

Woodcroft/Morphett Vale Neighbourhood Centre
OPERATING PROCEDURE



SUBJECT:	Confidentiality and Privacy
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POLICY STATEMENT:	PS P&C.01	EFFECTIVE DATE:	25 th June 2019
FUNCTIONAL AREA:	People and Culture	DOCUMENT REF:	OP P&C.04(19)V2
RESPONSIBILITY:	HR Sub Committee	REVISION NUMBER:	2

REVISION SCHEDULE:

Scheduled for review: February 2022

EFFECTIVE	ALTERATION(S):	AUTHORISED:	
DATE:		Signed/Title	Date:

1. SCOPE

This procedure provides the framework by which the Management Committee of the Woodcroft/Morphett Vale Neighbourhood Centre ensures that legislative and ethical obligations around privacy and confidentiality are met and upheld to a high standard.

The Centre collects, holds and administers a range of personal information in the course of its business and values the privacy of individual personal information and is committed to the protection of the personal, sensitive and health information it holds. This procedure advises Management Committee members, staff and volunteers on the responsible collection and handling of personal information to comply with the *Privacy Amendment Act 2012* that includes the introduction of 13 new Australian Privacy Principles (APP's) effective from 12th March 2014.

The Centre is committed to openness, transparency, and accountability. Its policies and procedures reflect its wish to release all information it holds as far as this is consistent with the protection of individual privacy, the effective management of its business, and relevant legislation.

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Management Committee members and staff shall be authorised to release to any person any material other than confidential material obtained in the course of their duties where such release is in accordance with the requirements of any applicable legislation and where such release is consistent with the Centre's policies and procedures.

2. DEFINITIONS

Confidential information – information (including personal information) about people or situations that should not be made available to others except in specific circumstances.

3. PROCEDURES

Management Committee business

The Management Committee shall decide from time to time whether any or all of its agendas, minutes, or papers, or those of its subcommittees (not otherwise required by legislation, regulation, or its rules to be made public) shall be made public. Where no express decision has been recorded the assumption shall be that the material is not confidential.

On those occasions and for those matters that the Management Committee elects not to make public, Management Committee members shall respect the confidentiality of those documents and of any deliberations in the Management Committee on those matters.

In particular, Management Committee members shall not:

- disclose any confidential information acquired by virtue of their position as a Management Committee member;
- use any confidential information acquired by virtue of their position on the Management Committee for their personal financial or other benefit or for that of any other person;
- disclose any confidential information related to the interests of individuals, groups or organisations acquired by virtue of their position on the Management Committee;
- permit any unauthorised person to inspect or have access to any confidential documents or other information.

The obligation to protect such confidential matters from disclosure continues even after the individual Management Committee member is no longer serving on the Management Committee.

The Management Committee shall decide from time to time whether any visitors/observers shall be permitted to attend any or all of its meetings. Where appropriate, visitors/observers may be admitted subject to their undertaking to maintain confidentiality.

Where appropriate, information identifying individuals may be removed by the Chair from material before its consideration by the Management Committee.

General conduct

Staff, volunteers, contractors, facilitators/tutors and external organisations shall not:

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- disclose to any member of the public any confidential information acquired by virtue of their role;
- use any confidential information acquired by virtue of their role for their personal financial or other benefit or for that of any other person;
- disclose to any member of the public any confidential information related to the interests of individuals, groups or organisations acquired by virtue of their role;
- permit any unauthorised person to inspect or have access to any confidential documents or other information.

The Centre will:

- only collect information that is necessary for the performance and primary function of the Centre
- notify people about why we collect the information and how it is administered.
- notify people that this information is accessible to them.

Consideration of Personal Information Privacy

Australian Privacy Principle 1 - Open & Transparent Management of Personal Information

The Centre is committed to ensuring open and transparent management processes for dealing with all personal and operational information.

- The Centre will hold, collect and use the personal information of the staff and clients of the Centre only where it is necessary for the effective performance of its duties.
- Personal information about a person will only be used or disclosed by the Centre in accordance with legislative requirements, with the express permission of the individual it refers to, and where use or disclosure is authorised under law.
- The Management Committee has the express right to access and review any information that has been collected by staff.

Australian Privacy Principle 2 - Anonymity & Pseudonymity

- The Centre will identify an individual using a pseudonym when it is lawful and practicable to do so.

Australian Privacy Principle 3 - Collection of Solicited Personal Information

- The collection of personal information by the Centre will only be done where it is necessary, and will only be done so by lawful and fair means and not in an unreasonably intrusive manner.
- Where personal information about an individual is used, it must be used strictly for the purpose for which it is necessary, and for no other purpose. The use of personal information by the Centre should be done with the supervision of the Chair and the CDO.

Australian Privacy Principle 4 - Dealing with Unsolicited Personal Information

- Where the Centre receives unsolicited personal information the information should be de-identified or destroyed if it is not to be retained.

Australian Privacy Principle 5 - Notification of the Collection of Personal Information

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- If the information is to be retained, the person who the information relates to should be provided with an explanation of the purpose for collection, if it has not already been provided.

Dealing with Personal Information

Australian Privacy Principle 6 - Use or Disclosure of Personal Information

- Where a Management Committee member collects, uses, discloses, stores or disposes of personal information on behalf of the Centre that Management Committee member must do so in accordance with this procedure and Privacy Laws.
- All sensitive conversations are to be held privately at an appropriate time and location, ensuring that all private information is kept secure.

Australian Privacy Principle 7 - Direct Marketing

- The Centre will not disclose personal information to third parties for the purpose of direct marketing. The Centre will ensure that marketing communications using personal contact information will only be undertaken as necessary to enable the Centre to effectively provide its services and meet contractual obligations.

Australian Privacy Principle 8- Cross-Border Disclosure of Personal Information

- If the Centre is required to transfer personal information interstate or overseas, it will comply with the Privacy Law requirements.

Australian Privacy Principle 9 - Adoption, Use or Disclosure of Government Related Identifiers

- The Centre will only use or disclose a government-related identifier of an individual where this is reasonably necessary to enable it to carry out its functions and fulfil its obligations efficiently.

Integrity of Personal Information

Australian Privacy Principle 10 Quality of Personal Information

- The Centre will ensure that any personal information that is collected and used is accurate, complete and up-to-date.
- Personal information shall be used and stored in a way that prevents misuse, loss, unauthorised access, modification or disclosure.
- Personal information will be destroyed or permanently de-identified when required by the Privacy Law.

Australian Privacy Principle 11 - Security of Personal Information

- Any personal information used by the Centre will be kept in a secure manner and in accordance with the Confidentiality Agreement.

Access to, and Correction of Personal Information

Australian Privacy Principle 12 -Access to Personal Information

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- The Management Committee shall comply with any requests made under the *Freedom of Information Act 1991*.
Australian Privacy Principle 13 - Correction of Personal Information
- Management Committee members are responsible to ensure that the Centre has their up to date contact and personal information as required for the effective performance of their role.
- The Centre will take steps (if any) as are reasonable to correct personal information about an individual to ensure that it is accurate, up to date, complete, relevant and not misleading

Breach of Privacy

Any action by a Management Committee member, volunteer or staff member, that results in a breach of privacy could result in disciplinary action.

The obligation to protect such confidential matters from disclosure continues even after the individual person is no longer involved with the Centre.

Breaching confidentiality

In the following circumstances the passing on of confidential information is required:

- if the person is involved in legal matters where they are required by law to divulge that information
- if there is a threat of harm or injury to people
- for the mandatory reporting of suspected abuse.
- to comply with the Sharing of Information Guidelines for promoting safety and wellbeing

4. REFERENCE DOCUMENTS

- *Privacy Amendment Act (2012)*
- Australian Privacy Principles
- *Freedom of Information Act (1991)*
- OP R&A?????Sharing of Information Guidelines Appendix
- OP P&C.03(18) Code of Conduct

APPROVED BY

This Operating Procedure supersedes all other Policy and procedure Operating Procedures and is applicable across Woodcroft Morphett Vale Neighbourhood Centre from the authorising date below.

Authorising Officer	Position	Date	Signature
Irene Woodcock	Chairperson, HR Sub Committee	11/7/19	J Woodcock

