

<b>YWCA Canberra</b>		<b>Policy No OP2.11</b>
<b>PRIVACY and CONFIDENTIALITY POLICY</b>		 <b>YWCA CANBERRA</b>
<b>Formulated: 2007</b> <b>Revised: 2010, September 2014, May 2018 (from Privacy, Confidentiality and Records Management Policy)</b>  <b>Endorsed by: CEO and Board</b>		
<b>Policy Type</b>	Corporate	
<b>Purpose of the Policy</b>	<p><b><u>Purpose and Scope</u></b></p> <p>YWCA Canberra is committed to protecting the privacy and confidentiality of clients, staff, Board members, students, volunteers and stakeholders in the way information is collected, disclosed, stored and used.</p> <p>This policy provides guidance on YWCA's legal obligations and ethical expectations in relation to privacy and confidentiality.</p> <p>YWCA holds two types of information which are covered by this policy, personal and organisational information.</p> <p>Employee records are exempt from the Privacy Act, however YWCA Canberra will follow its legislative obligations in collection and storage of information relating to its employees, and follow, to the extent appropriate, the Fair Work Ombudsman's "Best Practice Guide- Workplace Privacy" and treat all information collected about employees with respect and diligence. For information on employee privacy, refer to the Employee Privacy Policy.</p> <p>For children, young people and families who use our service, as defined in the <i>Children and Young Peoples Act 2006 (ACT)</i>, <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> and other relevant child welfare legislation, we will comply with this legislation in the collection, use, storage and disclosure of personal information.</p> <p><b><u>Principles</u></b></p> <p>YWCA Canberra is committed to ensuring that information is used in an ethical and responsible manner.</p> <p>YWCA Canberra recognises the need to be consistent, cautious and thorough in the way that information about clients, stakeholders, staff, Board members, members, students and volunteers is recorded, stored and managed.</p> <p>All individuals including clients, stakeholders, staff, Board members, members, students and volunteers have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy and/or legal framework.</p> <p>All staff, Board members, students and volunteers are to have an appropriate level of understanding about how to meet the organisation's legal and ethical obligations to ensure privacy and confidentiality.</p> <p><b><u>Outcomes</u></b></p> <p>YWCA Canberra provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative requirements and ethical obligations.</p> <p>All staff and Board Directors understand their privacy and confidentiality responsibilities in relation to personal information and organisational information</p>	

	<p>about YWCA Canberra its clients, staff and stakeholders. This understanding is demonstrated in all work practices.</p> <p>Any program specific procedures relating to privacy and confidentiality are informed by and complement this policy.</p>
<p><b>Definitions</b></p>	<p>The following definitions apply to this Policy:</p> <p><b>Privacy provisions</b> of the Privacy Act 1988 govern the collection, use, storage and disclosure of personal information provided to YWCA Canberra by clients, Board members, staff, volunteers, students and stakeholders.</p> <p><b>Confidentiality</b> applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain.</p> <p><b>Consent</b> - voluntary agreement to some act, practice or purpose. It has two elements: knowledge of the matter agreed to, and voluntary agreement. Consent can be express or implied. Express consent is given explicitly, either orally or in writing. Implied consent arises where consent may reasonably be inferred in the circumstances from the conduct of the individual and the organisation. Consent is invalid if there is extreme pressure or coercion.</p> <p>Only a competent individual can give consent although the Organisation can ordinarily assume capacity unless there is something to alert it otherwise. Competence means that individuals can understand issues, forming views based on reasoned judgments and communicating their decisions. The general law about competence and incapacity will apply to the issue of consent.</p> <p><b>Individual</b> means any person such as a client, staff member, Board member, volunteer, student, contractor or a member of the public.</p> <p><b>Organisational information</b> includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the Privacy Act (1988) but some organisational information may be deemed confidential.</p> <p><b>Personal information</b> has the meaning provided in the Privacy Act 1988 (Cth), which is defined as information or an opinion about an identified individual, or an individual who is reasonable identifiable, whether the information or opinion is true or not and whether the information or opinion is true or not and whether the information or opinion is recorded in a material form or not.</p> <p><b>Sensitive information</b> – has the meaning provided in the Privacy Act 1988 (Cth) and includes information 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 trade or association, membership of a trade union, sexual preferences or practices, criminal record, or health information.</p>
<p><b>Policy</b></p>	<p>YWCA Canberra respects and protects the privacy of all individual's, including service users, employees, members and contractors. We recognise that all individuals are entitled to have their personal information treated with strict confidentiality. YWCA Canberra is committed to ensuring that operational and management information and data procedures are respectful and fair, and that all information is handled in accordance with the law.</p>

## **Responsibilities and Delegations**

### **Board of Directors**

- Endorse Privacy and Confidentiality Policy.
- Be familiar with the organisation's legislative requirements regarding privacy and the collection, storage and use of personal information.
- Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to YWCA Canberra, its clients, staff and stakeholders.
- Comply with Privacy and Confidentiality Policy and associated procedures.

### **Management**

Which includes CEO, Dep CEO, Portfolio Directors, Managers, Centre Directors, Team Leaders

- Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information.
- Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to YWCA Canberra, its clients, staff and stakeholders.
- Ensure systems are in place across the organisation to adequately protect the privacy of personal information and confidentiality of other sensitive information.
- Act in accordance with organisational systems in place to protect privacy and confidentiality.
- Comply with Privacy and Confidentiality Policy and associated procedures.

### **All employees and volunteers**

- Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information
- Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to YWCA Canberra, its clients, staff and stakeholders.
- Act in accordance with organisational systems in place to protect privacy and confidentiality.
- Comply with Privacy and Confidentiality Policy and associated procedures.

### **Collection of information**

Personal information collected by YWCA Canberra is only for the purposes which are directly related to the functions or activities of the organisation. These purposes include:

- Enquiry about programs
- Training and education
- Referral to programs
- Providing services and support to clients
- Administrative activities, including human resources management
- Sector development activities
- Community development activities
- Fundraising and event bookings
- Membership sign ups
- Complaint handling
- Applying for jobs with us
- Membership details and activities
- Newsletters subscriptions
- De-identified data collection for government funding and policy

development

When reasonable and practicable to do so, YWCA Canberra must collect personal information about an individual only from that individual.

Personal information must be collected in a non-intrusive manner, after obtaining the individuals informed consent and explaining the purpose for which the information is collected and how it will be used.

At, or before the time of collecting personal information from an individual, reasonable step must be taken to ensure service users are informed of the following:

- Purpose of collecting information
- How information will be used
- Who (if anyone) information may be disclosed to and under what circumstances information will be disclosed
- Limits to privacy of personal information
- How an individual can access or amend their personal information
- How an individual can make a complaint about the use of their personal information.
- how and who to contact at YWCA Canberra
- any law that requires YWCA to collect or release information, such as mandatory reporting of child abuse and neglect
- if any information will be collected by someone other than the individual
- if any information is to be subject to overseas disclosure
- the consequences (if any) for the individual if all or part of the information is not provided.

At all times the service user's right to withhold information which is not directly relevant to service planning or delivery will be respected.

Information requested and recorded will be collected in an open and transparent manner. Staff will actively encourage service users to have genuine involvement in the collection and use of any information about them.

All documentation of service user information will be written factually, and subjective conclusions by staff avoided.

The information collected includes:

- Identifying information such as names, date of birth and copies of identification and physical addresses
- Contact information such as telephone numbers, email addresses, postal addresses
- Case notes related to work we are doing with you or your child
- Assessment information – training and assessment related documents
- Release of Information forms
- Registrations forms and associated documentation, which may include medical history if relevant
- Copies of any written correspondence

Employees and volunteers of YWCA Canberra may have additional information collected and stored, this includes

- Application for employment and supporting documents
- employment contracts, and other records relating to terms and conditions of employment
- Proof of Australian citizenship/Working Rights
- Certified copies of academic qualifications
- Records relating to salary, employment benefits, and leave

- Sick leave certificates
- Tax and banking information necessary to pay salary and wages
- Superannuation contributions
- Information relating to employees' training and development
- Copies of WWVP and Working with Children documentation
- Exit Interviews
- Flexible Work agreements
- Cessation of work documentation

For more information on records kept for employment purposes, see the YWCA Canberra employee privacy policy.

#### **Sensitive information**

YWCA Canberra must not collect **sensitive information** unless the individual has consented to its collection, it is required by law, or in other special specified circumstances, such as where necessary to prevent a serious and imminent threat to personal safety and the individual is unable to consent.

#### **Information collected from a third party**

Staff may, from time-to-time, need to obtain information about an individual from another organisation or service provider. The consent of the individual must be obtained (preferably in writing), prior to obtaining information from a third party. A consent to share or receive information form must be used to gain consent and reviewed at least annually.

Staff should be cautious about recording unsubstantiated information about service users when that information is provided by a third party and should inform their supervisor to seek guidance before taking any action. Information provided by a third party should only be recorded or retained if it is deemed to be purposeful to the support of the individual or imperative to the safety of YWCA Canberra employees or other service users.

At times, consent for services or sharing of information for an adult may be required by a formal guardian or power of attorney. Any formal guardianship or power of attorney arrangements must be evidenced and noted; and adhered to as per any legal requirements.

When working with children or young person, the parent/guardian's consent should be sought. Wherever possible, and developmentally appropriate, the child or young person should be involved in the process.

#### **YWCA Canberra forms**

Forms are often used to collect an individual's personal information. A statement must be included on all YWCA Canberra forms outlining the purpose for which the information is collected. When seeking and collecting information from an individual the process will include the statement:

For guidance on the personal information we collect and how we will handle your information, please contact your case worker or manager; or see the YWCA Canberra full Privacy Policy on our website (insert link). You can also request a copy from one of our Privacy Officers at [quality@ywca-canberra.org.au](mailto:quality@ywca-canberra.org.au).

#### **Use and Disclosure**

YWCA Canberra only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organisation. It may be provided to government agencies, other organisations or individuals if:

- The individual has consented
- It is required or authorised by law
- It will prevent or lessen a serious and imminent threat to somebody's life or health.

If personal information about a service user is subpoenaed by a court, YWCA Canberra will retain copies of all information released. These will be marked 'COPY' and the location of the original documents will be recorded in the service user's file. If information is subpoenaed, YWCA Canberra will seek the assistance of a legal advisor to ensure the rights of both the service user and staff are adequately protected.

Exceptions to disclosure are to be recorded on a service user's file and outlined to an individual when information is collected.

Personal service user information presented in the context of internal YWCA Canberra staff meetings, supervision or staff support forums as well as external organisational meetings will be altered in such a way as to protect the identity of the service user.

Written information relating to YWCA Canberra service users cannot be shared across YWCA Canberra programs without service user permission.

YWCA Canberra receives funding from various government department and philanthropic organisations which often requires us to report to those funding bodies. Any statistical information or case studies are de-identified, and appropriate permissions to use any images are sort from clients, parents or their guardian.

**Cross border disclosure**

Sometimes YWCA Canberra stores information in an overseas country because a YWCA Canberra system is located in or needs to process information overseas. YWCA Canberra currently uses cloud-based providers who store all or some of their data in:

- USA (Survey Monkey, StoryPark and Campaign Monitor)
- New Zealand (StoryPark)

YWCA Canberra may need to give access to personal information to those system administrators or developers so that they can diagnoses or resolve software issues.

In some cases, the information will already be sufficiently protected under the law governing the overseas recipient, and you can access mechanisms to enforce those protections.

Where YWCA Canberra uses third party providers for some web-based services, those services will only be used with your consent – for example Survey Monkey, Mail Chimp. Please refer to those third-party sites for their privacy policies.

If it is practical and reasonable to do so YWCA Canberra will obtain your consent to overseas disclosure. However, there may be situations where YWCA Canberra is unable, for example, where we share information as part of a law enforcement activity.

**Data Quality**

YWCA Canberra takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

All written records are to be completed in ink and any errors crossed out (not whited out) so the error can be read. Computer records are not to be corrected once completed. The only changes to service user personal details should be to up-date or correct information.

The structure and content of client and staff records should be organised to make access to key information easy and prevent loss of key information and or documents. Managers are responsible for developing file management procedures and structures for each program.

### **Data Security**

YWCA Canberra takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas
- Physically securing the areas in which the personal information is stored
- Not storing personal information in public areas
- Positioning computer terminals so that they cannot be seen or accessed by unauthorised people or members of the public.

Reasonable technical safeguards include:

- Using passwords to restrict computer access, and requiring regular changes to passwords
- Establishing different access levels so that not all staff can view all information
- Ensuring information is transferred securely (for example, not transmitting health information via non-secure email)
- Using electronic audit trails
- Installing virus protections and firewalls.

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance but also training to ensure staff, Board members, students and volunteers are competent in this area.

Personal information will not be left unattended or visible to the public when in use, and when not in use, such information will be securely stored. Where possible, information should be stored in a locked cabinet or in a computer file with a password accessible only to appropriate personal.

Information regarding the length of time records must be kept varies depending on the nature of the record and the type of service or program (eg children's services, youth services, housing etc). Refer to the Archiving Policy for retention times.

Regular audits of records will be undertaken to ensure files are kept and stored correctly, in accordance with this policy and specific program area requirements.

### **Transparency**

YWCA Canberra will place this policy on our website and must make this policy document, outlining its information handling practices, available to anyone who requests it. YWCA Canberra is to be transparent and open about the process around the collection, use, and disclosure of personal and sensitive information.

### **Access and Correction**

Individuals may request access to personal information held about them. Access will be provided unless there is a sound reason under the Privacy Act or other relevant law. Other situations in which access to information may be withheld include:

- There is a threat to the life or health of an individual
- Access to information creates an unreasonable impact on the privacy of others
- The request is clearly frivolous or vexatious or access to the information has been granted previously
- There are existing or anticipated legal dispute resolution proceedings
- Denial of access is required by legislation or law enforcement agencies.

YWCA Canberra is required to respond to a request to access or amend information within 45 days of receiving the request.

Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete and not misleading, considering the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, YWCA Canberra may refuse the request.

If the requested changes to personal information is not made, the individual may make a statement about the requested changes which will be attached to the record.

Program directors are responsible for responding to queries and requests for access/amendment to personal information.

Individuals may at any reasonable time have access to their personal case file, personnel file, personal and/or sensitive information that YWCA Canberra has on record. Individuals may also authorise, in writing, another person to access their file on their behalf.

Staff members responsible for employee records and/or service user files (or any other personal and/or sensitive information collected and held by the Organisation about an individual) should ensure that these files are up-to-date, and that no confidential information is removed from the file.

Access by an individual or an authorised person to an individual's file will be in the presence of an authorised YWCA Canberra staff member, and the removal, alteration, or addition of information by the employee, service user or authorised person is not permitted unless allowed as per the request to access process.

Where there is a dispute or difference of opinion about the information in an employee or service user file, the relevant Portfolio Director will be consulted. If the program maintains that it is necessary to retain the disputed information, a written note will be added to the file clearly stating:

- that the service user has requested the information to be removed and the stated reasons
- the program's reasons for retaining the disputed information on the service user file.

### **Identifiers**

As required by the Privacy Act 1988, YWCA Canberra will not adopt a government assigned individual identifier number e.g. Medicare number as if it were its own identifier/client code.

### **Anonymity**

YWCA Canberra must give individuals the option to interact anonymously wherever it is lawful and practicable to do so. In circumstances where an individual wishes to remain anonymous, the implications of this (if any) need to be explained at the time of the first contact with the service.

For example, anonymity may mean the service is not able to follow up or provide the same consistency in support/information as in other cases.

### **Collection, Use and Disclosure of confidential information**

Other information held by YWCA Canberra may be regarded as confidential, pertaining either to an individual or an organisation. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the public.

Staff members are to refer to the CEO/Manager before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to YWCA Canberra or its clients, staff and stakeholders.

### **Organisational Information**

All staff, Board members, students and volunteers agree to adhere to the YWCA Canberra Code of Conduct when commencing employment, involvement or a placement. The Code of Conduct outlines the responsibilities to the organisation related to the use of information obtained through their employment/ involvement/ placement.

### **Stakeholder Information**

YWCA Canberra works with a variety of stakeholders including private consultants. The organisation may collect confidential or sensitive information about its stakeholders as part of a working relationship. Staff at YWCA Canberra will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.

The way staff members manage stakeholder information will be clearly articulated in any contractual agreements that the organisation enters with a third party.

### **YWCA Canberra Websites**

In order to communicate with you in relation to our activities, YWCA Canberra may disclose your personal information to third parties, such as Everyday Hero, Campaign Monitor, Survey Monkey and Google. These third parties assist us by providing the following services:

- registrations;
- email distribution services;
- marketing analysis services;
- benchmarking and data analysis services
- website usage analysis.

YWCA Canberra takes reasonable steps to ensure that the external organisations providing these services are contractually bound by privacy and confidentiality obligations in relation to their use of your personal information and that they only use your personal information for the specific purpose for which we supply it.

If you wish to have your personal information deleted from our databases, please contact us and we will take reasonable steps to remove it from the database unless

we need to keep it for legal, auditing or internal risk management reasons

YWCA Canberra collect statistics on visitor traffic to our websites so that we can constantly improve its usefulness. All such statistics are anonymous and do not identify specific visitors. Some of our web traffic reports are created by using website monitoring conducted by Google Analytics. For more information about Google Analytics, including information on their method of collecting information, their Privacy Policy and the ability to opt out, you can visit Google Analytics online

Our website contains links to other websites. Other websites may also have links to our website. In either case, YWCA Canberra is not responsible for the content, privacy practices or business practices of any website or organisation except our own.

### **Cookies**

YWCA Canberra may anonymously track your visit to our websites by using 'cookies' which are provided by a third party. Our third-party vendors also use cookies to serve our advertisements and this enables us to learn which advertisements bring supporters to our website. They also allow us to customize our website to your needs.

The use of cookies is an industry standard and most major websites use them. YWCA Canberra uses cookies to track and record your preferences and activity on our website. Cookies are pieces of data that are sent to your browser and are stored on your computer's hard drive. They are updated as you access the many different parts of our website. It is entirely optional whether to accept cookies since you can change settings of your browser. You can adjust your browser to refuse all cookies or to be warned when cookies are being used.

### **Opt out of receiving communication**

If you are receiving communication from us and no longer wish to receive such communication, please let us know by contacting us – or by using the unsubscribe function in the party systems.

### **Credit card information**

Credit card information collected for the purposes of payment for services, events or fundraising are either destroyed when payment is made or for ongoing payment requirements kept in a confidential and secure location. Only employees who are making the payments will have access to this information.

### **Data Breach Scheme**

The Notifiable Data Breach Scheme relates to personal information covered by the Privacy Act 1988 and Australian Privacy Principles.

A Notifiable Data Breach is a data breach likely to result in serious harm to any of the individuals to whom the information relates.

The provisions in the privacy act require notification of eligible data breaches to affected individuals and the Office of the Australian Information Commissioner

A Notifiable Data Breach occurs when personal information held by an organisation is lost or subjected to unauthorised access or disclosure. Examples include:

	<ul style="list-style-type: none"> <li>• A device containing personal information is lost or stolen</li> <li>• A database containing personal information is hacked</li> <li>• Personal information is mistakenly provided to the wrong person</li> </ul> <p>YWCA Canberra will follow its data breach response plan in the event of discovering or being notified of a data breach.</p> <p><b><u>Breach of Privacy or Confidentiality</u></b> - How to request access, seek correction or make a complaint</p> <p>If an employee is dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor.</p> <p>For clients</p> <p>Should you wish to access the personal information we have relating to you, seek to make a correction or wish to complain about a breach of the Australian privacy principals you can contact:</p> <p>In the first instance – your worker, case manager or manager of the program</p> <p>If you are not satisfied – or wish to speak with someone else, please contact our Privacy Officer at:</p> <p>Paula Chemello: (020 6175 9900  <a href="mailto:quality@ywca-canberra.org.au">quality@ywca-canberra.org.au</a></p> <p>If you are still not happy with the outcome you have a right to contact the Office of the Australian Information Commissioner (OAIC) at:</p> <p><a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a></p> <p>A failure to comply with this policy by an employee or volunteer will be viewed seriously and may result in disciplinary action or dismissal. Employees and volunteers must report a breach of this policy to their manager or the Human Resources Manager. Any breach will be investigated by YWCA Canberra.</p>
<p><b>References including legislation</b></p>	<p><u>Legislation</u>  <i>Privacy Act 1988 (Cwth)</i>  <i>Information Privacy Act 2014 (ACT)</i></p> <p><u>Other resources</u></p> <p><i>Office of the Federal Privacy Commissioner (2001). Guidelines to the National Privacy Principles. Office of the Federal Privacy Commissioner, Sydney.</i></p> <p><i>Office of the Privacy Commissioner (2006). Privacy Policy, Office of the Privacy Commissioner, Sydney.</i></p> <p><i>QIP Privacy Policy Template</i></p>

<b>Review Date</b>	September 2021
<b>Related Policies</b>	OP2.13 Information and Communication Technology Policy OP2.14 Social Media Policy OP2.23 Archiving Policy SD3.1 Complaint Management Procedure SD3.2 Reporting of Suspected Abuse and Neglect of Children and Young People SD3.3 Support (Case) Management Policy HR5.1 Code of Conduct HR5.8 Staff Grievance and Dispute Resolution Procedure HR5.13 Volunteer Policy HR5.29 Recruitment and Selection Privacy Policy HR5.33 Employee Privacy Policy Governance Manual
<b>Policy Steward</b>	Business Development and Quality Manager