Privacy and Confidentiality Policy

Policy Name	Privacy and Confidentiality Policy		Policy No.	P0024	
Effective Date	02/08/2024	Date of last revision	1/01/2024	Version Number	1
Policy Owner	Meaningful Lives Board of Governance		Responsible Person	Chief Executive Officer	
Applies to	Meaningful Lives employees, volunteers, contractors, labour hire, consultants				

Policy

1. Introduction

1.1 Meaningful Lives collects and stores information so it can provide a safe working environment, high quality services and meet its legal requirements.

1.2 Meaningful Lives manages personal information in line with relevant legislation and disposal guidelines.

1.3 Meaningful Lives is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Personal information is information which directly or indirectly identifies a person.

1.4 Meaningful Lives also recognises that there are situations where its staff are in, or will come into, possession of confidential information.

1.5 Meaningful Lives considers it to be imperative that the security and confidentiality of confidential information be maintained. Improper use or disclosure to third parties of confidential information may cause serious loss or damage to Meaningful Lives, and to the people it serves, funders and partners.

1.6 This policy supports Meaningful Lives to apply the National Disability Insurance Scheme (NDIS) Practice Standards.

2. Purpose

2.1 This policy's purpose is to provide a framework for Meaningful Lives in dealing with privacy considerations. It also provides an overview as to how staff (which includes employees, contractors and volunteers) can identify confidential information, key duties that may apply to staff in respect of confidential information, and steps that staff can take to ensure these duties are upheld and the confidentiality of information is protected and maintained.

2.2 For the purpose of this policy, employees, volunteers, contractors and labour hire will be referred to as 'staff' or 'staff members'.

3. Policy

3.1 Principles

3.1.1 Personal information is collected with consent and is used where the information is needed to provide services and meet compliance requirements.

3.1.2 Information is protected from misuse, loss and unauthorised access.

3.1.3 Information not needed by Meaningful Lives is destroyed as soon as practical in a way that complies with all legal and compliance requirements.

3.1.4 Reasonable steps are taken to ensure information is complete, current and accurate.

3.1.5 Personal information is only ever released if required by law, agreed to through the informed consent of the individual or if a person requests to see their own personal file.

3.1.6 Personal information will not be disclosed to other parties or used for direct marketing without permission.

3.2 Privacy

3.2.1 Meaningful Lives collects and administers a range of personal information for the purposes of delivering support to people with disability. The organisation is committed to protecting the privacy of personal information it collects, holds and administers.

3.2.2 Meaningful Lives recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other. These privacy values are reflected in and supported by Meaningful Lives' core values and philosophies and also reflected in its Privacy Policy, which is compliant with the Privacy Act 1988 (Cth).

3.2.3 Meaningful Lives is bound by laws which impose specific obligations when it comes to handling information. The organisation has adopted the following principles contained as minimum standards for handling personal information.

3.2.4 Meaningful Lives will:

- collect only information which the organisation requires for its primary function; and
- ensure that stakeholders are told why Meaningful Lives collects the information and how it administers the information gathered.

3.3 Confidentiality

3.3.1 During the course of conducting business, staff will regularly be exposed to information relating to Meaningful Lives and its operations, service-users and other third parties which is considered confidential.

3.3.2 Broadly, confidential information includes personal information obtained while working for or being engaged by Meaningful Lives (whether that be about Meaningful Lives' operations, or our service-users), as well as information that is confidential for other reasons such as commercial sensitivity.

3.3.3 Identifying confidential information

3.3.3.1 Confidential information includes any confidential information relating to the past, present or future business of Meaningful Lives that comes to the knowledge of the staff member, including:

- financial, budgetary, marketing, research and business plan information of Meaningful Lives or any customer or service-user of Meaningful Lives
- customer or service-user lists and supplier lists
- third party information disclosed in confidence
- any confidential information or data belonging to a person supported (including data that is communicated as being confidential); and
- any other information the disclosure or use of which may be detrimental to the interests of Meaningful Lives or of any other person who has provided it to Meaningful Lives on a confidential basis, but does not include information in the public domain (unless in the public domain due to a breach of confidentiality by any person).

3.3.3.2 Just because a document isn't identified or labelled as confidential does not necessarily mean that the document is not confidential.

3.3.3.3 Staff should be mindful that a lot of the information they are dealing with in the course of their work is of a confidential nature and err on the side of caution.

3.3.3.4 Before disclosing or distributing information, staff must consider whether the information or any aspect of the document is confidential considering the nature of the information. For example:

- Is the information publicly available? If so, it may not be confidential
- Is the information about a client, or the service we have provided to them? If so, it is almost certainly confidential
- Is the information commercially sensitive? If so, it is likely that the information will be confidential.

3.3.3.5 If uncertain about whether information is confidential, staff must check with their manager or the Business Partner, Quality and Safeguarding.

3.3.4 Duties in confidentiality

3.3.4.1 Staff must:

- not disclose confidential information, except with prior written consent or as required by law or where necessary for a person to do their job or provide their services
- not copy, produce or misuse confidential information, except where necessary for a person to do their job or provide their services
- take whatever measures are reasonably necessary to prevent the loss, disclosure or misuse of confidential information
- report any breach of these obligations
- use confidential information solely where necessary for a person to do their job or provide their services
- maintain the secure custody of confidential information
- safeguard and protect all confidential information
- not sell, let for hire, assign rights in or otherwise commercially dispose of confidential information
- not commercialise or otherwise exploit any confidential information
- comply with any conditions on any consents provided by Meaningful Lives to disclose confidential information
- comply with any obligation to execute a deed in favour of Meaningful Lives (or any of its service- users, funders or customers) regarding the disclosure of any confidential information; and
- comply with all privacy laws (including the Privacy Act 1988 (Cth), the Privacy and Data Protection Act 2014 (Vic), the Health Records Act 2001 (Vic).

3.3.4.2 If staff are required by law to disclose confidential information, staff must notify Meaningful Lives and comply with any lawful and reasonable directions or requirements provided by Meaningful Lives with respect to that disclosure.

3.3.5 Delivery of documents

3.3.5.1 Staff must deliver up to Meaningful Lives all confidential information at the end of their employment with Meaningful Lives, at the end of their engagement as a contractor with Meaningful Lives, or earlier if directed by Meaningful Lives.

3.3.6 Staff assistance

3.3.6.1 Staff must execute any document reasonably requested by Meaningful Lives, or as requested by a person supported, their guardian, their nominee, the National Disability Insurance Agency (NDIA) or National Disability Insurance Scheme (NDIS) Quality and Safeguarding Commission, in line with their obligations to the confidential information.

3.3.7 Ongoing obligations

3.3.7.1 The obligations in this Policy continue to apply after the end of the employment or engagement of the staff member.

3.3.8 Restrictions

3.3.8.1 Meaningful Lives may limit access to certain information to specified staff only. Staff dealing with restricted information will be advised as such. Staff may be required to handle this information in a specified way, including keeping the information confidential and not disclosing the information to other staff.

3.3.9 No Exclusion of Law or Equity

3.3.10 Any existing laws or principles that safeguard Meaningful Lives' confidential information are not excluded from this Policy and must be followed, even if they are not explicitly mentioned in this Policy.

3.4 Breach of policy

3.4.1 A breach of this policy may result in the staff member being disciplined, including the termination of their employment, or (for a contractor, volunteer or student) their services no longer being required in line with the Misconduct Policy. Action may be taken against Board members in accordance with the governing rules of Meaningful Lives.

Procedures

1. Responsibilities

1.1 Board of Governance

1.1.1 The Board of Governance is responsible for developing, adopting and reviewing this policy.

1.2 Chief Executive Officer

1.2.1 It is the Chief Executive Officer's responsibility to:

- Implement this policy
- monitor changes in Privacy legislation; and
- reviewing or revising this policy accordingly.

1.3 Staff Members

1.3.1 It is all staffs' responsibility to familiarise themselves and comply with this policy.

2. Process

2.1 Collecting Personal Information

2.1.1 When collecting information, Meaningful Lives will only collection information that is necessary for supporting people with disability.

2.1.2 Personal information must only be collected lawfully and fairly. It must not be collected in an unreasonably intrusive way.

2.1.3 The person collecting the information must discuss why Meaningful Lives collects the information and how it is administered (i.e. how/where it is stored and what it is used for) and advise the person that they can access the information if they want to.

2.1.4 Meaningful Lives will wherever possible collect personal information from the person themselves. But if information is collected from a third party, the person that the information is about must be told who the information came from.

2.1.5 Sensitive information must only be collected with the person's consent or if required by law (sensitive information includes health information and information about religious beliefs, race, gender and others). Sensitive information can also be collected where it is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:

- is physically or legally incapable of giving consent to the collection; or
- physically cannot communicate consent to the collection.

2.1.6 Meaningful Lives also collects information during the course of the activities of a non-profit organisation (for example, information about its members). In this case, the following conditions must be satisfied:

- the information must relate solely to the organisation's members or to individuals who have regular contact with it about supporting people with disability
- at or before the time the information is collected, Meaningful Lives informs the individual that it will not disclose their personal information without their consent; and
- the collection must be necessary for the establishment, exercise or defence of a legal or equitable claim.

2.1.7 Meaningful Lives will collect health information about an individual if:

- the information is necessary to provide a health service to the individual; and
- the information is collected as required or authorised by or under law and in line with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.

2.18 When unsolicited information (i.e. information that wasn't asked for) is received, Meaningful Lives will determine whether the personal information could have been collected in the usual way. If it could have, it will be treated normally. If it could not have been, it must be destroyed, and the person whose personal information has been destroyed must be notified about the receipt and destruction of their personal information.

2.2 Using and Disclosing Personal Information

2.2.1 Meaningful Lives will only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose. In all other circumstances, Meaningful Lives must get consent from the affected person.

2.2.2 In connection with a secondary purpose, Meaningful Lives will only use or disclose the personal information where:

- a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes
- the person has consented; or
- certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.

2.2.3 Staff must provide all individuals access to personal information except where it is a threat to life or health or it is authorised by law to refuse.

2.2.4 If a person is able to establish that the personal information is not accurate, then Meaningful Lives will take steps to correct it. Meaningful Lives may allow a person to attach a statement to their information if Meaningful Lives disagrees it is inaccurate.

2.2.5 Where for a legal or other reason Meaningful Lives is not required to provide a person with access to their personal information, Meaningful Lives can consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.

2.2.6 There is no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information (however, there may be nominal charges for providing the information e.g. where there are large printing costs).

2.2.7 If the disclosure of sensitive information is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety and it is impracticable for Meaningful Lives to seek the individual's consent before the use or disclosure and the use or disclosure is conducted in line with guidelines approved by the Privacy Commissioner under section 95A, the organisation may make such a disclosure.

2.2.8 If Meaningful Lives has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.

2.2.9 Meaningful Lives may further disclose personal information if its disclosure is mandated by an enforcement body or is required to:

- prevent, detect, investigate, prosecute or punish for criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law
- enforce laws about confiscating crime proceeds
- protect public revenue
- prevent, detect, investigate or remedy seriously improper conduct or prescribed conduct; or
- prepare for, or conduct proceedings before any court or tribunal, or implement the court or tribunal orders. For the purpose of this Clause, Meaningful Lives must make a written note of the use or disclosure.

2.2.10 Using Personal Information for Marketing Purposes

2.2.10.1 Meaningful Lives may only use personal information collected directly from the person for direct marketing purposes where:

- the person would reasonably expect it to be used for this purpose
- Meaningful Lives has provided an opt out; and
- the opt out has not been taken up.

2.2.10.2 Where personal information has been collected from a third party, this information can only be used for direct marketing if the information owner (the person whom the information is about) has consented and they have not taken up the opt-out.

2.2.10.3 In each direct marketing communication with the individual, Meaningful Lives must draw attention to or prominently display a notice, that the individual may decide not to receive any further direct marketing communications.

2.2.10.4 Each written direct marketing communication with the individual must set out Meaningful Lives' business address and telephone number and, if the communication with the individual is made by fax, telex or other electronic means, a number or address at which the organisation can be directly contacted electronically.

2.3 Storage

2.3.1 Meaningful Lives will implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorised access, interference, unauthorised modification or disclosure.

2.3.2 Before Meaningful Lives discloses any personal information to an overseas recipient including a provider of IT services such as servers or cloud services, it must establish that they are privacy compliant.

2.3.3 Meaningful Lives will have systems which provide sufficient security; and ensure that Meaningful Lives data is up to date, accurate and complete.

2.4 Destruction and de-identification

2.4.1 Meaningful Lives will destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.

2.4.2 Change information to a pseudonym or treat it anonymously if required by the person whose information Meaningful Lives holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

2.5 Data Quality

2.5.1 Meaningful Lives will only destroy records in line with the organisation's Information Management Policy.

2.6 Openness

2.6.1 Meaningful Lives will ensure that stakeholders are aware of Meaningful Lives' Privacy and Confidentiality Policy and its purposes.

2.6.2 Meaningful Lives will make this information freely available in relevant publications and on the organisation's website.

2.6.3 On request by a person, Meaningful Lives must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

2.7 Access and Correction

2.7.1 Meaningful Lives will ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.

2.7.2 If the individual and Meaningful Lives disagree about whether the information is accurate, complete and up to date, and the individual asks Meaningful Lives to associate with the information a statement claiming that the information is not accurate, complete or up to date, Meaningful Lives will take reasonable steps to do so.

2.7.3 Meaningful Lives will provide to the individual its reasons for denial of access or a refusal to correct personal information.

2.7.4 Meaningful Lives can withhold the access of an individual to his/her information if:

- providing access would pose a serious and imminent threat to any person's life or health
- providing access would have an unreasonable impact upon the privacy of another individual
- the request for access is frivolous or vexatious
- the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings
- providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations
- providing access would be unlawful
- providing access would be likely to prejudice an investigation of possible unlawful activity; or
- an enforcement body performing a lawful security function asks Meaningful Lives not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

2.7.4.1 Where providing access would reveal evaluative information generated within the organisation in connection with a commercially sensitive decision-making process, Meaningful Lives may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.

2.7.5 If Meaningful Lives decides not to provide the individual with access to the information on the basis of the above-mentioned reasons, Meaningful Lives will consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.

2.7.6 Meaningful Lives may charge for providing access to personal information. However, the charges will be nominal and will not apply to lodging a request for access.

2.8 Identifiers

2.8.1 Meaningful Lives will not adopt an identifier that has been assigned by any third party as its own identifier. It may however adopt a prescribed identifier by a prescribed organisation in prescribed circumstances.

2.8.2 Meaningful Lives will not use or disclose the identifier assigned to an individual by a third party unless:

- the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
- the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

2.9 Anonymity

2.9.1 Meaningful Lives will allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

2.10 Making information available to other organisations

2.10.1 Meaningful Lives can release information to third parties where it is requested by the person the information is about.

3. NDIS Practice Standards

1.2 Each participant accesses supports that respect and protect their dignity and right to privacy.	
1.2.1 Consistent processes and practices are in place that respect the personal privacy and dignity of each participant.	Privacy and Confidentiality Policy Practice Guidance – Information Management and Record Keeping
1.2.2 Each particpant is advised of confidentiality policies using the language, mode of communication and terms that the participant is most likely to understand.	Participants are provided with a How We Use Your Information at Meaningful Lives – Privacy and Confidentiality EasyRead document.
1.2.3 Each participant understands and agrees to what personal information will be collected and why, including recorded material in audio and/or visual format.	Participants complete content forms for collecting and sharing information. Consent to share material in audio and visual formats are also provided.
2.4 Outcome: Management of each participants information ensures that it is identifiable, accurately recorded, current and confidential. Each participant's information is easily accessible to the participant and appropriately utilised by relevant workers.	
2.4.1 Each participant's consent is obtained to collect, use and retain their information or to disclose their information (including assessments) to other parties, including the 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.	Consent to share and/or gain information.
2.4.2 Each participant is informed of how their information is stored and used, and when and how on each participant can access or correct their information and withdraw or amend prior to	Participants are provided with information How We Use Your Information at Meaningful Lives – Privacy and Confidentiality.

consent.	
2.4.3 An information management system is maintained that is relevant and proportionate to the size and scale of the organisation and records each participant's information in an accurate and timely manner.	Meaningful Lives have a CRM which keeps all information on the people who are supported. This is updated on a regular basis.
2.4.4 Documents are stored with appropriate use, access, transfer, storage, security, retrieval, retention, destruction and disposal processes relevant and proportionate to the scope and complexity of supports delivered.	Practice Guidance on Information Management and Record Keeping outlines how information is stored and the process for retention and destruction.

4. Relevant documents
    - Information Management Policy
    - Practice Guidance – Information Management and Record Keeping
    - How We Use Your Information at Meaningful Lives – Privacy and Confidentiality

Authorisation

Drafted By	Chief Executive Officer		
Approved By	Meaningful Lives Board of Governance		
Approved Date	02/08/2024	Review Date	02/08/2026