



## Privacy and Confidentiality Policy

### 1. Purpose

To outline a framework for Quality Management Services (QMS) to responsibly manage the information provided to QMS by individual and organizations in accordance with the National Privacy Principles (NPP) contained in the Privacy Amendment (Private Sector) Act 2000 and Information Privacy Principles (IPP).

### 2. Scope/Persons Affected

This policy applies wholly or in part to QMS Board, Management, Employees, Reviewers, Contractors and Suppliers.

### 3. Policy Statement

QMS acknowledges and respects the privacy of individuals and organisations and supports the National Privacy Principles contained in the Act. Accordingly QMS will:

- only collect information with prior knowledge and consent
- only use the information provided for the purposes for which it was collected
- not disclose information to a third party without consent
- not disclose information to other institutions and authorities except if required by law or other regulation;
- remove information from records when it is no longer required (except where archiving is required). The information held on a client or client organisation will be up-to-date, relevant, non-obtrusive and objective. QMS will take reasonable steps to correct inaccurate, incomplete or out-of-date information on a regular basis
- have processes and policies to protect the information that QMS has under its control from:
  - a) unauthorised access
  - b) improper use
  - c) alteration
  - d) unlawful or accidental destruction and accidental loss.

### 4. Definitions

4.1 **Personal Information** is defined by the Privacy Act as “information about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion” which is maintained electronically, on video or in written/printed form; and/or verbal information given to an employee about an individual. Although exempt under the Act, QMS includes employee records under this policy.

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4.2 **Individuals** as defined by QMS are -

- Board members
- members
- employees
- reviewers
- members of the public accessing QMS programs, services and/or website
- donors
- members
- suppliers/contractors
- job applicants
- referees.

Although the Privacy Act only relates to individuals, QMS will apply the same principles to the collection of information about organisations and businesses. Where this policy refers only to individuals it applies equally to organisations/businesses.

4.3 **Sensitive Information** means personal or health information or an opinion about an individual's:

- racial or ethnic origin
- political opinions
- membership of a political association
- religious beliefs or affiliations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual preferences or practices
- criminal record.

4.4 **Health Information** means information or opinion about:

- the health or a disability (at any time) of an individual
- an individual's expressed wishes about the future provision of health services to him or her
- a health service provided, or to be provided, to an individual; that is also personal information
- other personal information collected to provide, or in providing, a health service
- other personal information about an individual collected in connection with the donation, intended donation, by the individual of his or her body parts, organs or body substances.

4.5 **Employee Record**, in relation to an employee, means a record of personal information relating to the employment of the employee. Examples of personal information may include all or any of the following:

- engagement, training, discipline or resignation of the employee
- termination of the employment of the employee
- terms and conditions of employment of the employee
- employee's personal and emergency contact details
- employee's performance and conduct
- employee's hours of employment
- employee's salary or wages
- employee's membership of a professional or trade association

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- employee's trade union membership
- employee's recreation, long service, sick, personal, maternity, paternity or other leave
- employee's taxation, banking or superannuation affairs.

## 5. Responsibilities

- 5.1 The CEO is responsible for the effective implementation of this policy.
- 5.2 The Executive Assistant is responsible for maintaining this policy, work instructions and associated documents on the QMS server.
- 5.3 All Board members, management, staff, consultant and reviewers (including consumer reviewers) are responsible for complying with this policy.
- 5.4 Staff are responsible for seeking a documented exemption from the CEO in any situations where they are unable to follow policy or procedure.

## 6. Procedures

### 6.1 Practice Guidelines

The following guidelines establish the professional practice framework for all areas of activity within QMS

- 6.1.1 QMS regards having the confidence of individuals/organisations as a privilege.
- 6.1.2 Individual/organisations' access to information about them is a right.
- 6.1.3 The collection and storage of unnecessary information of individuals/organisations is considered a breach in privacy and is inappropriate.
- 6.1.4 The formation of, or expression of a professional assessment/opinion must be recorded with care. Sensitive information will only be recorded with the individual/organisations consent unless:
- the collection is required by law
  - the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
    - a) is physically or legally incapable of giving consent to the collection
    - b) physically cannot communicate consent to the collection.
  - if the information is collected in the course of the activities of a not-for-profit organisation, the following conditions apply:
    - a) the information relates solely to the members of QMS or to individuals/organisations who have regular contact with it in connection with its activities
    - b) at or before the time of collection the information, QMS undertakes to the individuals/organisations whom the information concerns, that QMS will not disclose the information without the individual's consent
  - the collection is necessary for the establishment, exercise or defense of a legal or equitable claim.
- 6.1.5 All individuals/organisations have the right to be informed on who has access to their information

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- 6.1.6 6.1.6 Individuals have a right to challenge the accuracy of personal information recorded about them
- 6.1.7 At, or before, the time (or, if that is not practicable, as soon as practicable after) is reasonable to expect that individuals/organisations will be made aware of the:
- nature of the contents of the information
  - identity of the organisation and how to contact it
  - individuals/organisations right to make reasonable requests to access that information
  - purpose for which the information is collected
  - period of time for which the information is kept
  - organisations (or types of organisations) to which QMS usually discloses information of that kind
  - any law that requires the particular information to be collected
  - main consequences (if any) for the individual if all or part of the information is not provided.
- 6.1.8 Clients have the right to request access to information held by QMS about them. QMS will provide access to this information within 30 days and any costs related to access to the information will be borne by QMS.
- 6.1.8 The client organisation has the right to withhold information for privacy reasons. The consequence of non-disclosure of information about level of income/funding will be the charging of fees at the highest rate.
- 6.1.9 Where confidential information is to be provided to third parties, the written consent of the individual/organisation must be obtained or it must be identified as a requirement in the organisations contract with QMS.
- 6.1.10 The release of non-identifying information must be checked prior to release to ensure the information is truly non-identifying.
- 6.1.11 Formal and informal team-briefing within QMS is considered a professional contract which is based on professional ethics of confidentiality.
- 6.1.12 Wherever it is lawful and practicable, individuals must have the option of not identifying themselves.
- 6.1.13 All Board members, employees, consultants, reviewers (including consumer reviewers), students and volunteers will sign a Code of Conduct which identifies the need to maintain privacy and confidentiality of information.

## 6.2 Use of and Disclosure of Personal Information

- 6.2.1 The purpose for which information is collected will be identified on all forms. The following statement will be used:

*QMS requests this information in order to (INSERT REASON). Information collected may be entered into the QMS database which is kept private, secure and password protected. Only QMS staff may access information for the purposes stated above, except where there is a legal requirement to provide information to a government agency. For a full copy of the QMS Privacy Statement please email [gms@qms.org.au](mailto:gms@qms.org.au) or call (02) 8246 6900.*

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- 6.2.2 Where QMS may use this information in the public domain (eg for promotional/marketing purposes in Quality Bound, Annual Report etc) written consent is to be obtained. Individuals will not be photographed or filmed without seeking prior permission which outlines the proposed use of the photograph or film.
- 6.2.3 QMS routinely discloses contact information and details about their professional skills and experience about potential reviewers to clients to inform the external review process. Written consent for this will be obtained through the Reviewer Application Form.
- 6.2.4 A legal requirement to disclose personal information may override NNP and IPP. Situations where this may occur include the following :
- when serious criminal acts are known;
  - where there is serious risk of abuse or physical harm to the individual or other person including the organisation's employees;
  - suspected abuse or neglect;
- 6.2.5 In the event that a legal need for disclosure arises in practice, the employee will inform and discuss the issue with their supervisor (where practicable) prior to making a decision to breach privacy and confidentiality.

### **6.3 Third party access to information**

- 6.3.1 Where contractors/suppliers who are performing a service for QMS have access to personal information (such as access to QMS database, server) they will be required to sign a non disclosure agreement prior to commencing contract with QMS.

### **6.4 Client information management**

- 6.4.1 All client files are to be kept in lockable filing cabinets when not in use.
- 6.4.2 Client files are to be accessed only by staff members providing a service to that client.
- 6.4.3 Files may leave the office for a genuine work related purpose. The files must be carried in a secure fashion and not left unattended. Client files must be in a non identifiable format.
- 6.4.4 Clients may access their files upon request as per the conditions contained in the Privacy Information Access Procedure.

## **7. Legislative Context**

- 7.1 Privacy Amendment (Private Sector) Act 2000 (National Privacy Principles and Information Privacy Principles)
- 7.2 Children, Young Persons and their Families Act 1997 (Tasmania)
- 7.3 Family Violence Act 2004 (Tasmania)
- 7.4 NSW Child Protection Act
- 7.5 SA Child Protection Act 1993
- 7.6 Freedom of Information Act

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**8. Other References**

- 8.1 QIC Core Module 2.4
- 8.2 ISQua Standard 2.4.2, 2.4.3 and 6.22

**9. Associated Documents**

- 9.1 QMS Privacy Statement
- 9.2 Records Management Policy
- 9.3 Privacy Information Access Procedure
- 9.4 External Communication Policy
- 9.5 Complaints/Compliments Policy
- 9.6 QMS Code of Conduct
- 9.7 Non-disclosure Agreement

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