

# Privacy and Confidentiality Policy



for

# Quality Life Psychology Services

(hereafter referred to as QLPS)

Website: [www.qualitylifepsychology.com.au](http://www.qualitylifepsychology.com.au)  
Email: [reception@qualitylifepsychology.com.au](mailto:reception@qualitylifepsychology.com.au)  
Phone: 07 4529 2444  
Fax: 4529 2400

# Privacy and Confidentiality Policy



## 1. Purpose and Scope

**QLPS** is committed to protecting the privacy and confidentiality of clients, staff, Board members, students, volunteers and stakeholders in the way information is collected, stored and used.

This policy provides guidance on **QLPS's** legal obligations and ethical expectations in relation to privacy and confidentiality.

**QLPS** holds two types of information which are covered by this policy, personal and organisational information.

## 2. Definitions

- Privacy provisions of the Privacy Act 1988 govern the collection, protection and disclosure of personal information provided to **QLPS** by clients, Board members, staff, volunteers, students and stakeholders.
- 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 means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.
- Individual means any person such as a client, staff member, Board member, volunteer, student, contractor or a member of the public.
- Organisational information includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the Privacy Act (1988) but some organisational information may be deemed confidential.
- 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 Federal Privacy Act (1988).
- The public domain in relation to confidentiality is "common knowledge," i.e. information that can be accessed by the general public.

# Privacy and Confidentiality Policy



## 3. Principles

**QLPS** is committed to ensuring that information is used in an ethical and responsible manner.

**QLPS** recognises the need to be consistent, cautious and thorough in the way that information about clients, stakeholders, staff, Board members, students and volunteers is recorded, stored and managed.

All individuals including clients, 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.

## 4. Outcomes

**QLPS** 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 **QLPS** its clients, staff and stakeholders. This understanding is demonstrated in all work practices.

## 5. Functions and Delegations

Position	Delegation/Task
Board of Directors	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 <b>QLPS</b> its clients, staff and stakeholders. Comply with Privacy and Confidentiality Policy and associated procedures.
Management	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 <b>QLPS</b> its clients, 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.

# Privacy and Confidentiality Policy



	<p>Act in accordance with organisational systems in place to protect privacy and confidentiality.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>
Staff	<p>Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information</p> <p>Understand the organisation’s ethical standards with regards to the treatment of other confidential information relating to <b>QLPS</b> its clients, staff and stakeholders.</p> <p>Act in accordance with organisational systems in place to protect privacy and confidentiality.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>

## 6. Risk Management

**QLPS** 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 Board of Directors. 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 **QLPS’s** quality improvement program and/or relevant legislative changes.

## 8. Policy Detail

The privacy of personal information is defined by legislation (Privacy Act 1988). At all times, **QLPS** acts in accordance with these legal requirements which are underpinned by the policy statements 8.1- 8.6 outlined below. **QLPS** also strives to respect the confidentiality of other sensitive information. However, in the spirit of partnership, we share information with clients and other involved individuals and

# Privacy and Confidentiality Policy



organisations (subject to consent), where it would be in the best interest of the client, or other individual, to do so.

## 8.1 Collection of Information

Personal information collected by **QLPS** 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 clients
- Administrative activities, including human resources management
- Sector development activities
- Community development activities
- Fundraising
- Complaint handling.

**QLPS** provides information to clients on collecting health and personal information including:

- Purpose of collecting information
- How information will be used
- Who (if anyone) information may be transferred to and under what circumstances information will be transferred
- Limits to privacy of personal information
- How a client can access or amend their health information
- How a client can make a complaint about the use of their personal information.

## 8.2 Use and Disclosure

**QLPS** 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.

## 8.3 Data Quality

**QLPS** 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.

# Privacy and Confidentiality Policy



## 8.4 Data Security

QLPS 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 non-secure 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 or other relevant law. Other situations in which access to information may be withheld include:

- 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.

QLPS is required to respond to a request to access or amend information within 45 days of receiving the request.

# Privacy and Confidentiality Policy



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, **QLPS** 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 this to the record.

**The appropriate sub-contracted psychologist** is responsible for responding to queries and requests for access/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 **QLPS** does not store any of their personal information.

As required by the Privacy Act 1988, **QLPS** 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 **QLPS** 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 general public.

Staff members are to refer to the CEO/Manager before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to **QLPS** or its clients, staff and stakeholders.

### **Organisational Information**

All staff, Board members, students and volunteers agree to adhere to the **QLPS** 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.

### **Stakeholder Information**

**QLPS** 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 **QLPS** will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.

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

# Privacy and Confidentiality Policy



## 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. 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 client or stakeholder is dissatisfied with the conduct of a **QLPS** staff or Board member, a complaint should be raised. Information on making a complaint will be made available to clients, stakeholders and will be found on the **QLPS** website. Additionally, a complaint can be taken over the phone by any staff member.

## 9. References

### Legislation

[Privacy Act 1988 \(Commonwealth\)](#)

### Resources

Office of the Federal Privacy Commissioner (2001). *Guidelines to the National Privacy Principles*. Office of the Federal Privacy Commissioner, Sydney.

Office of the Privacy Commissioner (2006). *Privacy Policy*, Office of the Privacy Commissioner, Sydney.