

	<b>ACCESS TO CONFIDENTIAL INFORMATION</b>
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<b>Applies to: All Staff and Service Users</b>
<b>Specific responsibility: Director</b>

<b>Policy context:</b> This policy relates to	
Standards or other external requirements	NSW Disability Service Standards
Legislation or other requirements	<i>Schedule 1 Privacy Amendment (Enhancing Privacy Protection) Act 2014</i>
Contractual obligations	ADHC "Standards In Action" Children (Education and Care Services) Supplementary Provisions Regulation 2004

## **POLICY STATEMENT**

Hastings Early Intervention Program Inc (HEIP) is committed to transparency in its operations and to ensuring it is open to public scrutiny. It must also balance this with upholding the rights of individuals to privacy and of the organisation to confidentiality on sensitive corporate matters.

HEIP 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 HEIP documents and records will be limited to specified individuals and not be available to others for viewing.

This policy applies to the internal records, client records and unpublished materials of HEIP

## **PROCEDURES**

### **Client records**

Client records will be confidential to clients, to the Director of the service and to staff working directly with the child.

Information about clients may only be made available to other parties with the consent of the client, or in the case of a Subpoena of records for court proceedings or for other legal reasons.

All client records will be kept securely in a locked filing cabinet and updated, archived and destroyed according to the organisation's client records policy.

### **Board/Management Committee**

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

All papers and materials considered by the Board/Management Committee will be open to the members of the organisation following the meeting at which they are considered, except where the Board/Management Committee passes a motion to make any specific paper or material confidential.

The minutes, papers and materials from any Sub-Committee meeting will be open to Board/Management Committee members and staff, but not members of the organisation, with the exception of information relating to any matter the Sub-Committee deems confidential.

### **HEIP membership records**

A list of current HEIP Members will be available on request to HEIP members, Board/Management Committee members and staff. Personal information about members (including address and contact details) is confidential and may only be accessed by the Director.

### **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.
- Relevant employment checks
- Qualifications and training undertaken.
- Correspondence between the employee and the Management Committee.

Access to personnel information is restricted to:

- the individual staff member accessing their own file
- the Director
- The Administrator has access to award documents, bank account details and employee card files.

### **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 Dept. of Fair Trading
- The corporate key and other access or user name information
- 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 Director and the Management Committee Members who hold executive positions.

The Administrator of the Program has access to:

- Financial accounts and records
- Taxation Records

### **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 Director

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

- make available to staff or Board/Management Committee members information that they are entitled to access
- refer any request from Hastings Early Intervention Program Inc. members or the public for access to the organisation's records or materials to the President

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

- a general presumption in favour of transparency
- the relevant provisions of the Hastings Early Intervention Program Inc. constitution regarding information to be made available to HEIP members
- the business, legal, and administrative interests of Hastings Early Intervention Program Inc., 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 Director may determine a fee to be charged.

### **Requests for access - client records**

All clients have the right to access their records and advise the organisation about inaccuracies.

Procedure:

- Clients will be informed of the establishment of both written and electronic client files via a flyer in the Information Pack on enrolment. The flyer will outline:
  1. The type of information gathered and the reasons/uses of this information.
  2. Their right to access the information in the records
  3. How they can access the records
  4. The process for consent to release information in the records.
  5. How to appeal a decision of refusal of access.
  6. Their right to make changes to incorrect information contained in the file.
  7. Where this request for access will be recorded.

This information will be repeated throughout the year in the Newsletter and in IFSP Meetings

- If a client wishes to access their child's file/records they will inform the Director.
- The Director will arrange for access to their child's files.
- The Director will be present while the client is accessing the file. (Hard Copy or Electronic Copy)
- If the Director feels there are fair and just reasons for refusing access this will be conveyed to the client.
- The Client has the opportunity to appeal this decision by directing their request to the President of the Management Committee
- Clients can request to have records changed if they can show they contain inaccurate or misrepresenting information.

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

In the case of a Subpoena of records for court proceedings these records will be copied and forwarded as requested by the Director. The client will be notified that this has occurred by the Director of the program. A copy of the subpoena will be kept in the child's file and the process will be documented in the progress notes.

### **Appeals**

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

### **DOCUMENTATION**

<b>Documents related to this policy</b>	
Related policies	Privacy Policy Service User Records Policy
Forms, record keeping or other organisational documents	"Client Files" Flyer "Clients Rights and Responsibilities" Brochure

<b>Reviewing and approving this policy</b>		
<b>Frequency</b>	<b>Person responsible</b>	<b>Approval</b>
Reviewed yearly	Director	Management Committee

<b>Policy review and version tracking</b>			
<b>Review</b>	<b>Date Approved</b>	<b>Signed</b>	<b>Next Review Due</b>
1	8-4-14	Management Committee	April 2015
2			
3			