

# North and North West Community Legal Service Inc

## Policy Document

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**Title: PRIVACY**  
**Policy: 11.1**

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### References:

**Original Approved By:** N&NWCLS Management Committee  
**Date:** 17<sup>th</sup> June 2014  
**Revision No:**  
**Approved By:** Board  
**Date:** 17<sup>th</sup> June 2014  
**Reference Authority:**  
**Authors:**  
**Access level:** Public  
**Related Policies and Documents:**  
**File Name:** 10 Privacy

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### Preamble :

#### Objectives:

1. To ensure that the right of a client, and/or their advocate, and workers to have access to all personal information held by the service is upheld.
2. To ensure that all clients, potential clients, carers, management committee members, staff and volunteers are aware of the rights of all clients to access personal information, and the clients rights to have incorrect information corrected.
3. To ensure that no personal information is transmitted to a third party without the written consent of the client or worker concerned.
4. To ensure the physical confidentiality of client records via the establishment of a secure storage system.

#### Guidelines:

The Clients and Workers have the right to have all personal information, provided to the North & North West Community Legal Service in good faith, treated in a professional and sensitive manner.

The North & North West Community Legal Service shall deal with the collection, security, quality, use and disclosure of personal information in accordance with the *Privacy Act* 1988 (Cth)

With the formulation of this policy statement, the North & North West Community Legal Service formally recognises the fundamental principles of rights and responsibilities pertaining to privacy and

confidentiality of client and worker information, and is committed to establishing these rights in practice.

These being:

**The right** of the client and worker to expect that all personal information, given to the Service:

- be treated confidentially and not disclosed to a third party without the express consent of the client or worker;
- be sensitively handled with attention to privacy and human dignity;
- be securely stored; and

**The responsibility** of the Service to respond appropriately to ensure that such mechanisms are in place that would guarantee privacy and confidentiality of client and worker information.

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## **Policy:**

Only relevant client and worker information that is vital to appropriate service outcomes is to be collected. Collected information will:

- be stored in a secure and confidential manner;
- not be used for purposes other than those for which it was collected;
- not be provided to a third party without the express consent of the client or worker, unless required by law;
- be disposed of, as appropriate, in a confidential manner.

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## **Procedures:**

1. **Effective Structures:** That aim to ensure that a client's or worker's right to privacy and secure storage of personal information, is upheld. That client, carer and/or advocate, and worker are consulted before any personal information is transmitted to a third party.
2. **Information:** Processes that include a pamphlet (in targeted community languages where appropriate and possible) that outlines rights within the service, including:
  - the right to privacy;
  - the client's right of access to their file and the right to remove or correct incorrect information held; and
  - information regarding the safe storage of information
  - the right to consent to what personal information is provided to a third party.
3. **Training:** For all management, staff and volunteers that includes the rights of clients to privacy, and the confidentiality of client records.

## **STANDARD PROCEDURE: The Service will ensure that:**

- a. all workers are fully aware of the need to keep all client information confidential,
- b. a closed file is created, either under lock and key in a filing cabinet, or in a 'limited access' file on computer,
- c. a client's file or worker's file must be made available to the client or worker on request,

- d. a client or a worker has the right to have information held, that is incorrect, rectified/amended,
- e. only staff members have access to complete client files,
- f. the administrator or Principal Solicitor is responsible for ascertaining the amount of information necessary to enable a co-worker, or other parties to effectively carry out delivery of the service,
- g. clients, at initial interview, are informed about why particular information is gathered, what it is to be used for, how and where it will be secured and how to gain access to their own file,
- h. the service will gain written consent and agreement from the client on which information may be provided to other agencies
- i. in cases where abuse is suspected, or been identified, clients and/or carers will be supported/assisted to make their complaints via the appropriate channels,
- j. service workers develop their cross-cultural skills regarding areas of life that specific cultural groups regard as extremely private or sensitive so that the service is delivered in a manner that is culturally appropriate,
- k. that at an appropriate point in time, sensitive documents can be returned to the client or worker. If there is agreement by all parties, sensitive documents may be shredded or otherwise destroyed,
- l. each client is to be provided with a copy of the Service Privacy Brochure at the time of being provided with a Client Service Agreement.
- m. copies of the Service Privacy Brochure are to be displayed in the office and available upon request.

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**Definitions:**

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**Notes:**