

<b>Name of Policy: Privacy &amp; Confidentiality</b>	<b>Policy Number:</b> 2012 – 06 Rev 4
<b>Date:</b> Adopted January 2018. Reviewed and updated October 2021	<b>Review Date:</b> October 2023

<b>1. Background</b>	<p>Positive Women Victoria (PWV) Board members, staff members, volunteers and contractors will have access to confidential information, including personal, sensitive and health information in the course of undertaking business for PWV.</p> <p>Positive Women Victoria recognises that protecting the confidentiality and privacy of information held and stored by PWV or passed on in the course of PWV business is a crucial part of the organisation’s work.</p> <p>PWV commits to meeting all legal and ethical obligations as regards the protection of member and client personal information, sensitive information and health information, and the business information of the organisation, and to maintaining the highest standards around confidentiality and privacy in all interactions.</p>
<b>2. Purpose</b>	<p>The purpose of this policy is to outline the principles and the legal and organisational requirements 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>

<p><b>3. Principles</b></p>	<p>The following principles have been adopted by Positive Women Victoria:</p> <ul style="list-style-type: none"> <li>• Engagement of women living with HIV with Positive Women Victoria is not conditional upon any expectation that women are required to publically disclose their HIV status.</li> <li>• The choice to publically disclose or not to disclose their HIV status is each woman’s individual right and will be respected by staff, board and other members at all times.</li> </ul> <p>PWV will:</p> <ul style="list-style-type: none"> <li>• preserve the confidentiality of all information which belongs to PWV and/or which is collected and held by PWV</li> <li>• operate with high standards of integrity, professionalism and accountability</li> <li>• act in accordance with all State and Federal legislative requirements applicable to the organisation and its work</li> <li>• maintain up-to-date information and security systems and procedures to ensure private information is protected;</li> <li>• provide information and training as appropriate to all staff and volunteers</li> <li>• ensure quality and risk control measures are implemented and maintained to maintain accuracy and safeguard information, and</li> <li>• ensure all staff, Board members, volunteers, contractors, stakeholders and clients are aware of and observe their privacy obligations in relation to any work with PWV and its clients and members.</li> </ul>
<p><b>4. Scope</b></p>	<p>This policy applies to Board members, PWV staff, contractors and volunteers, with respect to the access to, and the collection, use, storage and disclosure of, organisational and client/member information.</p> <p>It covers information collected as part of PWV business by staff members, Board members, volunteers and contractors:</p> <ul style="list-style-type: none"> <li>• in individual interactions with members or clients, including in the process of making or receiving client referrals</li> <li>• in the course of the organisation’s governance (including Board meetings, member meetings and Board papers)</li> <li>• at PWV events, and</li> <li>• in meetings between PWV staff, Board members, volunteers or contractors with external agencies or stakeholders.</li> </ul>

<b>5. Definitions</b>	<b>Confidential information</b>	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 or is required by law to be treated by PWV as confidential.
	<b>Public Records</b>	Records made or received by agencies funded by the Government of Victoria to provide services to the community, are called public records.
	<b>Breach</b>	When a staff member, volunteer or board member discloses sensitive personal information, including HIV status, in contravention of this Policy.
<b>6. Legislation</b>	<b>Relevant Legislation</b> Privacy and Data Protection Act 2014 (Vic) Occupational Health and Safety Act 2004 (Vic) Health Records Act 2001 (Vic) and Health Privacy Principles (2001) Health Services Act (Vic) 1988 Privacy Act (Cth) 1988 Freedom of Information Act 1982 (Cth) 1982	
<b>7. Related Documents</b>  (Other internal documents that are used in the implementation of this procedure)	<b>Related Policies, Procedures and Guidelines</b> Positive Women Victoria Peer Support Service Provision Framework and Organisational Guidance Document Positive Women Victoria Client Intake Form Peer Support Staff Information and Guidance: Collection and management of member and client data PWV Confidentiality Agreement	

<p><b>8. Organisational Information</b></p>	<p>PWV 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:</p> <ul style="list-style-type: none"> <li>• Board meeting discussions</li> <li>• Board meeting reports and minutes</li> <li>• Board ‘in camera’ sessions</li> <li>• staff meeting discussions and minutes</li> <li>• matters that are deemed confidential by the Board</li> <li>• commercial in-confidence notes/briefings</li> <li>• members, staff, Board or volunteers’ phone numbers, email addresses and other personal contact details</li> <li>• membership information and membership lists</li> <li>• information about the HIV status of a Board member, staff member, volunteer or member/client, except where that person is aware of and has provided authorisation for the disclosure</li> <li>• information provided by members e.g. emails, letters.</li> </ul>
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<p><b>9. Personal Information</b></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.</p> <p>Personal information has a broad definition under the Privacy Act.</p> <p>Personal information includes sensitive information and health information, and includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• information about a person’s health, personal beliefs, sexual orientation, gender identity, racial or ethnic origin, or criminal record</li> <li>• credit, banking, tax, or other financial information</li> <li>• an employee record</li> <li>• information shared with a peer support worker, counsellor, or other health service provider</li> <li>• information given about third parties e.g. in the course of providing client or member peer support.</li> </ul> <p>This includes information about a member or client’s HIV status, mental health status, financial circumstances, or personal circumstances.</p> <p>Personal information collected by PWV cannot be released to third parties without the permission of the person who that information is about, or unless subject to specific legislative requirements.</p> <p>To meet its obligations, Positive Women Victoria will:</p> <ul style="list-style-type: none"> <li>• collect only that information that is needed in order to provide the service requested (insofar as collecting that information is necessary and lawful)</li> <li>• collect a person’s personal information only with the knowledge and consent of that person</li> <li>• never disclose personal information held by Positive Women Victoria to a third party without prior consent, or unless we are required to do so by law</li> <li>• store all personal information in a secure system that is unable to be accessed by any person who does not have permission to access that system, and is protected from unauthorised access appropriate security systems that are regularly reviewed and updated</li> <li>• maintain records as long as is required by the law, and only dispose of records in accordance with the law by an appropriate means such as shredding</li> <li>• ensure all PWV policies, Board papers, and other documents are prepared in accordance with the Privacy policy.</li> </ul> <p><b>Access to personal information</b></p> <p>Clients and/or members accessing services have a right to have personal information remain private unless disclosure is required or authorised by law.</p>
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	<p>Positive Women Victoria will hold personal information about its members only in a secure record management system, protected by passwords and any other appropriate security measures.</p> <p>Personal information about Positive Women Victoria members, clients and stakeholders may be accessed only by:</p> <ul style="list-style-type: none"><li>• the individual to whom the personal information or record pertains</li><li>• a staff member or volunteer who has a need to access this information in the course of their work or duties, who has signed a Confidentiality Agreement, and who has been provided with a copy of this Policy and understands they are bound by it</li><li>• anyone with legal authority to have access to information contained in the files.</li></ul> <p><b>Record Keeping</b></p> <p>With the client's consent and permission, Positive Women Victoria will keep clear records of interactions with clients in the course of providing peer support. These records must be:</p> <ul style="list-style-type: none"><li>• factual</li><li>• dated</li><li>• non-judgmental</li><li>• legible and readable</li><li>• sequential.</li></ul> <p>The records must record:</p> <ul style="list-style-type: none"><li>• where client or member meetings have taken place</li><li>• date</li><li>• agreed actions or outcomes</li><li>• relevant information to provide a safe and appropriate service for the client e.g. referrals made.</li></ul> <p>The record keeping system must clearly identify the staff member or individual who has entered any record or information against a client's record.</p> <p><b>Third party information</b></p> <p>Positive Women Victoria will not collect or store personal information in relation to third parties where that information would identify that third party.</p> <p>Positive Women Victoria will not collect or hold any information about an identifiable third party provided by a PWV member or client unless that person has consented for that information to be collected and held.</p>
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<p><b>10. Limits on confidentiality</b></p>	<p>PWV may disclose confidential information if:</p> <ul style="list-style-type: none"> <li>• the person to whom the information pertains requests or provides permission for that information to be disclosed, such as permitting information to be shared with a third party for referral purposes, or</li> <li>• the personal or health information is publicly available.</li> </ul> <p>PWV may be required to disclose information under the following circumstances:</p> <ul style="list-style-type: none"> <li>• if requested by a court, royal commission, judicial authority or state or legislative authority</li> <li>• an investigation where there is a suspicion or belief that serious misconduct or illegal activity has occurred</li> <li>• where PWV as formed the reasonable belief that the disclosure will prevent harm or threat of harm to a third party</li> <li>• an Agency or Department request subject to the Freedom of Information Act.</li> </ul>
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<p><b>11. Breach of confidentiality</b></p>	<p>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, and may be breaking the law.</p> <p>A breach of this policy by a member of the staff, a Board member, a volunteer, a contractor will be immediately investigated, and the consequences assessed. Factors taken into account may include the severity of the breach, the consequences for the individual or the organisation, and whether the person's actions were knowing or deliberate.</p> <p>If upheld, a breach may be dealt with by any one of, or a combination of:</p> <ul style="list-style-type: none"> <li>• a disciplinary procedure or formal written warning from the Executive Officer or Board Chair</li> <li>• a requirement to undertake specified training</li> <li>• a restriction on access to data or use of the database</li> <li>• removal from the Board</li> <li>• termination as a staff member or volunteer</li> <li>• referral to the police</li> <li>• legal action</li> <li>• referral or reporting of the matter to the organisation's funding agency</li> <li>• other action as deemed necessary by the Executive Officer or the Board.</li> </ul> <p><b>Register of incidents</b></p> <p>Positive Women Victoria will maintain a register of any incidents or issues relating to the breach of confidentiality, including incidents that may relate to the systems used to store data.</p> <p>Positive Women Victoria will report any serious privacy breach or incident to its funders in a timely fashion, as required under our Service Agreement.</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, they must seek clarification from the EO, Chair or may contact the Victorian Privacy Commissioner.</p>
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