

10.2	PRIVACY
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Applies to: Management Committee, staff, volunteers
Specific responsibility: Management Committee, Director, staff, volunteers

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</i> (Cth) ▪ <i>The Privacy Amendment (Enhancing Privacy Protection) Act 2012</i> ▪ <i>Associations Incorporation Act 1981</i>(Qld)

POLICY STATEMENT

Caxton Legal Centre is committed to protecting and upholding the right to privacy of clients, staff, volunteers, Management Committee members and representatives of agencies it deals with. In particular, Caxton Legal Centre is committed to protecting and upholding the rights of clients to privacy in the way information about them is collected, stored, used, accessed (and, if necessary, corrected) and in regards to their needs and the services provided to them.

Caxton Legal Centre requires staff, volunteers and Management Committee members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

Caxton Legal Centre is subject to the Commonwealth *Privacy Act 1988*. The Centre will follow the guidelines of the *Australian Privacy Principles* in its information management practices.

Caxton Legal Centre will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel.
- clients are provided with information about their rights regarding information and privacy, including how to make enquiries and complaints about privacy.
- clients and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
- all staff, Management Committee members and volunteers understand what is required in meeting these obligations.

This policy conforms to the *Privacy Act 1988* (Cth) and the Australian Privacy Principles which govern the collection, use, disclosure and storage of personal information.

This policy will apply to all records, whether hard copy or electronic, containing personal and sensitive information about individuals, and to interviews or discussions of a sensitive nature.

DEFINITIONS

Personal Information Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose

identity is apparent, or can reasonably be ascertained, from the information or opinion.

Sensitive Information

‘Sensitive information’ is defined in the *Privacy Act* to mean 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; or
- criminal record.

PROCEDURES

Dealing with personal and sensitive information

In dealing with personal and sensitive information, Caxton Legal Centre staff will:

- ensure privacy for clients, staff, volunteers or Management Committee members when they are being interviewed or discussing matters of a personal or sensitive nature.
- only collect and store personal information that is necessary for the functioning of the organisation and its activities.
- use fair and lawful ways to collect personal information.
- collect personal and sensitive information only by consent from an individual.
- ensure that people know what sort of personal and sensitive information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it.
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves.
- take reasonable steps to protect all personal information from misuse, interference and loss, and from unauthorised access, modification or disclosure.
- destroy personal and sensitive information after minimum legal requirements for retaining documents have expired.

Responsibilities for managing privacy

- All staff are responsible for the management of personal information to which they have access and in the conduct of research, consultation or advocacy work.
- The Director is responsible for content in Caxton Legal Centre publications, communications and website and must ensure the following:
 - Appropriate written consent is obtained for the inclusion of any personal information about any individual including Caxton Legal Centre personnel.
 - Information being provided by other agencies or external individuals conforms to privacy principles.
 - The website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.

- The Director is responsible for safeguarding personal information relating to Caxton Legal Centre staff, Management Committee members, volunteers, contractors and Caxton Legal Centre members, and will handle client complaints about privacy.

Privacy information for clients

At intake, clients are informed why their information is being collected, how their privacy will be protected and their rights in relation to this information.

Privacy for interviews and personal discussions

To ensure privacy for clients or staff when discussing sensitive matters, the organisation will ensure meetings are held in private consultation spaces.

Participants in research projects

People being invited to participate in a research project must be:

- Given a choice about participating or not.
- Given the right to withdraw at any time.
- Informed about the purpose of the research project, the information to be collected and how information they provide will be used.
- Given copies of any subsequent publications.

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified without consent.

Organisational participants in research projects will generally be identified in Caxton Legal Centre research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none"> ▪ Code of Ethics and Conduct ▪ Privacy ▪ Access to Confidential Information ▪ Client Records ▪ Information Technology Use ▪ Financial Management ▪ Personnel and Employment Records ▪ Publications ▪ Managing Professional Indemnity Insurance Claims ▪ Volunteers ▪ Casework ▪ Advice ▪ Records Management ▪ Intake, referral and information ▪ Supervision of Legal Practice

Other related documents	<ul style="list-style-type: none"> ▪ Client intake form ▪ Staff and volunteer confidentiality conduct agreements ▪ Caxton information booklet for clients provided at intake
Other related information	<ul style="list-style-type: none"> ▪ Website information about privacy

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