



CAFS Wide Policy Information Privacy

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Objective:

Clients, staff, job applicants, volunteers, subjects of research projects and members of the public who interact with Child & Family Services Ballarat have the right to expect that any information held about them by Child & Family Services Ballarat is respected and kept private.

This policy outlines the standards and procedures to ensure responsibility for information and accessibility to it, and the recording, storing, retrieving and disposing of information within Child & Family Services Ballarat and its offices.

The Policy is based on what we believe to be relevant industry and legal standards. In some cases, certain program areas will be governed by industry and/or legal standards that are expressed in documents governing the provision of services in that area. Such service standards will apply in addition to anything contained in this Policy.

Where service standards differ between this Policy and a program area, the standard with the higher level of privacy will operate. It is essential that this Policy be read in conjunction with any such service or legal standards.

Scope:

This policy applies to all offices and workplaces of CAFS and to all records or systems of storing information held by CAFS. It includes hard copies and all forms of electronic storage of information.

Responsibilities:

The Board of Governance of Child & Family Services Ballarat (CAFS), through the Chief Executive Officer, is responsible for all recorded information held by the organisation, its staff and volunteers. The responsibility for ensuring that information is handled according to the relevant procedure or standard is usually delegated through line management to the worker's immediate supervisor.

Records relating to Ballarat Orphanage or Ballarat Children's Homes are the immediate responsibility of the Heritage Worker and may be accessed through the Heritage service.

Access to more recent client records and all current client records is the responsibility of the CEO and requests for these records should be directed to the CEO.

Policy Statement:

Ownership of Records:

Information obtained by the organisation, its staff and volunteers is the property of Child & Family Services Ballarat except where other legal arrangements apply.

Child & Family Services Ballarat recognises that various professional bodies and program areas may have different standards regarding ownership of records. Where these might conflict with the stated Child & Family Services Ballarat policy, staff members are encouraged to raise the issue directly with the CEO at the earliest opportunity.

Accessibility to Information Within Child & Family Services Ballarat:

Accessibility to information within Child & Family Services Ballarat is limited to staff who have a legitimate "need to know". Normally this means the immediate worker(s) concerned with providing a service, her/his supervisor, and senior managers who may be directly involved.

Clients' rights to information held about them may be governed by legal arrangements (eg. Freedom of Information legislation, Privacy legislation, Health Records legislation), by contractual arrangements (eg with DHS or other funding and contracting bodies) and by relevant standards for the service they are receiving (eg DHS Information Privacy Principles, 1999).

Child & Family Services Ballarat encourages staff to be open and transparent with clients about the information recorded concerning them. However clients should be advised that there are statutory and "best interests" limits to having open files:

- No information concerning third parties may be divulged to clients
- There may be constraints around sharing the worker's personal observations and reflections
- And certain information that may lead to legal, health and/or safety risks for any person will not be disclosed.
- Workers are expected to exercise professional judgement and to consult supervisors if in doubt about any issues relating to accessibility of information.

These arrangements for access to information can only be varied by direct application to the Chief Executive Officer (see Section 5 below).

Client Access to Records:

Confidential records and documents that contain information relating to personal affairs of any person or which contain information protected by Information Privacy Principles, a privacy code or National Privacy Principles are only accessible to parties who are able to demonstrate a legitimate "right to access". The ultimate responsibility regarding this question rests with the Chief Executive Officer (CEO) who may delegate to appropriately qualified staff such as an appointed Heritage Worker.

The privacy of third parties identified in the records described above must be protected and if disclosure under the Freedom Of Information (FoI) Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person) any such person likely to be effected by such disclosure (including any deceased person's next of kin) is to be notified.

The identities of staff members or volunteers performing their normal duties as professionals or providers of care on behalf of Child & Family Services Ballarat are not regarded as confidential and can be revealed in the context of a client's request to view his/her client record unless this would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person).

In order to demonstrate a legitimate "right to access", a current or past client must establish his/her identity as the person in question.

Family members can only obtain records if the past client is deceased (unless the person was born 99 years or more ago) or no longer competent to request a record. The family

members must demonstrate that this is the case and establish themselves as the legitimate next of kin or guardian or obtain written permission of the next of kin or guardian.

Other interested parties must demonstrate their "right to access" before confidential records will be released. Requests from organisations such as State Trustees searching for beneficiaries, Link Up and Koorie Records Taskforce with regard to Stolen Generation inquiries must be able to satisfy that specific procedures of identification have already been established by the referring agency and meet the requirements of this policy.

Guidelines for Release of Confidential Client Information:

All requests must be in writing to the CEO or Heritage Worker and must demonstrably meet the requirements for "right to access" per above. A form for this purpose is attached ("Request for Personal Information") and should be completed where possible.

A fee of \$40 may be requested for a search and report on client records. This may be waived or reduced at the discretion of the CEO. The fee will not apply to people who have difficulty paying it and will never apply to people from aboriginal background per current recommended practice. In response, a search of the records will be made at the earliest convenience.

A letter in response accompanied by originals or copies of the records requested will be sent within 45 days of the initial request in writing. The letter will also outline the need to protect the privacy of third parties.

If the search fails to reveal any such record, the letter will explain this and may suggest alternative search possibilities external to this organisation. That letter may also include information on the Child & Family Services Ballarat Heritage Service and an invitation to contact the Heritage Worker if any assistance is required.

The procedure for determining what will be released is contained in the "Release of Information to Clients" procedure.

Inspection and Audit of Records:

The establishment within Child & Family Services Ballarat of a well managed, secure and accessible client file system is a high priority. All information is subject to Privacy legislation. Program areas funded from DHS are now all subject to the DHS Information Privacy Principles 1999 and may be open to an independent compliance audit program. Managers and supervisors are responsible for ensuring that records are kept in accordance with the relevant standards, and can audit the files of their supervisees (except under the unusual circumstances outlined in Section 5 below). Workers are responsible for seeing that files are kept up-to-date and according to the guidelines (see next section).

A manager or supervisor may request to audit records kept by workers for the following purposes:

- To ensure that the records comply with relevant standards and procedures. At least two days notice must be given to the staff member before the records are made available.
- To assist with a performance management issue. This should be specified in the employee's negotiated performance management plan or as part of a more specific performance management arrangement. At least two days notice must be given to

the staff member before the records are made available.

- To assist with a case management issue in unusual circumstances rather than as a routine procedure. Application should be made to the CEO stating the unusual circumstances and approval for the audit is at the CEO's discretion.

The CEO also has discretion over the availability of the records and can call for them to be made available immediately if circumstances warrant this. Otherwise the standard notice time of two days should be observed.

Client File Contents and File Notes:

The establishment of guidelines to determine what information is included in client files (hard copy and electronic storage), what is included in file notes, and how file notes are recorded is a key part of information privacy policy for Child & Family Services, Ballarat. Managers, supervisors and staff are responsible for ensuring they establish and maintain the information included in client files in accordance with these guidelines.

1. Information to be included when establishing and maintaining client files

Demographic details: name of client; address; D.O.B. &/or age; family structure/genogram; current household; cultural background & preferred language; significant others; relevant historical information.

Referral information: source; request for service; presenting issues.

File Notes, which will include:

- Assessment: issues are clearly stated, including worker's and client's view of the problems and solutions; goals and strategies are outlined; and assessment reflects a relevant theoretical underpinning.
- Intervention: options and outcomes are outlined; case plan is documented; referrals to other services/agencies are clearly stated; roles (including who has case management responsibility) are clearly stated; and timelines for service is clearly stated.
- Evaluation: ongoing review of casework/service is documented; evaluation tools (eg. Client Feedback forms) are included.
- Reports (internal and external)
- Client consent forms for release of information to and from other services
- Any change of circumstance for the client
- Any change of staff working with the client
- Correspondence and information from other services

2. Guidelines for writing file notes

- Date the entry and use a formal recording system (eg. case notes proforma and/or copy of database entry).
- Write notes as soon as possible after the contact (within 2 working days).
- Be clear and legible.
- Where possible be factual and specific. For example, rather than writing "the client was distressed", it is more useful to record "the client was visibly shaken and cried throughout the interview". It is important to record facts and observations which can support subjective statements and professional judgement.
- When recording incidents of abuse, document specific details and observations, including behavioural symptoms and injuries. State whether information is first or second hand.

- Write relevant information only, not just anything that is said to you.
- Remember to document positive behaviours and any changes made.
- If documenting "goals", ensure they are written with the possibility of changes being made in future.
- Be clear about the organisational/program context. Be aware of documenting identifying information which may jeopardise client safety or privacy.
- Be aware of the consequences of file notes if your file is to be made available to co-workers.

** A more comprehensive guide to writing file notes and legal implications of file notes is contained in "File Notes & Legal Implications" (Training Material from the File Notes Workshop, DVIRC, March 2000).*

Exceptional Circumstances Requiring Restricted Access to Files:

1 Personal Staff Files

Personal Staff files are restricted to the CEO; the worker's Manager and Human Resource staff. These people are the only ones who can add to the personal file of a staff member. The staff member may request to inspect and copy her/his Personal File and may request that information is corrected or that any disagreement is noted (see also Policy on Recruitment and the provisions of the relevant industrial award).

Personal staff files should contain:

- all records of employment, application, current contract and position description, any changes to hours of work, rates of pay etc
- applications for leave
- any relevant medical records, doctor's certificates
- any current record of complaints, disciplinary or grievance proceedings per the relevant Award
- any reference provided by Child & Family Services Ballarat
- any correspondence regarding employment including letters of acceptance and resignation

2 Volunteers' Personal Files

These are restricted to staff members and their line supervisors/managers having direct involvement with the volunteer. For most volunteers, the information kept will simply involve contact details, emergency contacts and records of attendance or involvement. Volunteer Carers' personal files will be kept in accordance with the relevant program standards eg those for home-based care.

3 Certain Client Files

Certain client files may be restricted if there are compelling reasons of safety, privacy or security that require this. Only those staff directly named and authorised in writing to do so by the Chief Executive Officer may access these files. Any application for a file to be held in this manner must be approved in writing by the Chief Executive Officer on the form attached to this policy. These files will be archived separately and securely from the rest of the archives of Child & Family Services Ballarat.

4 Subjects of Research Projects

The Research and Ethics Policy of Child & Family Services Ballarat governs privacy of

research information and general ethical issues.

5 Files Held by Harassment Contact Officers (cross reference Policy and Procedures on Harassment and Bullying).

These files are the property of Child & Family Services Ballarat but are to be kept strictly confidential to each Contact Officer. Locked storage will be provided to each Contact Officer for this purpose. These files can only be made available to management if an issue becomes subject to a subsequent legal action and the record is needed to verify what steps were taken to resolve the issue through an Harassment Contact Officer.

6 Storage and Transportation of Records:

All personal information must be stored securely in locked cabinets or desks. Child & Family Services Ballarat will operate a "clear desk" or "locked door" policy, meaning that unoccupied desks will be kept clear of any personal or identifying information pertaining to clients or others covered by this policy, or that office doors will be locked when the office is unoccupied.

Information on closed or inactive cases will be kept in secure archives and properly indexed for easy retrieval for a period of **seven** years from the date of closure or last contact except where other standards apply. Personal client files relating to children and young people in out-of-home care; files for clients where CAFS has been contracted to manage a case on behalf of the Department of Human Services; and files relating to clients with whom CAFS has had a substantial and prolonged involvement (eg regular contact for longer than 12 months or intensive involvement over briefer periods) will be kept **indefinitely**.

In the event that records of Child and Family Services Ballarat or its offices and centres are to be transported to other locations, staff are to

Transportation of Hard Records (Paper File)

Personal information records are to be kept on the premises at Child & Family Services Ballarat or its offices and centres. Records can only be taken to the homes of staff members with the express permission of the staff member's supervisor or line manager. Hard copies of records that are transported between centres or away from Child & Family Services Ballarat offices must be kept in secure cases provided for this purpose.

Transportation of Electronic Records (Data)

Electronic copies of records that are transported away from Child and Family Services Ballarat offices must be stored on secure devices (commonly referred to as USB drives/memory sticks) which have been approved and allocated by the Corporate Services Manager for client related material. At all times, a CAFS secure USB device and its contents remain the property of CAFS and these devices are strictly limited for approved CAFS purposes.

Secure USB devices are password encrypted and mitigate risk of data leakage if lost or stolen. Despite this, device intrusion or 'hacking' will always pose risk with the advent of further technological advancements and staff are urged to keep such devices secure at all times when in transit to and from office locations. Secure cases supplied by CAFS must be utilised for the transportation of these devices.

CAFS staff are not permitted to transport records via personal email accounts from any location.

Secure USB storage devices are made available to staff upon the written approval of the Program Manger or Coordinator for short-term loan. These devices are allocated upon receipt of written application signed by the worker and/or Team Leader. The purpose and duration for the allocation of the device is to be documented by the Program Manager/ Coordinator. Upon return, all data is to be removed from the Secure USB device and stored on the CAFS file server in the directory where you normally store such files.

Other Mobile Storage Devices

Other mobile devices with data storage capacity such as mobile phones and PDA's may be configured to send and receive mail, contacts, file attachments, notes and calendar items from CAFS email accounts. Written approval from the relevant Program Manager must be submitted to the Corporate Services Manager prior to this configuration being created. Such devices must be password protected and set to automatically lock after a period of 60 minutes non-usage.

Staff may only utilise their own personal storage devices for files which omit identifying data. E.g. University presentations, developmental checklists, behavioural charts.

7 Loss of Records

In the event of a Hard Record or Secure USB Storage device being lost or stolen, staff are to notify their Program Manager of this immediately. Staff must provide a written inventory of the lost records to the Program Manager and include a summary of each record. Upon receipt of this notification, the Program Manager will inform the CAFS CEO for further action.

• Audio and Video Recording:

Permission to make an audio or video recording of clients or research subjects must be obtained in writing on the form attached to this policy before any recording takes place. The form must contain the following information:

- a clear statement of informed consent
- the purpose for the recording
- the ownership rights of the recording
- the storage and accessibility of the recording
- and the disposal of the recording

Consent to Release Information:

Release of information to third parties is prohibited without the person's informed consent. This should normally be sought in writing on the form attached to this policy. A copy of the signed Consent Form must be sighted by the Child & Family Services Ballarat staff member before any information is exchanged.

Where it is not possible to obtain informed consent, or in the case of over-riding issues of personal safety, legal requirements or where the health or well being of a person may be at risk, the requirement for informed consent may be waived. A decision to waive this requirement may only be made by Management. At least two days notice must be given to the staff member before the records are made available.

The Children Youth & Families Act 2005 specifies information sharing arrangements where there are concerns for the safety or wellbeing of a child or young person. The Children Youth & Families Act 2005 specifies information sharing arrangements where there are concerns for the safety or wellbeing of a child or young person.

Media and Publicity:

The privacy of our clients must be protected from media or other publicity. Informed consent must be obtained before we expose any client to publicity. The general rule is that we will not use client information or photographs for publicity. A decision on any such request must be approved by Management. Photographs or identifying information on any child in care with Child & Family Services Ballarat must never be used in the media.

DHS Privacy Information Principles:

As mentioned above, these now govern most of our funded areas as of July 1, 1999. Compliance with them is included as a service standard in many of our current funding and service agreements. The DHS Privacy Information Principles are summarised below. See your supervisor for more detailed information, and also for any additional legal or service standards that apply to your area of work.

Definitions:

Type in text for **Definitions** here.

References to Standards and Legislation:

ABEF Category 3: 3.0 Data, Information and Knowledge	3.1: Collection and Interpretation of Data and Information
ABEF Category 5: Customer and Market Focus	5.2: Customer Relationship Management
CSO CYF Act Standards 1: Leadership & Management Capacity	1.4: Information systems
CSO CYF Act Standards 2: Culture of value and respect for people	2.4: Information sharing
	2.5: Information accessibility
FOI: Freedom of Information Legislation	1: Privacy Legislation Overview
	10: Privacy Transborder Data Flows
	11: Privacy Sensitive Information
	2: Privacy Collection of Information
	3: Privacy Use and Disclosure
	4: Privacy Data Quality
	5: Privacy Data Security
	6: Privacy Openness
	7: Privacy Access and Collection

- FRSP Client Focus:** FRSP Client Focus
- HASS Standards:** HASS Section 1 Upholding & promoting rights
- HASS Standards:** HASS Section 3 Direct Service & Case Management
- 8:** Privacy Identifiers
- 9:** Privacy Anonymity
- 12:** FRSP Client Confidentiality & Privacy
- 1.4:** Privacy and confidentiality
- 3.5:** Documenting case work

Quality Document References:

- Service Users-Rights & Responsibilities: Policy -CAFS Wide
- Complaints from Service Users and the Public: Policy -CAFS Wide
- Email, Web Browsing and Use of Social Media: Policy -CAFS Wide
- Privacy Statement: Policy -CAFS Wide
- Allegations of Abuse Made by a Child: Procedure -Placement & Support
- Police Checks: Procedure -CAFS Wide
- Police Checks: Procedure -CAFS Wide (Not Issued - In Draft)

External Files/Links:

- Privacy resources
- Federal Privacy Act
- DHS Privacy resources
- Federal Privacy Act

Internal Files/Links:

- Consent to Share Information
- Parent Guardian Consent to Share Information fo
- Request for Personal Information
- Your Rights as a Client of CAFS(1MB - Publisher)
- Form-CAFS wide
- Form-CAFS wide
- Form-CAFS wide
- Other-ALL

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