



Policy 3.8	Privacy and Confidentiality Policy
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Record of policy development			
Version	Date approved	Date for review	To be approved by:
1	May 2021	May 2024	Board of Management

Responsibilities and delegations	
This policy applies to	Board of Management, Staff, Students, Volunteers, Contractors, Consultants
Specific responsibilities	All Board of Management Members, casual, permanent, and contract staff members, students and volunteers are responsible for adhering to all applicable clauses.

Policy context – this policy relates to:	
Standards	(NAS CLC – Phase 2) <ul style="list-style-type: none"> • A1.1 Governance <ul style="list-style-type: none"> - Governing Body Recruitment, Induction & Training • A2.1 Management of Information and Data <ul style="list-style-type: none"> - Personal Records and Privacy - Client Information and Data Security
Legislation	<i>Privacy Act 1988, including the requirements imposed by the Privacy Amendment (Notifiable Data Breaches) Act 2017</i>
Contractual obligations	
Organisation policies	Policy 3.7 Code of Ethics and Conduct Policy Policy 4.11 Board of Management Conflict of Interest Policy
Forms, record keeping, other documents	Code of Conduct and Ethics Agreement Privacy and Confidentiality Agreement

3.8.1 INTRODUCTION

3.7.1 A The ethical climate of an organisation is an essential element in establishing its credibility and furthering its mission. An organisational culture that takes ethical considerations into account at every point cannot be produced simply by having the Board lay down a code; ethical principles must arise from consultation with and responsiveness to the organisation’s members, clients, staff members, volunteers, and stakeholders.

3.7.1 B Pilbara Community Legal Services Inc. (PCLS Inc.) is legally bound to promote professional and ethical standards at all levels of its authority.

3.7.2 PURPOSE



Pilbara Community Legal Service Inc.

The purpose of this policy is to identify PCLS Inc.'s position on ethics and proper practice and to document the standards expected in providing an exceptional service to the community. These standards guide PCLS Inc. Board of Management Members, Casual, Permanent, and Contract Staff, Students and Volunteers' professional conduct regarding actions, words, sense of fairness, honesty, and integrity.

3.7.3 POLICY STATEMENT

- 3.7.3 A** Pilbara Community Legal Services Inc. (PCLS Inc.) is committed to ensuring that all staff, volunteers and governing body members act ethically, responsibly and in the best interests of the organisation.
- 3.7.3 B** PCLS Inc. is committed to ensuring individual interests which conflict with the interests of the organisation are identified and managed so that they do not affect the services, activities or decisions of the organisation.
- 3.7.3 C** The Board of Management, Staff (whether casual, permanent, or contract), Students and Volunteers have a legal and moral responsibility to manage PCLS Inc. in the best interests of the community it serves. They will demonstrate professional ethical behaviour at all times – in their responsibilities to PCLS Inc., in their professional relationships with each other, and in their professional service to the community – and will be required to adhere to this code of conduct and ethics.

3.7.4 PROCEDURE

- 3.7.4 A** All Board of Management members, staff members, students and volunteers will sign an agreement to adhere to the Code of Ethics and Conduct Policy on joining the PCLS Inc.
- 3.7.4 B** The Code of Ethics and Conduct Policy requires all PCLS Inc. personnel (Board of Management members, staff members, students and volunteers) to commit to:
- PCLS Inc. Values
 - Honesty and Integrity
 - act honestly at all times
 - be transparent when making decisions or giving advice
 - ensure all actions can withstand scrutiny
 - Respect and Courtesy
 - act fairly and equitably
 - respect others, their values and rights
 - respect privacy and confidentiality
 - create a safe work environment that is free of violence, discrimination, harassment or victimisation.
 - Understanding
 - active listening



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- act with empathy
- demonstrate support

- Helpfulness
 - prioritise goals
 - make a difference
 - achieve positive outcomes

- Professionalism
 - consistency in the delivery of best practice

- Empowerment
 - empowering people to make their best decisions

- Acceptance
 - welcoming of people of all backgrounds, cultures and beliefs

- Innovation
 - openness to new ideas and solutions

BOARD OF MANAGEMENT MEMBERS SHALL:

- 3.7.4 C** act honestly and in good faith at all times in the interest PCLS Inc. and its members and stakeholders, ensuring that all stakeholders, but particularly clients, are treated fairly according to their rights.

- 3.7.4D** carry out their duties in a lawful manner and ensure that PCLS Inc. carries out its business in accordance with the law and the terms of its Constitution, Funding Agreements, Joint Venture Agreements and contractual requirements.

- 3.7.4E** avoid conflicts of interest in as far as this is possible. Where such a conflict arises, the Board member/s concerned must act within the terms of *Policy 4.11 Board of Management Conflict of Interest Policy*.

- 3.7.4F** be diligent, regularly attend Board of Management meetings, and devote sufficient time to prepare for Board meetings, to allow for full and appropriate participation in the Board's decision making.

- 3.7.4G** not disclose to any other person confidential information other than as agreed to by the Board of Management or as required under law.

- 3.7.4H** act in accordance with their fiduciary (meaning: relating to the relationship between a 'trustee' and the person or body for whom the 'trustee' acts) duties, complying with the spirit as well as the letter of the law, recognising both the legal and moral duties of the role.

- 3.7.4I** interact with the Board of Management and PCLS Inc. members, staff, students and volunteers in a positive and constructive manner.



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- 3.7.4J** abide by Board of Management decisions once reached.
- 3.7.4K** not do anything that in any way casts aspersions upon PCLS Inc. or harms its public image.
- 3.7.4L** regularly review their own performance with a view to ensuring a suitable contribution to Board of Management deliberations and decision making and, if found lacking, should either pursue training or seek assistance to improve their performance; or resign.
- 3.7.4M** alert the Chairperson of a perceived ethical issue.
- 3.7.4N** meet in accordance with its Constitution to monitor the performance of management and PCLS Inc. as a whole. To do this, the Board of Management will ensure that appropriate monitoring and reporting systems are in place and that these are maintained and utilised to provide accurate and timely information to the Board of Management.
- 3.7.4O** ensure that there is an appropriate separation of duties and responsibilities between the Board of Management and the CEO.
- 3.7.4P** ensure that the independent views of Board of Management Members are given due consideration and weight.
- 3.7.4Q** ensure that the Members of the PCLS Inc. are provided an accurate and balanced view of PCLS Inc.'s performance including both financial and service provision.
- 3.7.4R** regularly review its own performance as the basis for its own development and quality assurance.
- 3.7.4S** carry out its meetings in such a manner as to ensure fair and full participation of all Board of Management Members.
- 3.7.4T** ensure that PCLS Inc.'s assets are protected through a suitable risk management strategy.

STAFF MEMBERS, STUDENTS AND VOLUNTEERS SHALL:

- 3.7.4U** publicly and privately support PCLS Inc. and each other, acknowledging the strengths and weaknesses of others and acting with courtesy and respect.
- 3.7.4V** act honestly in good faith at all times in the interests of PCLS Inc., ensuring that all stakeholders, particularly those who are recipients of services, are treated fairly according to their rights.
- 3.7.4W** perform their duties as best they can, taking into account their skills, experience, qualifications and position. They shall act in a safe, responsible and effective manner.



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- 3.7.4X** be punctual and reliable in their attendance and adhere to their prescribed and authorised hours of duty.
- 3.7.4Y** comply with the prescribed terms and conditions of their employment / engagement.
- 3.7.4Z** notify the organisation of any inability to attend duty as early as possible so as not to inconvenience others or delay the work of the organisation.
- 3.7.4AA** carry out their duties in a lawful manner and ensure the organisation carries out its business in accordance with law and recognise both legal and moral duties of their role.
- 3.7.4BB** respect and safeguard the property of the organisation, the public, and colleagues; and observe safe work practices so as not to endanger themselves or others.
- 3.7.4CC** respect maintain confidentiality regarding any information gained through their work and not divulge personal information or the address or phone numbers of Staff, Board of Management, or service users.
- 3.7.4DD** ensure that all transactions, agreements, and records that flow from relationships with PCLS Inc.'s stakeholders will be accurately and openly recorded in the organisation's books and records, and no entries will be made which obscure the true nature of a transaction.
- 3.7.4EE** ensure that PCLS Inc. will market its services with integrity and accuracy.
- 3.7.4FF** ensure that personal and financial interests do not conflict with the duty to PCLS Inc.
- 3.7.4GG** undertake no personal or business activities for personal gain while at the organisation or while conducting business of the organisation; procedures associated with such activities will not be carried out on the organisation's computers without open and express permission of a higher authority.
- 3.7.4HH** work within the organisation's policies and principles.
- 3.7.4GG** discuss issues where appropriate with other staff and the CEO to determine whether or not a contemplated action is ethical.

End of document
