

Policy

Confidentiality

Mindcare Mental Health Services requires Board members, CEO, employees, contractors and consultants to respect and maintain the confidentiality of individuals and the organisation's business generally.

Board members, CEO, employees, contractors and consultants may from time to time have access to information that is confidential to Mindcare Mental Health Services, other agencies that have dealings with Mindcare Mental Health Services, or to other Board members, CEO, employees, contractors or consultants.

Privacy

Mindcare Mental Health Services is committed to protecting and upholding the right to privacy of Board members, CEO, employees, contractors, consultants and members, as well as clients and representatives of agencies we deal with. In particular, Mindcare Mental Health Services is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

Mindcare Mental Health Services requires Board members, CEO, employees, , contractors and consultants to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

Mindcare Mental Health Services is subject to legislation applying to the organisation and its client group. The organisation will follow the guidelines of the *Australian Privacy Principles* in its information management practices.

Mindcare Mental Health Services will ensure that:

*** it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients, Board members, CEO, employees, contractors and consultants;

*** clients are provided with information about their rights regarding privacy;

*** clients, Board members, CEO, employees, contractors and consultants are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature;

Record of policy development		
Version	Date approved	Date of review
1	29 May 2020	29 May 2023

Responsibilities and delegations	
This policy applies to	All people who have an identified role within the structure of Mindcare Mental Health Services, including members of the Board, CEO, employees (full-time and part-time, permanent and casual); as well as people working under consulting and contracting arrangements.
Specific responsibilities	Refer to confidentiality and privacy responsibilities and requirements in the procedure that applies to the Board, CEO, employees, contractors and consultants

Policy context: This policy relates to	
Standards or other external requirements	<ul style="list-style-type: none"> • NDIS Quality and Safeguarding Framework
Legislation	<ul style="list-style-type: none"> • <i>Privacy Act 1988</i> • <i>Privacy Amendment (Notifiable Data Breaches) Act 2017</i>
Contractual obligations	<ul style="list-style-type: none"> • Department of Education and Training • NDIS Service Provider and Plan Manager
Related policies	<ul style="list-style-type: none"> • Professional Code of Ethics and Conduct • Conflict of Interest Policy • Access to Confidential Information Policy
Related forms, templates and other organisational documents	<ul style="list-style-type: none"> • Professional Code of Conduct Agreement – Board, CEO, employees, contractors and consultants

Confidential information includes the following:

- personal employees, contractor, consultant, CEO or Board member information such as home address, telephone numbers, and other non-work related information;
- personal information provided by individuals or about individuals in the course of performance reviews, leave applications, supervision sessions or similar discussions;
- information about any internal dispute or grievance;
- business conducted in Board meetings, other than that identified as being for public discussion;
- any confidential and proprietary information concerning financial transactions, competitive tenders or expressions of interest or any other organisational plans or activities identified by the Board or CEO.

Procedure

Confidentiality

The Board, CEO, employees, contractors and consultants will:

- retain all confidential information in the strictest confidence and not disclose any confidential information to any person other than for purposes directly related to their position at Mindcare Mental Health Services;
- not use any confidential information which they have acquired in relation to the activities of Mindcare Mental Health Services for their own interests or the interests or purposes of others not associated with Mindcare Mental Health Services;
- not make copies of any confidential information for any other reason other than those essential to and directly related to their position and responsibilities with Mindcare Mental Health Services;
- upon the request, and in any event upon the cessation of their engagement or employment with Mindcare Mental Health Services, return or destroy materials containing confidential information which are in their possession.

This will not prevent an individual from:

- disclosing information to proper authorities in relation to concerns about improper conduct, breaches of laws or breaches of duty of care;
- providing access for external reviewers to non-identified information for the purposes of formal audit processes;
- making a formal complaint to appropriate authorities about an aspect of the organisation's operation;
- disclosing any information that they may be required to disclose by any court or regulatory body or under applicable law.

Privacy

Dealing with personal information

In dealing with personal information, Mindcare Mental Health Services Board, CEO, employees, contractors and consultants will:

- ensure privacy for clients, Board, CEO, employees, contractors and consultants 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;
- notify individuals and the Office of the Australian Information Commissioner (OAIC) when there has been a data breach (or suspected breach) of personal information, if it is likely to result in serious harm to individuals whose privacy has been breached.

Responsibilities for managing privacy

- All Board members, CEO, employees, contractors and consultants are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- The CEO is responsible for content in Mindcare Mental Health Services publications, communications and web site and must ensure the following:
 - appropriate consent is obtained for the inclusion of any personal information about any individual including Mindcare Mental Health Services personnel;
 - information being provided by other agencies or external individuals conforms to privacy principles;
 - 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.
- The CEO is responsible for safeguarding personal information relating to Mindcare Mental Health Services's clients, Board, employees, contractors, consultants and members.
- **The Privacy Contact Officer:** The Privacy Contact Officer will be the CEO. The CEO will be responsible for:

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- ensuring that all employees are familiar with the *Confidentiality and Privacy Policy* and administrative procedures for handling personal information;
 - ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy;
 - handling any queries or complaint about a privacy issue.

Privacy information for clients

- At client intake, clinicians must tell clients what information is being collected, how their privacy will be protected and their rights in relation to this information.

Privacy for interviews and personal discussions

- To ensure privacy for clients, the Board, CEO, employees, volunteers, contractors and consultants when discussing sensitive or personal matters, the organisation will ensure that private consulting rooms are available for such discussions.

Participants in research projects

- People being invited to participate in a research project must be:
 - given a choice about participating or not;
 - given the right to withdraw at any time;
 - informed about the purpose of the research project, the information to be collected, and how information they provide will be used;
 - given copies of any subsequent publications.
- The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified.
- Organisational participants in research projects will generally be identified in Mindcare Mental Health Services research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.