

Name of Policy: Privacy & Confidentiality	Policy Number: 2012 – 06 Rev 3
Date Adopted: 29 May 2012	Review Date: 22 March 2017

1. Policy	<p>Positive Women Victoria Board, staff and volunteers have access to confidential information in the course of undertaking their duties.</p> <p>Positive Women Victoria recognises the importance of confidential organisational and personal information and as such is committed to satisfying all legal and ethical obligations regarding the protection of such information.</p>	
2. Purpose	<p>The purpose of this policy is to outline the principles that govern the management of all organisational and personal information related to Board business, client information, staff and volunteer information accessed whilst undertaking work on behalf of Positive Women Victoria, whether in a paid or voluntary capacity.</p>	
3. Principles	<p>The following principles have been adopted by Positive Women Victoria. Positive Women Victoria will:</p> <ul style="list-style-type: none"> • Preserve the confidentiality of all information which belongs to Positive Women Victoria; • Commit to high standards of integrity, professionalism and accountability in accessing information on behalf of Positive Women Victoria; • Adhere to the Information Privacy Act 2000 legislation; • Continuously update its information and security systems and procedures to ensure private information is protected; • Provide training as appropriate to all staff and volunteers; • Ensure quality and risk control measures are implemented and maintained to maintain accuracy and safeguard files. 	
4. Scope	<p>This policy applies to Board members, management, staff and volunteers with respect to the access, collection, use, safekeeping and disclosure of organisational and personal information.</p>	
5. Definitions	Confidential information	<p>Information does not have to be specifically identified as “Confidential” before it is considered confidential. It includes any document marked “Confidential”; any information which an individual is told is “Confidential”; or which an individual should reasonably expect to be regarded by Positive Women Victoria as “Confidential.”</p>

	Public Records	Records made or received by agencies funded by the Government of Victoria to provide services to the community, are called public records.
	Freedom of Information Act 1982	A Victorian act that enables a citizen to access documents about their personal affairs and the activities of any agency providing services to the person. It enables a person to request that incorrect or misleading information held by an agency about them be amended or removed.
	Breach of Confidentiality	When a staff member, volunteer or board member discloses personal information of another person without consent.
6. References (External documents that are used in the implementation of this procedure)	Legislation Privacy and Data Protection Act (2014) Occupational Health and Safety Act 2004 (the Act) Health Service Act (Victoria) 1988 Information Privacy Act 2000 Health Records Act 2001	
7. Related Documents (Other internal documents that are used in the implementation of this procedure)	Related Policies, Procedures and Guidelines Code of Conduct Information Privacy Release Form	
8. Organisational Information	Positive Women Victoria Board, staff and volunteers are under a legal duty to preserve the confidentiality of information which belongs to Positive Women Victoria. This includes but not limited to: <ul style="list-style-type: none"> • Board meeting discussions; • Board minutes; • Board ‘in camera’ sessions; • Matters that are deemed confidential by the Board; • Commercial in-confidence notes/briefings; • Members, staff, Board or volunteers’ phone numbers and personal details; • Information provided by members e.g. emails, letters. This applies unless specific authorisation is agreed by the Board.	

<p>9. Personal Information</p>	<p>Positive Women Victoria limits the collection of personal information to that which is relevant to assist in the provision of service or the welfare of an individual. This includes information about a client’s health status.</p> <p>Any personal information collected is not released to third parties without the permission of the person concerned and subject to relevant legislative requirements. Therefore Positive Women Victoria will:</p> <ul style="list-style-type: none"> • Collect only that information that we need in order to provide the service requested (insofar as is necessary and lawful); • Collect information only with the client’s prior consent • Not disclose personal information to a third party without prior consent, except as required to do so by law; • Safely store all confidential and personal information and where applicable dispose of in accordance with the law; • Store information for as long as necessary and with appropriate security to prevent unauthorised access; • Disclose only to the person whom the information is about, not to any other person or organisation. <p>Access to personal information</p> <p>Clients accessing services have a right to have personal information remain private unless disclosure is required or authorised by law.</p> <p>Access to personal information held in files is restricted to:</p> <ul style="list-style-type: none"> • The person; • Staff or volunteer supporting the person (on a needs to know basis); • People with legal authority to access files. <p>Clients can expect to have personal information protected and stored securely; used for the purpose it was provided i.e. to support the person; not be disclosed to a third party without your prior consent, except if required to do so by law (safety of a woman or her children).</p> <p>Client records must be:</p> <ul style="list-style-type: none"> • Factual and non-judgmental; • Legible; • Logical and sequential; • Signed and dated;
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<p>10. Disclosure of Confidential Information</p>	<p>Positive Women Victoria is not permitted to disclose or be compelled to disclose a client’s health status unless:</p> <ul style="list-style-type: none"> • Breaching confidentiality will help prevent serious harm to an identifiable person; • An accreditation body requires to access medical records i.e.to carry out the monitoring, evaluation, or service review of the service • A person with legal authority requires access to the files.
<p>11. Breach of confidentiality</p>	<p>Positive Women Victoria views a breach of confidentiality extremely seriously. Board members, staff or volunteers who breach obligations of confidentiality seriously undermine the trust that Positive Women Victoria has in that person’s ability to perform their duties properly and in Positive Women Victoria’s best interests.</p> <p>In many cases a breach of confidentiality will constitute grounds for immediate termination of employment for staff or dismissal from the Board for Board members at the discretion of the Board. Other less serious disciplinary action may be taken.</p> <p>It is also possible that Positive Women Victoria’s interests may be so seriously damaged by the disclosure of confidential information by a Board member, staff or volunteer that legal action against an employee is justified.</p> <p>The remedies which Positive Women Victoria might be able to obtain from a Court in cases of a breach of confidentiality include orders to pay monetary damages or injunctions.</p> <p>Confidentiality obligations continue post the period of employment or position on the Board with Positive Women Victoria.</p> <p>In the case where a Board member, staff member or volunteer is unsure about handling confidential information, seek clarification from the EO, Chair or contact the Victorian Privacy Commissioner.</p>