



ORG_05_P	Privacy	POLICY & PROCEDURE
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Applies to:	All staff, members, volunteers/students and contractors
Specific responsibility:	Administration Assistant Program Managers/Supervisors Operations Manager Executive Director HCC Board of Management

Version: 6
Date approved: Jun-20
Next review date: 2022

Policy context: <i>This policy relates to the Health Consumers' Council Strategic Plan 2017-2020</i>	
Standards or other external requirements	<i>Australian Charities and Not-for-Profits Commission – Managing people's information and data ISO 9001:2015 - Quality Management Systems</i>
Legislation or other requirements	<i>Associations Incorporation Act 2015 Federal Privacy Act 1998 Australian Privacy Principles 1996 Department of Health Administrative Record Keeping Guidelines for Health Professionals</i>
Contractual obligations	<i>Department of Health Service Agreement</i>



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1. Policy Statement

Health Consumers' Council WA Inc. ("HCC" or "the association") is committed to the best of our ability to protect and uphold the right to privacy of clients, staff, volunteers/students, contractors, Management Committee members and representatives of agencies it deals with. In particular, HCC is committed to protecting and upholding the rights of its advocacy clients' privacy in the way it collects, stores, uses and disposes of information about them, their needs and the services HCC provides to them.

HCC collects and stores personal and contact information about its members. In providing an advocacy and complaints management service to consumers, HCC also collects and stores personal, sensitive medical information which becomes part of the HCC's record of service. In addition, HCC may collect other sensitive information for its ad hoc projects.

HCC requires staff, volunteers/students 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 (access) this information.

This policy applies to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature. See [this link](#) for the Office of the Information Commissioner for a definition of personal information.

HCC will prevent unauthorised persons gaining access to an individual's confidential records and permit individuals access to their own records when this is reasonable and appropriate.

Accordingly, access to some HCC documents and records will be limited to specified individuals and not be available to others for viewing. To protect the privacy rights of others, non-personal information may be redacted prior to HCC releasing information.

HCC strives to be transparent about the information it collects, stores and uses. This policy will be made available upon request and HCC management are prepared to answer questions from contract managers, donors, members, supporters, users of its services (health consumers) regarding its information and data storage.

This policy follows guidelines set by the *Australian Charities and Not-for-Profits Commission* and conforms to the *Federal Privacy Act (1988)* and the *Australian Privacy Principles* which govern the collection, use and storage of personal information.

HCC 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 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/students understand what is required in meeting these obligations.

2. Responsibility

All staff, volunteers/students and contractors are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work. Each Program or Line Manager is responsible for developing and enforcing specific procedures and rules for their particular area(s) of work.

3. Guidelines

HCC will:

- Ensure that all staff, volunteers/students and contractors who come into contact with or may come into contact with sensitive information read, understand and sign the HCC Confidentiality Agreement upon commencement of employment/contract. This includes external contractors and consultants such as marketing advisors and office cleaners.
- Ensure privacy for clients, staff, volunteers/students 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 or services.
- Only use fair and lawful ways to collect personal information.
- Collect personal information only by consent from an individual.
- Ensure that information about consumers is only made available to other parties with the consent of the client.
- Ensure that people know what sort of personal information is held, what purposes it is held it for and how it is collected, used, disclosed and who will have access to it.
- securely store, update, archive and destroy personal information:
 - 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 and loss and from unauthorised access, modification or disclosure;
 - Return personal records to consumers or destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.



- Take account of any relevant cultural or religious sensitivities of people using services in the way information about them is collected, stored and used.
- Where appropriate (noting this may not be suitable for most advocacy/complaints cases) give clients an option to remain anonymous or use a pseudonym unless an exemption under the Privacy Act applies.
- Make personal information available upon written request by a consumer (or his/her authorised delegate).

4. Procedures

4.2 Records Management

HCC staff are responsible for maintaining files relevant to their own work and projects.

All staff are responsible for managing their personal correspondence and ensuring copies of any correspondence that requires central filing is filed as appropriate.

Electronic records

Shared drive (S:\)

The shared drive consists of folders for each department or project, for example, financial records, [personnel files](#), membership records, marketing and communications etc. all have a particular electronic home. Further details are given in the [Quick Procedures Guide](#) Files stored in the appropriate location and name using HCC file naming convention which is either:

- YYMMDD_Document Title **OR**
- Document #_Document Title

CRM database files

HCC's Customer Relationship Management database (CRM) is used to store all member records, registrations for events, enquiries and advocacy and complaints service case records. Member records are entered and maintained by the Administration Assistant. Event records are maintained by the person in charge of the event who may work with the Administration Assistant to ensure this is achieved. Advocacy or complaints case records (including correspondence, meeting notes and (scanned in) medical records where possible) and are managed and maintained by advocacy staff, overseen by the Senior Advocate. All staff and volunteers/students with HCC IT access and the need to use CRM as part of their role are given access to the CRM database.

Hard copy files

The following items are to be stored in the locked storage room ("compactus room") overnight:

- Consumer medical records (see 4.3 for more detail)
- Financial Records



- Management Committee (Board) paperwork

It is the responsibility of the Administration Assistant to unlock the compactus room at the start of business each day and lock it at the close of business each day. It is the responsibility of each employee to make sure his/her sensitive hard copy records (as listed above) go back into the compactus room by the close of business or alternatively, if after hours, make their own arrangements to put their files away.

4.1 Retention, Archiving and Disposal

As an Incorporated Association, HCC is required to retain its financial, taxation and other statutory records for a minimum of seven (7) years. Documents are kept on the electronic, shared drive in s:\OPERATIONS MANAGER\Financial and is accessible only to the Executive Director and Operations Manager.

Client records are also kept for seven (7) years after the last date of service provision. All staff are responsible for reviewing their own files annually and identifying material they no longer require. This material should be sorted and given to the Administration Assistant for archiving or removing from site.

The Administration Assistant will enlist the assistance of the IT contractor to archive electronic files.

In terms of physical files which are no longer required, all sensitive or confidential documents are to be disposed of via the secure bin. This includes:

- Management Committee papers and minutes,
- financial information and records,
- all personnel records including job applications, supervision or performance management records,
- workplace grievance records,
- membership records,
- consumer health records,
- And any other information which is deemed to be personal.

General material that is not considered sensitive should be disposed of via the (yellow lid) paper recycling bin.

Specifically, for consumers' copies of medical records, we give them the opportunity to come and collect these once their case is finalised. We will post these out in some instances but limit this due to cost. These are copies only, and can be re-ordered from the Health Service Provider.

If consumers do not want to pick up their records or have them mailed out, or we are unable to contact them, we will dispose of the medical records in the secure bin. This is a padlocked blue bin which is provided by a reputable external document destruction company. It is situated in the



compactus room as this is restricted to staff and is locked at night. The key for the bin is stored at reception and should access be required (misplaced document or similar) it is the responsibility of the Administration Assistant to grant and supervise access. The Administration Assistant is also responsible for arranging for the bin to be emptied and replaced by the external contractor when required.

4.2 Access to Confidential Information

HCC uses Information Technology procedures to ensure particular files are only access by certain staff and volunteer/students and contractors and also uses locked files and store rooms to control hard copy access. Procedures as detailed below also control external access to sensitive information.

Consumer records

- Information about consumers may only be made available to other parties, with the consent of the client (consumer). Other parties in this sense may include but are not limited to lawyers, medical professionals, community service providers assisting in case management, legal guardians or public trustees. Records would only be provided without consumer permission in the case of court subpoena.
- Electronic client records will be kept securely on the CRM database or hard copy in the compactus room (which is locked overnight) as per section 4.3.
- Consumers may request access to their records and access will be given as per the section *Requests for access - client records* below.

Management Committee records

Management Committee minutes, papers and materials will be open to members of the organisation once accepted by the Management Committee, except where the Management Committee passes a motion to make any specific content confidential.

The minutes, papers and materials from any Sub-Committee meeting will be open to Management Committee members and staff and members of the organisation, with the exception of information relating to any matter the Sub-Committee deems confidential.

HCC membership records

A list of current HCC Members will be available on request to HCC members, Management Committee members and staff. However, access will only be granted for a reason which is directly connected to the affairs of the Association. See Filing and Records Management Policy for more details. Personal information about members (including address and contact details) must be treated as confidential.

Personnel files

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



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- 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 Operations Manager
- the Bookkeeper
- the hiring manager (limited access as necessary and deemed by the Operations Manager)

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 with the Australian Taxation Office (ATO) or similar

The Management Committee delegate access to these records to the Executive Director and Operations Manager.

Any request for access to information should be directed to the Operations Manager, who will:

- make available to staff or Management Committee members information that they are entitled to access
- Refer any request from HCC members or the public for access to the association's records or materials to the Executive Director.
- In considering a request, the Executive Director will take into consideration:
 - a general presumption in favour of transparency
 - the relevant provisions of the HCC constitution regarding information to be made available to HCC members
 - the business, legal, and administrative interests of HCC, including commercial confidentiality and privacy obligations
 - Whether the request for information is being used for a purpose that is directly connected with the affairs of the association.

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



Requests for access - client records

All clients (consumers) or former clients have the right to access their records and advise the organisation about inaccuracies.

A consumer's personal information held by HCC will only be made available to that person, based upon a request in writing, and the copy of records must be accepted by that person (or an authorised delegate) with some form of personal identification being provided.

Access will be granted in most cases with fair and appropriate decisions made. Refusal to access should be with good reason and only with the approval of the Advocacy Manager.

Consumers can ask to change records they believe to be inaccurate or misrepresenting, when appropriate, and the decision to change will be fairly considered.

Requests for information about clients from outside agencies or individuals will be referred to the Advocacy Manager. Before any information is released, the case Advocate will contact the client concerned to obtain consent.

In the case of police request or court subpoena, records may be released without client consent.

Appeals

Individuals who are refused access to their own records or information files may appeal by contacting Executive Director who will review the decision in the context of this policy.

4.3 Further Detail on Specific Types of Records

Membership records

HCC is required to keep a Register of Members which includes the name of each member and a residential, postal or email address as per the Associations Incorporation Act 2015. In addition, as is required by the HCC Rules, rule 13(2) the Register of Members must also include the class of membership and the date on which each member becomes a member. HCC members are permitted to inspect the register upon request to the Secretary providing the reason for the request is directly connected to the affairs of the Association. As per HCC Rules, rule 13(5) the member may be asked by the Committee to provide a statutory declaration setting out the purpose for which the copy or extract of the Register of Members is required. HCC's Register of Members is contained and maintained in its Customer Relationship Manager (CRM) database.

Individual Client (Consumer) Records

Collecting identifiable data

The HCC advocacy team may collect and records the following information about individual consumers (not an exhaustive list):

- Name, address, email address, phone number
- Ethnicity



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- Age and / or date of birth
- Signature
- Employment details
- Health / medical records (including but not limited to hospital patient records)
- Paraphrased or transcribed information on health matters or consumer's own health case

This information is collected for the purpose of:

- providing advocacy or complaints service to a consumer
- monitoring and management of service to individuals (case files)
- meeting the reporting requirements of the Department of Health Service Agreement
- service monitoring, evaluation and reporting (de-identified information only is used for this purpose)
- informing the HCC (and organisations to which it reports) of possible systemic health issues and consumer opinion on health matters

When information is being sought from clients, the staff member [or volunteer/student] seeking the information will request the person's consent to provide the information and inform them of:

- the reason for requesting the information
- how the information will be recorded and stored
- what other information will be recorded during the provision of service
- how their privacy will be protected
- Their rights to view or access information about them.

The possibility of needing to share information with other agencies or provider must also be discussed. Following this and prior to undertaking any advocacy work, the advocate must obtain the client's consent for this using either the Advocacy Consent Form or Consent to Speak to a Third Party Form.

Storage and use of identifiable data

As mentioned above, hard copies of medical records (and other personal documents) are kept in the compactus room which is only accessible to HCC staff, in house contractors and volunteers/students and is locked every night.

Advocates are required to return all medical records to this store room at the end of every shift. Papers which the advocate is currently working on which are not official (hospital or similar letterhead) documents but may contain identifiable or personal information (e.g. letter of complaint) may be kept in the advocate's locked drawer overnight. When these documents are no longer works in progress, they must be destroyed or filed in the locked store room with the rest of the consumer's paperwork. See also Individual Advocacy Policy.



Where advocacy staff are working from home, arrangements must be explicitly made to protect clients' personal information. These arrangements are to be discussed and agreed with the Advocacy Manager.

Research Project Records

Generally HCC facilitates people accessing research projects being run by other institutions. In the case where people are being invited to participate in an HCC-auspiced research project, they 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. Any registers of participants and or transcription of interviews or focus groups should be password protected electronic files.

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



5. Documentation

Documents related to this policy				
Related policies	S:\HCC POLICIES AND PROCEDURES\1. INTERNAL\SAA_04_IAP <i>Individual Advocacy Policy</i> S:\ADMINISTRATION\Information\HOW TO GUIDES\Quick Procedures <i>Guide</i>			
Forms, record keeping or other organisational documents	S:\HCC POLICIES AND PROCEDURES\1. INTERNAL\			
Reviewing and approving this policy				
Frequency	Person responsible	Approval		
Every two (2) years	Operations Manager	Executive Director		
Policy review and version tracking				
Review	Previous Document Name	Date Approved	Approved by	Next Review Due
1	Information Management	December 2001	Board of Management	2003
2	Information Management	March 2005	Board of Management	2007
3	Information Management	May 2009	Board of Management	2011
4	Information Management	May 2012	Board of Management	2013
5	Privacy Policy	March 2018	Management Committee	2020
6	Privacy Policy	June 2020	Executive Director	2022