

Privacy and Confidentiality Policy

Introduction

The Board of the Lake Macquarie Suicide Prevention Network is committed to protecting the privacy of personal information which the organisation collects, holds and administers.

Purpose

The purpose of the privacy and confidentiality policy and procedure is to communicate clearly, the personal information handling practices. Privacy policy and procedures enhance the transparency of the operations in collecting, storing and using personal and confidential information, and ensure that privacy and confidentiality are protected in policy and practice, in accordance with legislation and funding agreements.

Scope

The following people must comply with this policy:

- Paid employees
- Volunteers
- Board Members
- Students on placement
- Contractors (e.g. external supervisors, consultants, IT support).

Policy

LMSPN recognises that personal information is collected and stored regarding Board members, employees,volunteers, and clients, and that all information must be dealt with in terms of privacy legislation and principles. LMSPN is required to comply with Confidentiality and Privacy clauses within funding and serviceagreements with government agencies

LMSPN will comply with the Privacy and Personal Information Protection Act 1988 as if it were a State Government Agency. LMSPN will comply with the Commonwealth Privacy Act 2002. LMSPN will comply withHealth Records and Information Privacy Act 2002 when dealing with health information.

Responsibilities	
The Board	Responsible for developing, adopting and reviewing this policy.
Chairperson	Responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to reviewor revise this policy as and when the need arises.

Staff and Volunteers	<p>Are required to observe the privacy policy and procedures when dealing with personal information.</p> <p>Raise any concerns they may have regarding privacy issues that arise in the conduct of their work, and to report any breaches of privacy that they may observe to the Chairperson</p>
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Definitions

Commonwealth Privacy Act 1988

Commonwealth legislation.

Confidentiality

The assurance that personal information is protected and not disclosed to people who are unauthorised.

Constructive Identification

Privacy regulations can be breached even if the person is not named – if a person can be identified through other details (ie a description; a photograph).

Health Records and Information Privacy Act (2002)

Sets out privacy standards for health information for the public and private sector.

Personal Information

Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Privacy

The right to exercise control over one's personal information or a set of conditions necessary to protect our individual dignity and autonomy.

Privacy Principles

Refers to the combination of the 12 Information Protection Principles (IPPs) set out in sections 8 to 19 of the *Privacy and Personal Information Protection Act 1998*, and the 15 health privacy principles (HPPs) in Schedule 1 of the *Health Records and Information Privacy Act 2002*.

The basic principles of the Acts say that you shall:

- Only collect information for lawful purposes
- Collect it directly from the individual concerned
- Let the person know that you are collecting information, that it is voluntary, what it will be used for, who might receive it and how they can access or correct it;
- Only use and pass on information that is reasonably necessary for the particular function or activity you are engaged in with the individual concerned, and only with that person's expressed consent; and
- Keep the information securely and only for so long as you need to.

Procedure

1. Where personal information is to be collected, the person is informed of:
 - 1.1 The nature of the records
 - 1.2 The possible use of information in the records and who may access it
 - 1.3 Their right to access information in the records and request change to inaccurate or misleading information.
 - 1.4 The process for consent to release information in the records
2. Information can only be collected from the individual directly, unless the individual has authorised the information to come from someone else, or if the information is coming from a parent or guardian of a person under the age of 16 years.
3. All Board and staff members and volunteers agree to recognise that all personal information is confidential.
4. Decisions to release information to external agencies are made with the consent of the person or the parent/guardian of the person (excluding responses required for criminal and child protection legislation).
5. Use of information for the purposes of service planning and review, where possible, includes non-identifying data only. Should personal information be required, consent is required.
6. Ensure the information the organisation collects is accurate, complete, up to date, not misleading, and relevant to the functions of LMSPN.
7. Only destroy records in accordance with the organisation's Records Management Policy and funding/service agreement requirements.
8. All personal records are secured in a locked area and appropriate security is observed at all times when files are being used. Personal records are not removed from the premise. Ensure that personal information is not left on view to unauthorised organisation staff or the general public.
9. Ensure that all electronic data is stored securely by following the LMSPN ICT Policy and Procedure to safeguard against misuse, loss, unauthorised access and modification.
10. LMSPN can disclose personal information without consent where:
 - 10.1 Legislation requires such information
 - 10.2 Information is subpoenaed in a court proceeding

10.3 Where there are concerns for the safety, welfare, and wellbeing of a child or that a child is at significant risk of harm.

10.4 There is a serious and imminent threat to any person's health and safety.

10.5

11. LMSPN staff will inform clients of intended use and gain written content and consent to share an impact story in line with ethical storytelling practices.

Legislation

Children and Young Persons (Care and Protection) Act 1998

Commonwealth Privacy Act 1998

Community Welfare Act 1987

Health Records and Information Privacy Act 2002 Privacy
and Personal Information Protection Act 1998

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