



<h1>3.8</h1>	<h1>Privacy and Confidentiality</h1>
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Record of policy development					
Version	Date approved	Approved by	Revision Date	Frequency	Person Responsible
3	May 2021	Board of Management	October 2023	2 years	CEO/Board of Management

Responsibilities and delegations	
This policy applies to	Board members/CEO/staff/volunteers
Specific responsibilities	All staff and board members
Policy approval	Board members

Purpose

The purpose of this Policy is to outline the way in which PCLS will meet its commitment to manage information responsibly whilst maintaining confidentiality in alignment with the Australian Privacy Principles (APP).

Procedure

The CEO will ensure that a statement of the **PCLS Privacy Policy** is accessible online and available to be provided to clients or members of the public on request.

General approach to managing sensitive information.

For the purposes of this procedure, sensitive information is information that discloses or is likely to disclose a client's:

- racial or ethnic origin
- political opinions or associations
- religious or philosophical beliefs
- trade union membership or associations
- sexual orientation or practices
- criminal record
- health or genetic information
- some aspects of biometric information.

Staff will undertake all necessary steps to ensure confidentiality is maintained when dealing with sensitive information provided by clients including:

Adhering to policy, procedures and rules relating to:

- opening, storage and closing of client files.
- file movement.
- authorising release of information to third parties.

PCLS acknowledge that breaches of confidentiality are a serious matter, and all reported breaches must be subject to proper investigation and action including action pursuant to disciplinary procedures in appropriate cases.

Information and Data Management

PCLS is committed to transparency in its operations and to ensuring it is open to public scrutiny. It must also balance this with upholding the rights of individuals and members to privacy and of the organisation to confidentiality on sensitive matters. PCLS will prevent unauthorised persons gaining access to an individual's or member's confidential records, and permit individuals and members access to their own records when this is reasonable and appropriate. Accordingly, access to some PCLS documents and records will be limited to specified individuals and not be available to others for viewing.

PCLS requires staff, volunteers, and Board members to be consistent and careful in the way they manage what is written and said about individuals and members, and how they decide who can see or hear this information. The organisation will follow the guidelines of the Australian Privacy Principles in its information management practices.

PCLS will ensure that:

- a) it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of members and organisational personnel.
- b) members and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature; and
- c) all staff, Board members and volunteers understand what is required in meeting these obligations.

Specifically, PCLS will:

- a) collect and keep information about members only when it is relevant and necessary to the provision of the service.
- b) ensure data about each member is up to date, accurate and secure, whether stored in hard copy or electronically, in accordance with privacy legislation.
- c) store members' records for the required length of time.
- d) transfer or dispose of members records correctly.

This policy conforms to the *Federal Privacy Act (1988)* and the Australian Privacy Principles which govern the collection, use and storage of personal information. This policy applies to the internal records, member records and unpublished materials of PCLS.

Responsibilities:

All staff and volunteers of PCLS are responsible for the integrity and protection of the organisation's information and data.

Procedure:

Board of Management

Board minutes, including all papers and materials considered, are confidential, except where the Board passes a motion to make any specific content available to members. The minutes, papers and materials from any Sub-Committee meeting will be open to PCLS members and staff, but not to members of the organisation, except for information relating to any matter the Board or Sub-Committee deems confidential.

Personnel files

A personnel file is held for each staff member on Employment Hero and contains:

- a) contact details and contact details in case of an emergency.
- b) a copy of the employee's contract; and
- c) all correspondence relating to job description changes, salary changes, leave entitlements such as long service leave, continuous service leave, unpaid and parental leave, and disciplinary matters.

Access to personnel information is restricted to:

- a) the individual staff member accessing their own file; and
- b) Human Resource admin
- c) Manager People and Culture
- d) CEO

Corporate records

Corporate records are those that contain confidential or commercially sensitive information about the organisation's business. They include:

- a) the financial accounts and records.
- b) Australian Taxation Office records.
- c) corporate correspondence with funders.
- d) corporate passwords and other access or username information.
- e) records of staff or other internal meetings.
- f) project management files; and
- g) contracts between the organisation and other parties.

Access to these records is limited to Manager Corporate Services, CEO or as delegated.

Client files

All information collected and retained in relation to clients is maintained in each client's file. Client information in all cases is confidential and, in many cases, subject to client/solicitor privilege.

All staff must exercise the upmost care in relation to information held in relation to each client. Except so far as shared among services within PCLS, client information must only be released:

- a) With express written authorisation of the client or
- b) Otherwise as required by law.

Requests for Access

All requests for information by third parties should be referred to the Principal Solicitor if there is any doubt as to the adequacy of authority obtained.

Privacy

PCLS is committed to protecting and upholding the right to privacy of members, staff, volunteers, Board members and clients, PCLS collects, stores, and uses information about them and the services PCLS provides to them.

PCLS will follow the guidelines of the Australian Privacy Principles in its information management practices.

This Privacy section conforms to the *Privacy Act 1988* (Cth) and the Australian Privacy Principles, which govern the collection, use and storage of personal information of all people who are involved with or otherwise interact with PCLS.

This Privacy policy applies to all records, whether hard copy or electronic.

PCLS will ensure:

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

Procedure:

Dealing With Personal Information

In dealing with personal information, PCLS staff will:

- ensure privacy for clients, staff, volunteers, or Board members when they are being interviewed or discussing matters of a personal or sensitive nature.
- only collect and store personal information that is necessary for the functioning of the organisation and its activities.
- use fair and lawful ways to collect personal information.
- collect personal information only by consent from an individual.
- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it.
- ensure that personal information collected or disclosed is accurate, complete, and up-to-date, and provide access to any individual to review information or correct wrong information about themselves.
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification, or disclosure.
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.

Responsibilities for Managing Privacy

1. all staff are responsible for the management of personal information to which they have access.
2. the CEO is responsible for content in PCLS publications, communications and web site and must ensure the following:
 - a) appropriate consent is obtained for the inclusion of any personal information about any individual including PCLS personnel.

- b) information being provided by other agencies or external individuals conforms to privacy principles.
- c) 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.

Data Collection and Storage

PCLS is committed to the maintenance of an accurate, accessible, and up-to-date filing system where the collecting, keeping and disposing of employee and client information protects their privacy and maintains confidentiality.

Procedure:

Collecting Identifiable Data

The organisation collects and records the following information about staff and clients.

- names and contact details of Managers, Principal Solicitors, and other relevant staff of member organisations.
- information from clients relevant to certification under the National Accreditation Scheme (“NAS”) and as required for continued operation as a CLC; and
- information relevant to funding and research submissions regarding and on behalf of the community legal sector.

This information is collected for the purpose of:

- service monitoring, evaluation and reporting (de-identified information only is used for this purpose).
- meeting the reporting requirements of funders; and
- certification under the NAS.

The Principal Solicitor and Corporate Services Manager will review the scope of information collected annually to ensure that only relevant information is being recorded. If identifiable information about a client is to be shared with another agency, the staff member will obtain the client’s consent for this and record the date of the verbal consent or obtain the client’s signature on a consent form/in the client file.

Storage and Use of Identifiable Data

Information collected about individual staff and clients is stored in the following ways:

- a) electronically in password protected folders.
- b) paper copies of documents are filed in storage cabinets in offices which are locked when no one is in attendance; or
- c) in secure archive facilities.

Staff and client information are accessed only with the relevant authority. The organisation’s offices can only be entered with the appropriate electronic or manual keys or when non staff members are accompanied by a staff member with the appropriate entry credentials.

Maintaining and Verifying Member Records

The Manager People and Culture, Principal Solicitor and Team Leaders are responsible for reviewing and updating client and staff records on an as needs basis.

Record Disposal

Unless otherwise required, general client records are retained for a period of 7 years before destruction.

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