

10.3	ACCESS TO CONFIDENTIAL INFORMATION
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Applies to: staff, Management Committee, volunteers, students
Specific responsibility: Management Committee, staff

Date reviewed: 28 November 2017
Next review date: November 2019

Policy context: This policy relates to	
Legislation or other requirements	<ul style="list-style-type: none"> ▪ <i>Privacy Act 1988 (Cth)</i> ▪ <i>The Privacy Amendment (Enhancing Privacy Protection) Act 2012</i> ▪ <i>Associations Incorporation Act 1981(Qld)</i> ▪ <i>Service Agreements</i> ▪ <i>Australian Solicitors Conduct Rules 2012</i> ▪ <i>Legal Profession (Barristers Rules) Notice 2011</i>

POLICY STATEMENT

Caxton Legal Centre is committed to transparency in its operations and to ensuring it is open to public scrutiny. It must also balance this with professional obligations, upholding the rights of individuals to privacy and of the organisation to confidentiality on sensitive organisational matters.

Caxton Legal Centre will prevent unauthorised persons gaining access to an individual’s confidential records and permit individuals access to their own records when this is reasonable and appropriate and in accordance with the Privacy Act 1988 (as amended).

Accordingly, access to some Caxton Legal Centre documents and records will be limited to specified individuals and not be available to others for viewing.

This policy applies to the internal records, client records and unpublished materials of Caxton Legal Centre.

Access to electronic resources and files is covered under policy 10.9 Information Technology Use.

PROCEDURES

Client records

All staff and volunteers working with clients will maintain confidential client records.

Information about clients may only be made available to other parties with the consent of the client or as is permitted or required by law.

All client records will be kept securely and will be updated, archived and destroyed according to the organisation’s client records policy.

Management Committee

Management Committee minutes will be open to all staff and members of the organisation once accepted by the Management Committee, except where the Management Committee passes a motion to make any specific content confidential.

All papers and materials considered by the Management Committee will be open to all staff and members of the organisation following the meeting at which they are considered, except where the Management Committee passes a motion to make any specific paper or material confidential.

Caxton Legal Centre membership records

A written request to the Secretary to access a list of current Caxton Legal Centre members may be made by Caxton Legal Centre members, Management Committee members and staff. Personal information about members (including address and contact details) is confidential and may only be accessed by those staff working with the information.

Personnel files

A personnel file is held for each staff member, volunteer, Management Committee member, work placement and clinic student and contains:

- personal contact details and emergency contact details
- signed agreements relating to confidentiality, code of conduct, employment or volunteering or placements or clinics
- and for employees, all correspondence relating to job description changes, salary changes, leave entitlements such as long service leave, continuous service leave, unpaid and parental leave.

Access to personnel information is restricted to:

- the individual accessing their own file
- the Director, Accountant, Business Manager and the Administration Officer (Paralegal and Finance).

Official Centre records

Official Centre records are those that contain confidential or commercially sensitive information about the organisation's business. They include:

- the financial accounts and records
- taxation records
- official correspondence
- security codes and passwords
- records of internal meetings
- project management files
- contracts between the organisation and other parties.

Access to these records is limited to Management Committee and appropriately delegated staff.

Appeals

Individuals who are refused access to their own records or information files may appeal by contacting the President, who will review the decision in the context of this policy.

DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none"> ▪ Code of Ethics and Conduct ▪ Privacy ▪ Client Records ▪ Intake, referral and information ▪ Advice ▪ Records Management ▪ Information Technology Use ▪ Financial Management ▪ Personnel and Employment Records

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Biennial Review	Business Manager	Management Committee