

Policy No: 07

Policy Title: Privacy and Confidentiality Policy

Review Date: June 2023

1. Purpose

This policy as it references complaints and feedback is intended for the utilisation of BAYSA Housing, BCYF has formalised this procedure and received endorsement by the Executive Director of Policy and Planning. As BCYF is the parent company of BAYSA, this document applies in policy and practice relative to BAYSA Housing.

This policy provides an outline of BCYF's legal obligations and ethical expectations in relation to privacy and confidentiality.

2. Scope

This policy applies to Board Directors, employee's (including BAYSA Housing), carers, volunteers, lead tenants, students on placement, clients and representatives of agencies we deal with, collectively referred to in this policy as '**workplace participants**'.

3. Policy

BCYF is committed to protecting and upholding the right to privacy and confidentiality of all workplace participants.

In particular, BCYF is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

BCYF requires workplace participants 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.

BCYF will ensure that:

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

This policy conforms to the *Federal Privacy Act (1988)*, the *Victorian Privacy and Data Protection Act (2014)*, the *Australian Privacy Principles* and relevant privacy legislation (refer Section 7) 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.

Where an individual requests the BCYF privacy and confidentiality policy in a particular form, reasonable steps will be taken to provide a copy in the format requested (e.g. verbal or 'easy read').

4. Definitions

Information Sharing Entity (ISE) - BCYF is classified as an ISE under the Family Violence Information Sharing Scheme (FVIS) and the Child Information Sharing Scheme (CIS). ISE's include but are not limited to Victoria Police, Child FIRST, Child Protection, sexual assault services, Corrections Victoria, Community Services and victim's services. For more information and guidance on Information Sharing refer to BCYF's [Privacy & Confidentiality Procedure – Clients](#).

Personal Information - is defined by the *Privacy Act (1988)* as information about an individual whose identity is apparent, or can reasonably be ascertained from the information. This information may be electronic, in writing or verbal information given to an employee about an individual or by an organisation on behalf of an individual.

Sensitive Information - means personal information about an individual's:

- Racial or ethnic origin.
- Political opinions including membership of a political association.
- Religious beliefs or affiliations.
- Philosophical beliefs.
- Sexual preferences or practices.
- Criminal record.

Health Information - means information or opinion about:

- The health or a disability of an individual at any time past or present.
- An individual expressed wishes about the future provision of health services to them.
- A health service provided or to be provided in the future to an individual.
- Other personal information collected to provide or in providing a health service.
- Other personal information about an individual collected in connection with the donation. intended donation by the individual of his or her body parts, organs or body substances.

5. Responsibilities

The **CEO** is responsible for:

- the review and oversight of all organisational policies
- approving this policy and subsequent revisions, endorsed by the Executive Management Team (EMT)
- ensuring the necessary resources are provided to effectively implement this policy.

The **Executive Director Policy & Planning** is responsible for:

- the development, implementation and review of this Policy.

The **Executive Director Client Services** is responsible for:

- ensuring application of this policy across all Client Services.

The **Manager Quality & Risk** is responsible for:

- ensuring the Privacy & Confidentiality Policy and related Procedures remain compliant to all relevant State and National Privacy Legislation and Frameworks
- responding to any queries or complaints about a privacy-related issues
- recommending a course of action and communicating directly with the Executive Director, Policy & Planning and the CEO on all matters that may be ambiguous and/or where higher authority is required.

The **Manager Community Relations** is responsible for content in BCYF publications, communications and web site and must ensure the following:

- appropriate consent is obtained for the inclusion of any personal information of clients and workplace participants
- information being provided by other agencies or external individuals conforms to the privacy principles
- that 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 People & Culture** is responsible for safeguarding personal information relating to BCYF staff, Board members, volunteers and contractors.

The **Client Records, Investigations & Redress Officer (Privacy Officer)** is responsible for:

- acting as the BCYF Privacy Officer, developing and implementing work practices that mitigate risk and support compliance with relevant State and National Privacy Legislation and Frameworks
- providing advice and support programs in relation to managing client's personal information in accordance with relevant standards, legislation and regulatory requirements
- undertaking internal audits to assess the compliance of client records with relevant standards, legislation and regulatory requirements
- developing and implementing staff training to support staff with understanding relevant legislative and regulatory requirements.

Workplace Participants are responsible for:

- the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work
- seeking a documented exemption from Management in any situations where they are unable to follow this policy or related procedure.

6. Policy Application

Workplace participants shall be competent in understanding the principles of Privacy legislation and be able to apply this policy in their work.

BCYF will ensure personal information is collected and managed in accordance with the Privacy Act and the Australian Privacy Principles. These principles govern how BCYF can collect, use, hold and disclose personal information. BCYF will:

- only collect personal information that is necessary for the provision of service and will advise clients that they may obtain access to their information
- only use and disclose information for the primary purpose for which it was collected. Clients will be asked to consent to any other use of their personal information unless other legislation precludes this
- take all reasonable steps to ensure personal information is accurate, complete and up to date
- take all reasonable steps to ensure that personal information is protected from misuse, loss, unauthorised access, modification and disclosure
- document clearly expressed policies on the management of personal information and provide these to anyone who asks
- provide access for workplace participants to their personal information and make any corrections they advise are necessary. Such access may not be provided if it places the life or health of others at risk
- ensure that unique identifiers assigned to individuals are only shared with other organisations when required by legislation or by explicit consent of the individual
- give clients the option of not identifying themselves when entering into a service with us. This will occur where the option would be lawful and/or feasible
- not transfer individual's personal information outside of the organisation without due process and authorization
- not collect any sensitive information about an individual unless we are required by law or they have specifically consented for us to do so
- not collect unsolicited information
- not disclose personal information for direct marketing purpose.

7. Legislation, Acts, Standards

Children, Youth and Families Act (2005)

Charter of Human Rights and Responsibilities Act (2006)

Ombudsman Act (1973)

Privacy and Data Protection Act (2014) Health Records Act (2001)

Child Wellbeing and Safety Act (2005)
Failure to Disclose Crimes Amendment Act (2014)
Failure to Report Crimes Amendment Act (2014)
Family Violence Protection Act (2008)
Victims Charter Act 2006
Privacy Act (1988)
Freedom of Information Act (1982)
Privacy Amendment (Enhancing Privacy Protection) Act (2012)
Australian Privacy Principles (APPs) (2014)
 QIC Health & Community Services Standards
 Human Services Standards
 Child Safe Standards

8. Related Documents

07.01 Privacy and Confidentiality Procedure – Clients
 07.02 Privacy and Confidentiality Procedure – Personnel
 07.03 Accessing Information Procedure – Past Care Leavers/Clients
 06 Feedback & Complaints Policy
 09 Client Participation Policy
[BCYF Privacy Statement](#)
[BCYF Client Information Brochure](#)

9. Appendices

Nil

10. Document History

Version Number	Approval Date	Approved By	Brief Description
V1	November 2015	EMT	New BCYF Policy.
V2	September 2018	ED S&S	Revised Policy to ensure compliance with new <i>Family Violence Information Sharing Scheme</i> and <i>Family Violence Protection Act 2008</i> .
V3	June 2020	ED P&P	Minor update to position titles, roles and responsibilities and ISE definition in line with review of Privacy & Confidentiality Procedure – Clients and legislative changes (FVIS and CIS)
Custodian	Executive Director Policy & Planning		