

WELL WITH MY SOUL COUNSELLING SERVICES

Privacy, Confidentiality
Records Management, and Access Policy

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Privacy, Confidentiality and File Management and Access Policy

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1. Purpose and scope

Well With My Soul Counselling is committed to protecting the privacy and confidentiality of service users, staff, board members, students, volunteers, and stakeholders in the way information is collected, stored and used.

This policy provides guidance on Well With My Soul Counselling's legal obligations and ethical expectations in relation to privacy and confidentiality.

Well With My Soul Counselling holds two types of information which are covered by this policy, personal and organisational information.

2. Definitions

Table 1: Definitions

Term	Definition
Confidentiality	Confidentiality applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain.
Consent	Consent means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.
Individual	Individual means any person such as a service user, staff member, board member, volunteer, student, contractor or a member of the public.
Organisational information	Organisational information includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the <i>Privacy Act 1988</i> (Cwth) but some organisational information may be deemed confidential.
Personal information	Personal information means information or an opinion (including information or an opinion forming part of a database) about an individual (Office of the Federal Privacy Commissioner, 2001). It may include information such as names, addresses, bank account details and health conditions. The use of personal information is guided by the <i>Privacy Act 1988</i> (Cwth).

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Privacy provisions	Privacy provisions of the <i>Privacy Act 1988 (Cwth)</i> govern the collection, protection and disclosure of personal information provided to Well With My Soul Counselling by service users, board members, staff, volunteers, students and stakeholders.
Public domain	The public domain in relation to confidentiality is 'common knowledge', i.e. information that can be accessed by the public.

3. Policy statement

Well With My Soul Counselling is committed to ensuring that information is used in an ethical and responsible manner.

Well With My Soul Counselling recognises the need to be consistent, cautious and thorough in the way that information about service users, stakeholders, staff, board members, students and volunteers is recorded, stored and managed.

All individuals including service users, stakeholders, staff, board members, students and volunteers have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy and/or legal framework.

All staff, board members, students and volunteers are to have an appropriate level of understanding about how to meet the organisation's legal and ethical obligations to ensure privacy and confidentiality.

Well With My Soul Counselling will:

- provide clients and carers access to this policy
- share sufficient information, including risks and consequences of care, with clients and carers so they can make decisions about the client's care
- keep personal and sensitive information in written and electronic formats
- secure written documents in a locked filing cabinet
- secure electronic documents by protecting them with passwords accessed only by authorised users
- only collect personal and sensitive information that is relevant to the services that Well With My Soul Counselling provides
- ensure that personal and sensitive information is accurate and kept up to date
- seek written consent from the client or carer before sharing personal and sensitive information with other service providers
- retain client files for the duration of their life
- handle complaints about this policy according to the Complaints Management Policy.

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4. Outcomes

Well With My Soul Counselling provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative requirements and ethical obligations.

All staff and Board Directors understand their privacy and confidentiality responsibilities in relation to personal information and organisational information about Well With My Soul Counselling Community Services, its service users, staff and stakeholders. This understanding is demonstrated in all work practices.

5. Functions and delegations

Table 2: Functions and Delegations

Position	Delegation/Task
Owners	<ul style="list-style-type: none">• Endorse Privacy and Confidentiality Policy.• Be familiar with the organisation's legislative requirements regarding privacy and the collection, storage and use of personal information.• Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to Well With My Soul Counselling, its service users, staff and stakeholders.• Comply with Privacy and Confidentiality Policy and associated procedures.
Management	<ul style="list-style-type: none">• Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information.• Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to Well With My Soul Counselling, its service users, staff and stakeholders.• Ensure systems are in place across the organisation to adequately protect the privacy of personal information and confidentiality of other sensitive information.• Act in accordance with organisational systems in place to protect privacy and confidentiality.• Comply with Privacy and Confidentiality Policy and associated procedures.

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Staff

- Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information
- Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to Well With My Soul Counselling, its service users, staff and stakeholders.
- Act in accordance with organisational systems in place to protect privacy and confidentiality.
- Comply with Privacy and Confidentiality Policy and associated procedures.

6. Risk management

Well With My Soul Counselling ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

All staff, volunteers, students, and board members are made aware of this policy during orientation.

All staff are provided with ongoing support and information to assist them to establish and maintain privacy and confidentiality.

7. Policy implementation

This policy is developed in consultation with all staff and approved by the Owners. This policy is to be part of all staff orientation processes and all employees are responsible for understanding and adhering to this policy.

This policy should be referenced in relevant policies, procedures, and other supporting documents to ensure that it is familiar to all staff and actively used.

This policy will be reviewed in line with Well With My Soul Counselling Services' quality improvement program and/or relevant legislative changes.

8. Procedures

The privacy of personal information is defined by legislation, *Privacy Act 1988* (Cwth). At all times, Well With My Soul Counselling acts in accordance with these legal requirements which are underpinned by procedures 8.1–8.7 outlined below.

Well With My Soul Counselling also strives to respect the confidentiality of other sensitive information. However, in the spirit of partnership, we share information with service users and other involved individuals and organisations (subject to consent), where it would be in the best interest of the service user, or other individual, to do so.

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8.1 Collection of information

Personal information collected by Well With My Soul Counselling is only for purposes which are directly related to the functions or activities of the organisation. These purposes include:

- enquiry about programs
- referral to programs
- providing treatment and support to service users
- administrative activities, including human resources management
- sector development activities
- community development activities
- fundraising
- complaint handling.

Well With My Soul Counselling provides information to service users on collecting health and personal information including:

- purpose of collecting information
- how information will be used
- who information may be transferred to (if anyone) and under what circumstances information will be transferred
- limits to privacy of personal information
- how a service user can access or amend their health information
- how a service user can make a complaint about the use of their personal information.

8.2 Use and disclosure

Well With My Soul Counselling only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organisation.

It may be provided to government agencies, other organisations, or individuals if:

- the individual has consented
- it is required or authorised by law
- it will prevent or lessen a serious and imminent threat to somebody's life or health.

Further information regarding the use and disclosure of service user information is based on File Management Policy, Child Protection Policy and Suicide and Self-Harm Policy.

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8.3 Data quality

Well With My Soul Counselling takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

8.4 Data security

Well With My Soul Counselling takes steps to protect the personal information held against loss, unauthorised access, use, modification, or disclosure and against other misuse.

These steps include reasonable physical, technical, and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable **physical** safeguards include:

- locking filing cabinets and unattended storage areas
- physically securing the areas in which the personal information is stored
- not storing personal information in public areas
- positioning computer terminals and fax machines so that they cannot be seen or accessed by unauthorised people or members of the public.

Reasonable **technical** safeguards include:

- using passwords to restrict computer access, and requiring regular changes to passwords
- establishing different access levels so that not all staff can view all information
- ensuring information is transferred securely (for example, not transmitting health information via nonsecure email)
- using electronic audit trails
- installing virus protections and firewalls.

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance but also training to ensure staff, board members, students and volunteers are competent in this area.

8.5 Access and correction

Individuals may request access to personal information held about them. Access will be provided unless there is a sound reason under the *Privacy Act 1988* or other relevant law. Other situations in which access to information may be withheld include:

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- there is a threat to the life or health of an individual
- access to information creates an unreasonable impact on the privacy of others
- the request is clearly frivolous or vexatious or access to the information has been granted previously
- there are existing or anticipated legal dispute resolution proceedings
- denial of access is required by legislation or law enforcement agencies.

Well With My Soul Counselling is required to respond to a request to access or amend information within 45 days of receiving the request.

Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete and not misleading, taking into account the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, Well With My Soul Counselling may refuse the request.

If the requested changes to personal information is not made, the individual may make a statement about the requested changes which will be attached to the record.

More information can be found in the File Access Procedure.

The Community Centre Manager is responsible for responding to queries and requests for access and/or amendment to personal information.

8.6 Anonymity and identifiers

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves or requesting that Well With My Soul Counselling does not store any of their personal information.

As required by the *Privacy Act 1988*, Well With My Soul Counselling will not adopt a government assigned individual identifier number e.g. Medicare number as if it were its own identifier/client code.

8.7 Collection use and disclosure of confidential information

Other information held by Well With My Soul Counselling may be regarded as confidential, pertaining either to an individual or an organisation. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the public.

Staff members are to refer to the Community Centre Manager before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to Well With My Soul Counselling or its service users, staff and stakeholders.

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8.7.1 Organisational information

All staff, board members, students and volunteers agree to adhere to the Well With My Soul Counselling Code of Conduct when commencing employment, involvement or a placement.

The Code of Conduct outlines the responsibilities to the organisation related to the use of information obtained through their employment/ involvement/ placement.

The Code of Conduct states that individuals will:

Use information obtained through their involvement, employment, or placement only for the purposes of carrying out their duties, and not for financial or other benefit, or to take advantage of another person or organisation.

8.7.2 Staff information

The Human Resources Management Policy details how the organisation handles staff records to manage privacy and confidentiality responsibilities, including the storage of and access to staff personnel files and the storage of unsuccessful position applicants' information.

8.7.3 Stakeholder information

Well With My Soul Counselling works with a variety of stakeholders including private consultants. The organisation may collect confidential or sensitive information about its stakeholders as part of a working relationship.

Staff at Well With My Soul Counselling will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.

The way staff members manage stakeholder information will be clearly articulated in any contractual agreements that the organisation enters with a third party.

8.7.4 Service user information

Detailed information regarding the collection, use and disclosure of service user information can be found in the File Management Policy and associated procedures.

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8.8 Breach of privacy or confidentiality

If staff are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor. If this is not possible or appropriate, follow delegations indicated in the Complaints Policy and Procedures and Ethical Violation Procedure. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

If a service user or stakeholder is dissatisfied with the conduct of a Well With My Soul Counselling staff or Owner or Counsellor, a complaint should be raised as per the Complaints Policy and Procedures. Information on making a complaint will be made available to service users, stakeholders and will be found on the Well With My Soul Counselling website. Additionally, a complaint can be taken over the phone by any staff member.