

Downs Industry Schools Co-Op (DISCO)**Policy: Confidentiality**

Policy number: 4.3	Date adopted: 12/12/2023	
Authorised by: DISCO Management Committee		
Date last reviewed: 1/12/2023 Version 10 – Dec 2023	Reviewed by Mike Paton - CEO	Date of next review: 01/12/2024

Refer to Section 6 below for information on the process for policy review.

Policy context: This policy relates to:	
Queensland Standards for Community Services	<i>Standard 4 (Confidentiality and privacy)</i>
Other standards	National Principles for Child Safe Organisations Commitment Charter for Children & Young People
Legislation or other requirements	Child Protection Act 1999 Information Privacy Act 2009 The Privacy Act 1988 (Commonwealth) https://www.oaic.gov.au/privacy/the-privacy-act The Queensland Privacy Scheme (not mandatory for NGOs) http://www.justice.qld.gov.au/ Commission for Children & Young People and Child Guardian Act 2000 Working with Children (Risk Management and Screening) Act 2000 (Qld) Working with Children (Risk Management and Screening) Regulation 2011 (Qld) Community Services Act 2007

1. Purpose: Why do we have a confidentiality policy?

DISCO has a confidentiality policy to provide an effective and high-quality service to clients and to maintain appropriate accountability, collect, store and sometimes share relevant personal information about our clients to approved agencies or individuals. It is important at DISCO that we are consistent and careful in the way we manage what is written and said about a client and how we decide who can see or hear this information.

Clients of DISCO have legislated rights to confidentiality and privacy, and to accessing their own records. It is essential that we protect and uphold these rights, and also that we act correctly in those circumstances where the right to confidentiality or privacy may be overridden by other considerations.

To uphold the rights of clients to confidentiality and privacy, each staff and management member needs an appropriate level of understanding of:

- Confidentiality, limits to confidentiality and obtaining clients' consent to share information about them
- Our processes for providing information to people using our services.

This policy applies to all clients undertaking programs and services and stakeholders associated with DISCO. Our organisation recognises the importance of maintaining client confidentiality and is committed to protecting the privacy and confidentiality of its clients and stakeholders.

Our confidentiality policy describes how we take a consistent approach to the way we ensure records containing identifying information are kept confidential at all times.

All staff employed by DISCO are required to treat all client information with the utmost confidentiality. DISCO takes the confidentiality of our clients very seriously and will not hesitate to take disciplinary action against any employees that is in breach of this policy.

2. Scope

This policy will apply to all services delivered by DISCO and all clients receiving these services and all stakeholders associated with the organisation.

Protecting confidential information is fundamental to our relationship with our clients and to our core business. All information received in connection with a client matter is treated with confidentiality. DISCO will not disclose such information except in accordance with our professional obligations, as authorised by the client or required by law.

DISCO defines 'confidentiality' in line with the official classification of personal information or documents which must remain withheld from general circulation. All staff delivering services must maintain confidential procedures to ensure the privacy of clients is assured.

Clients should also note that information regarding their circumstances may be shared between DISCO Officers where appropriate and necessary for the provision of services.

All private and personal information is confidential. Everything that is discussed with a DISCO Officer is confidential; however, there are certain limits to confidentiality. This includes matters where someone may be in danger to others or themselves. All matters that potentially break confidentiality will be discussed with the client first.

Specifically, our services are available to all 15-24 year old young people including:

- Aboriginal & Torres Strait Islander young people
- People from culturally and linguistically diverse backgrounds
- Young people with disabilities
- All young people irrespective of issues that they feel may preclude them from service

3. Policy statement: Our commitment

DISCO is committed to protecting and upholding the rights of our clients to confidentiality. This means that we make sure no personal information about a client is shared with anyone, on purpose or by omission, unless the client has given their informed consent or in special circumstances where the law allows an exception. Specifically, we will:

- Meet all legal and ethical obligations relating to confidential procedures
- Provide clients and other stakeholders connected with the organisation with information about their rights regarding confidentiality
- Avoid inappropriate verbal and written disclosure of information about clients, within and outside DISCO. At any stage where information may need to be shared, DISCO recognises that the client must provide written approval for this to occur unless the organisation is directed under legislation to comply with a court order.

The obligation to protect such confidential matters from disclosure continues even after the end of service delivery.

4. Procedures

The procedures below describe how DISCO achieves the aims and goals outlined in the purpose, scope and policy statement.

4.1 Confidentiality

Staff Non-Disclosure Agreement

All staff employment contracts have specific non-disclosure agreements which highlight specific contractual and policy requirements expected from employees (or recently departed employees) in relation to DISCO's expectations. Employees are specifically warned in the contracts they sign that if confidential information is disclosed, they risk legal action from DISCO and other entities or individuals.

DISCO Confidentiality Principles

Our principles for ensuring confidentiality are:

- Providing clients with information about DISCO's confidentiality policy
- Collecting and recording information only if it is necessary for effective service delivery, including assessments
- Keeping client information secure and making sure that only authorised personal can gain access to client records
- Ensuring that client records are kept up to date and accurate
- Having written consent from a client prior to information sharing with other agencies
- Never sharing information on individual clients publicly in any way, on any forum
- Disposing of records safely and responsibly

DISCO ensures that all employees and stakeholders understand the above conditions by adhering to the following procedures. DISCO Officers will be required to agree to confidentiality policies and be obligated to ensure they follow DISCO's confidentiality procedures at all times in their work. These steps are undertaken to ensure the inappropriate distribution of written and verbal information about clients both within and outside the organisation.

The DISCO Program Officer, if required to provide information to another agency, will assess that the distribution of information is appropriate (unless directed to supply information legally) to the client. This assessment will be made considering a number of factors which will be determined based on the circumstances at the time. Any decision to support the transfer of files must also be supported by the client. Any final decision regarding client file transfer will have to be approved by the relevant Program Manager or the Operations Manager.

DISCO staff are trained to effectively avoid inappropriate verbal and written disclosure of client information. All Program Officers delivering a program or service are trained in the development of case notes completion and management to ensure all information recorded is written in a professional and accurate manner that is un-biased.

Clients should be informed that information regarding their circumstances may be shared between DISCO Officers where appropriate and necessary for the provision of services. If the client links to services with another organisation, then any release of information around their individual client records will need to be approved by a client and/or their parent or guardian.

It is not a breach of confidentiality for a matter to be discussed in the course of work with other staff members. However, this should be done away from public spaces and in a manner that respects the client's dignity and privacy. In a situation where DISCO believes that it is in the client's best interests that the client has contact with other service providers, e.g. a doctor, counsellor, other youth worker or applicable entity; the client will be asked to provide an agreement to their information being released.

A number of the programs managed by DISCO provide for the eventuality that clients may ultimately be suited to the support of an alternative service provider when they first register for assistance through DISCO. If authorised, DISCO will discuss issues relevant to the client's needs with other professionals in order to best serve the client's interests and this may involve the transfer of the prospective client to another service, if appropriate.

All collaborating agencies must agree to respect DISCO's Privacy, Client Records and Confidentiality Policies to ensure that consistency in information sharing remains the same between both parties. Other agencies must adhere to the policies at all times when working with a DISCO client. If it is necessary to establish a Memorandum of Understanding (which will detail all relevant protocols, processes for information sharing about clients, case management details etc) with an agency to ensure an appropriate file transfer system this will be developed. This will be coordinated by the relevant Program Manager and approved by the CEO.

Clients are informed of their rights and responsibilities at the beginning of the program or the commencement of service delivery. If a client has any questions regarding the collection or storage of their information, they are asked to speak with the DISCO Officer providing the service. All clients participating in a DISCO service must complete a Confidentiality Agreement which is specifically related to the individual service they are receiving.

Clients may request access to personal information DISCO holds by speaking to their Program Officer or writing to the Privacy Officer at the location of service delivery. Clients do not have to provide a reason for requesting access.

DISCO has developed this policy to ensure that clients are aware of the privacy principles and standards underpinning the operation of the organisation in line with Federal Privacy Act of 1998 and any subsequent amendments. This policy outlines the personal information DISCO holds as well as explains what DISCO does with the information.

The Program Officer in the initial stages of work with a client (either at the initial meeting during registration or within two weeks of commencing on a program) will advise them that appropriate information about them and details about the relevant program related to their participation will be collected, stored and may be shared if necessary.

DISCO's representative will seek the client's agreement and consent regarding the process.

Clients have the right to access personal information that DISCO holds, subject to any exceptions in relevant legislation. Clients wishing to access their files or other information need to request access from the relevant DISCO officer.

5. Other related policies and procedures

Documents related to this policy	
Related policies	2.1 Service Delivery Policy

	2.2 Allocation Policy 2.3 Ending Service Delivery Policy 2.4 Collaboration in Service Delivery Policy 3.1 Client Service Charter Policy 4.1 Privacy Policy 4.2 Client Records Policy 4.4 Access to Confidential Information Policy 5.1 Feedback Policy 5.2 Complaints by Client Policy 6.2 Harm Response Policy 6.5 Child & Youth Risk Management Strategy Policy 11.6 Archiving Policy 11.10 Whistleblower Policy
Forms or other organisational documents	Registration Forms Appeal Request Form DISCO Client Services Charter Client Records Chart Form National Principles for Child Safe Organisations Commitment Charter for Children & Young People Other Undefined Forms

6. Review processes

Policy review frequency: This policy will be reviewed by annually or as necessary.	Responsibility for review: This policy will be reviewed by the CEO.
Review process: This policy will be updated and reviewed every twelve months and approved by the DISCO Management Committee annually.	
Documentation and communication: All volunteers, management and staff will be required to read and sign this policy upon employment commencement and review it annually (and as necessary) to ensure it can be implemented and adhered to correctly. Any alterations to the policy at any time will require all staff and management to reread it and sign it. Changes will be updated as necessary with an up to date version stored and available electronically.	