



ACCESS TO CONFIDENTIAL INFORMATION

Applies to: Staff Members, Management Committee members and Volunteers/Students.
Specific responsibility: Manager and Management Committee.

Version: 6
Date approved: 28 th Aug 2020
Next review date: Aug 2023

Policy context: This policy relates to	
Standards or other external requirements	<ul style="list-style-type: none"> - National Disability Insurance Scheme Guidelines (Quality Indicators)2018 - National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018 - National Disability Insurance Scheme (Incident Management & Reportable Incidents) Rules 2018
Legislation or other requirements	<ul style="list-style-type: none"> - National Disability Insurance Scheme Act 2013 - <i>Privacy and Personal Information Protection Act 1998</i> - <i>Health Records and Information Privacy Act 2002</i> - <i>Commonwealth Privacy Act 1988.</i>
Contractual obligations	<ul style="list-style-type: none"> - Employment Agreements - Client Service Agreements and Schedule of Supports - NDIS Service Registered Service Provider obligations - DoE (Sector Capacity Building project contract) Funding Terms and Conditions (Funding Agreement)

POLICY STATEMENT

Early Connections - Manning and Great Lakes 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 maintain confidentiality regarding sensitive corporate matters.

Early Connections - Manning and Great Lakes will prevent unauthorized 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 Early Connections - Manning and Great Lakes 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This policy applies to the internal records, client records and unpublished materials of Early Connections - Manning and Great Lakes.

PROCEDURES

Client records

Client records will be confidential to clients and to all staff.

Information about clients may only be made available to other parties with the consent of the client (primary caregiver), or in the case of legal subpoena.

All client records will be kept securely in electronic data storage and client files in staff only areas. These are updated, archived and destroyed according to the organization's licensing requirements (Children's Service's Regulations 2004) – Records (hard copy & external hard drive copy) in respect to the child are kept:

- In a safe and secure area at the premises for a period of no less than 2 years after making the record, and
- After which legal documentation including enrolment forms, legal documents (eg custody orders), incident/accident & medication forms, & records of complaints kept until the time the child reaches the age of 24 years of age.

Client/primary caregiver access will be granted where a written request for access is provided no less than 14 days prior to access being given. This applies to all forms of client details including electronic files and hard copies.

Client access to documentation will be restricted for the following items:

- where current Court Orders are in place,
- where information is stored for Mandatory Reporting (Child Protection) requirements,
- notes such as clinical assessment scoring sheets that are used for data collection, however all resulting reports will be included, as per governing body requirements.

Electronic files will be kept using the services secure CRM system (Echidna Online). This system is backed up and secured by Inetsolutions. Paper documents are uploaded to the clients file and paper copies kept in a hardcopy folder onsite.

Destruction of paper files are managed through shredding bins at both centres. Files are shredded immediately or placed in a locked shredding bin for collection. Destruction of electronic files- files deleted from all areas eg documents, network, recycle bin and other drives after given timeframe.

Management Committee

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

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

Early Connections - Manning and Great Lakes membership records

A list of current Early Connections - Manning and Great Lakes Members of Association will be available on request to Early Connections - Manning and Great Lakes members, Management Committee members. Personal information about members (including address and contact details) is confidential and may only be accessed by Manager and Management Committee.

Personnel/staff files

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

- contact details and emergency contact information in case of an emergency
- a copy of the employee's contract
- all correspondence relating to job description, salary changes, leave entitlements such as long service leave, unpaid and parental leave, professional development certificates etc.

Access to personnel information is restricted to:

- the individual staff member accessing their own file
- the Manager
- the Administration Officer
- disciplinary action files will be kept separately and can be requested by staff in writing no less than 14 days prior to access to 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
- Records of staff or other internal meetings
- Project management files
- Contracts between the organisation and other parties

Access to these records is limited to Manager, Management Committee and applicable personnel eg Accountant, Administration Officer, Funding Bodies etc.

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 Manager and Management Committee.

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

- make available to staff or Management Committee members information that they are entitled to access
- refer any request from Early Connections - Manning and Great Lakes members or the public for access to the organisation's records or materials to the Manager.

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

- a general presumption in favour of transparency
- the relevant provisions of Early Connections - Manning and Great Lakes constitution regarding information to be made available to Early Connections Manning and Great Lakes members
- the business, legal, and administrative interests of Early Connections - Manning and Great Lakes, 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 Manager may determine a fee to be charged.

Requests for access - client records

Primary Caregiver's have the right to access their records and advise the organisation about inaccuracies.

- Parents/Carers are informed on enrolment about their right to access records containing personal information about their child and how they can request this. For access to files (Echidna records and hardcopy file) a written application must be sent to the Manager for approval. A period of no less than 14 days is given for documentation to be made available.

Requests for information about clients from outside agencies or individuals will be referred to Supervisor/Manager. Consent will be permitted only where client permission (primary caregiver) has been granted, unless permitted under Keep Them Safe - Chapter 16A:

Chapter 16A allows information to be exchanged between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal information, such as the *Privacy and Personal Information Protection Act 1998*, the *Health Records and Information Privacy Act 2002* and the *Commonwealth Privacy Act 1988*.

Chapter 16A allows for the exchange of information between prescribed bodies without Community Services involvement. In this Chapter, the term “organisation” applies to all “prescribed bodies”, whether they are government or an NGO.

The four key principles to consider are:

1. organisations that have responsibilities for children or young persons should be able to provide and receive information that promotes the safety, welfare or wellbeing of children or young persons
2. organisations should work collaboratively and respect each other’s functions and expertise
3. organisations should be able to communicate with each other to facilitate the provision of services to children and young persons and their families
4. the needs and interests of children and young persons, and of their families, in receiving services relating to the care and protection of children or young people.

Appeals

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

DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none"> - Access to Children and Information Policy and Procedure - Confidentiality Policy - Child Protection Policy - Financial Management System and Delegation Policy and Procedures
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> - Intake Forms - Service Agreement, Schedule of Supports, Third Part Agreement, Intake and Conflict of Interest Declaration - Keeping Them Safe Documents - Client and Staff Files - Management Committee minutes - Treasurer’s Report - AGM minutes - Member of Association records.

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	Manager and Management Committee	Management Committee

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	28 th Feb 2014	Management Committee	Sept 2014
2	17 th Oct 2014	Management Committee	Oct 2015
3	18 th Dec 2015	Management Committee	Dec 2016

4	17 th Feb 2017	Management Committee	Feb 2018
5	18 th Apr 2019	Management Committee	Apr 2020
6	26 th Aug 2020	Management Committee	Aug 2023

**The Management Committee
Aug 2020**

Signed:



Name: Michelle Richardson

Date: 26-Aug-2020