outlined above.
- A client may request access to view personal information held by WCLC about them at no cost. Upon request, a copy of their file should be made available to the client within 48 hours. Prior to access being granted, the file must be checked by the Manager and/or the Principal Solicitor to ensure information pertaining to third parties is de-identified. The Manager and/or the Principal Solicitor must also approve any copies of material to be given to the client before it is handed over. [A client's file does not include file notes made by WCLC and these will not be provided to clients unless otherwise authorised by the Manager and/or the Principal Solicitor, in accordance with standard legal practice. A client may request a transcription of any file note on the file].
- A client's file may be viewed by a worker from another Centre as part of carrying out a cross check for the purpose of complying with the Risk Management Guide. That worker must sign an undertaking to keep the information confidential.
- A client's file may be viewed by the organisation's Professional Indemnity Insurer or their lawyers in circumstances where a notification or claim is made under the insurance policy.
- Staff, volunteers, and Board members must not communicate, publish, release or disclose to any person information provided to them in the course of their work that is likely to lead to the identification of a client or clients and/or identification of a client's legal problem except:
 - in the course of the delivery of services; or
 - with the informed consent of the client where the client has the legal capacity to give consent; or

- as requested by the Risk Management Guide for the purpose of the annual cross-check procedure; or
- as required by the organisation's Professional Indemnity Insurer where a notification or claim has been made to the insurer in respect of a particular matter; or
- as required by law.
- When interpreters are being used, staff members will take reasonable steps to ensure that the interpreter is aware of confidentiality and privacy requirements.
- If a staff member or volunteer telephones a client and is unable to speak to the client directly, the staff member or volunteer should not identify themselves as calling from WCLC unless the client has authorised such disclosure. This applies to the leaving of messages on telephones unless the client has authorised the disclosure, or unless the messages are left on clients' personal mobile telephones.
- Client files should be kept securely in filing cabinets when not in use and must not be left on desks or in central work areas or anywhere where the client's name or any other information can be seen by others.
- No files are to be taken off the premises without the consent of the Manager and/or the Principal Solicitor and if a file is taken off the premises, measures must be taken to ensure security and confidentiality of the file (for example, that personal information cannot be seen), it must be carried in a secure fashion and not left unattended.

Privacy for interviews and personal discussions

To ensure privacy for clients or staff when discussing sensitive or personal matters, the organisation will ensure as far as practical that there are private interview spaces where such matters can be discussed.

Complaints

Complaints about breaches of privacy can be made through WCLC's complaint procedures.

DOCUMENTATION

Documents related to this policy	
Related policies	2.4 Records management 2.7 Communications management 3.5 Code of conduct, confidentiality, and COI 1.3 Board conduct, confidentiality, and COI 5.2 Complaints management
Forms, record keeping or other Centre documents	

Frequency	Person responsible	Approval
Every 4 years	Manager	Manager

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	10 th July 2013	Management Committee	July 2015
2	18 October 2017	Management Committee	October 2020

3	13 May 2024	Manager	May 2028
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