

Pol_227	<h2 style="margin: 0;">Access to Confidential Information</h2>
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Life Choice recognises the importance of protecting the personal information of individuals.

All staff who work at Life Choice are required to ensure the privacy and confidentiality of Life Choice information including that of our participants.

Each participant’s consent is obtained to collect, use and retain their information or to disclose their information (including assessments) to other parties, including details of the purpose of collection, use and disclosure. Each participant is informed in what circumstances the information could be disclosed, including that the information could be provided without their consent if required or authorised by law.

This policy applies to the internal records, participant records and unpublished materials of Life Choice.

Responsibilities and delegations		
Version	Date approved	Date for review
2020/2	September 2022	September 2024
This policy applies to	All staff	
Policy approval	Board of Directors	

Policy context – this policy relates to:	
Standards	<u>NDIS Practice Standards and Quality Indicators 2018</u>
Legislation	<u>Right to information Act</u> <u>Privacy Act</u>
References	<u>qcross.org.au</u> <u>National Disability Services</u>
Organisation policies	Information Management of Participant Records Privacy Policy Confidentiality Policy Consent policy and Procedure
Forms, record keeping, other documents	Code of Conduct Agreement Confidentiality Agreement

Procedures

All participant records will be:

- kept securely, (i.e. hard copy files in a lockable filing cabinet and electronic files will be password protected) and
- updated, archived and destroyed according to the organisation’s Information Management of Participant Records policy.

Access to Participant records

- Participant records will be confidential to participants and to all staff.
- All participants/guardians have the right to access and amend their records on request. The Chief Executive Officer (CEO) should approve and control the way participants access their files to ensure the security of other non-related information is maintained.
- All participant's files are the property of Life Choice and, although a participant and their guardian can access the file, it cannot be taken by a participant or guardian; or be transferred to any service external to Life Choice without permission of the CEO.
- Requests for information about participants from outside agencies or individuals will be referred to the relevant Leader. Before any information is released, the relevant Leader or their delegate will contact the participant concerned to obtain consent.
- Copies of files that are legitimately released for any reason shall be recorded on an appropriate letter, which shall be signed as a receipt by the participant or their legal guardian. The procedure for releasing information about a participant to persons or services that are external to Life Choice is outlined in our 'Consent Policy and Procedure'.
- Any students on placement at Life Choice may only access files with the consent of the participant or their guardian. Students will be required to provide a written undertaking that they will always maintain confidentiality and only use non-identifying information. This agreement is to specify what information is to be used for and advise that any written compositions containing information are to be provided to the relevant Leader for approval, before dissemination.

Individuals who are refused access to their own records or information files may appeal by contacting the CEO who will review the decision in the context of this policy. Individuals must be told the reason why they have been denied access.

Personnel files

A personnel file is held for each staff member and contains:

- contact details and contact details in case of an emergency
- a copy of the employee's contract
- 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 staff member accessing their own file
- the relevant Leader, CEO and HR Support

Corporate records

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

- The financial accounts and records
- Taxation records
- Corporate correspondence
- Records of staff or other internal meetings
- Project management files
- Contracts between the organisation and other parties

Access to these records is limited to the CEO and their delegate and Board of Directors

Board of Directors

Access to Board and Board sub committee papers is limited to members and may be made via a request to the Board Chair (according to the Life Choice Constitution).

Requests for access – general records

All records and materials not falling into the categories above may be released to the public at the discretion of the CEO

Any request for access to information should be directed to the CEO who will:

- make available to staff or Board Directors information that they are entitled to access
- refer any request from Life Choice staff or the public for access to the organisation's records or materials to the CEO

In considering a request, the CEO will take into consideration:

- a general presumption in favour of transparency
- the relevant provisions of the Life Choice constitution regarding information to be made available to Life Choice members
- the business, legal, and administrative interests of Life Choice, including commercial confidentiality and privacy obligations

Where an external party requests access to information that requires staff to devote time to collating, copying or otherwise making material accessible, the CEO may determine a fee to be charged.

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