



## ACCESS TO CONFIDENTIAL INFORMATION POLICY

Policy number		Version	2
Drafted by	Management Team	Approved by MC on	01-JUL-2018
Responsible person	Management Team	Review date	21-OCT-19
<b>Policy context:</b> This policy relates to the following:			
Standards or other external requirements	<ul style="list-style-type: none"> <li>▪ National Disability Insurance Scheme Guidelines (Quality Indicators)2018</li> <li>▪ NDIS Practice Standards and the NDIS Code of Conduct</li> <li>▪ National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018</li> <li>▪ National Disability Insurance Scheme (Incident Management &amp; Reportable Incidents) Rules 2018</li> </ul>		
Legislation or other requirements	<ul style="list-style-type: none"> <li>▪ National Disability Insurance Scheme Act 2013</li> <li>▪ Privacy and Personal Information Protection Act 1998</li> <li>▪ Health Records and Information Privacy Act 2002</li> <li>▪ Commonwealth Privacy Act 1988.</li> <li>▪ Keep Them Safe - Chapter 16A</li> <li>▪ Freedom Of Information Act</li> </ul>		
Contractual obligations	<ul style="list-style-type: none"> <li>▪ Employment Agreements</li> <li>▪ Client Service Agreements and Schedule of Supports</li> <li>▪ NDIS Service Registered Service Provider obligations</li> <li>▪ DoE (Sector Capacity Building project contract) Funding Terms and Conditions (Funding Agreement)</li> </ul>		

### POLICY STATEMENT

Early Connections - Coffs Coast is committed to transparency in its operations and to ensuring it is open to public scrutiny. We 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 - Coffs Coast 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 - Coffs Coast 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 This policy applies to the internal records, client records and unpublished materials of Early Connections - Coffs Coast.

### 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 organisation's licensing requirements (NDIS Commission – Quality and Safeguards) –



All client files and records (hard copy OR electronic files) 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 (e.g. custody orders), incident/accident & medication forms, & records of complaints kept until the time the child reaches the age of 24 years of age.
- ✓ Client access will be restricted where current Court Orders are in place or where information is stored for Keeping Them Safe (Mandatory Reporting) requirements.
- ✓ Electronic files are stored in a secured cloud system monitored by the IT company and backed up daily / weekly.
- ✓ Destruction of paper files are managed through shredding bins at the centre. Files are shredded immediately or placed in a locked shredding bin for collection. Destruction of electronic files- files deleted from all areas e.g. documents, network, recycle bin and other drives after required timeframe.

#### **Management Committee**

Management Committee documents and meeting 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.

#### **Early Connections - Coffs Coast membership records**

A list of current Early Connections - Coffs Coast Members of Association will be available on request to Early Connections - Coffs Coast members and Management Committee members. Personal information about members (including address and contact details) are confidential and may only be accessed by the Management team and the Management Committee.

#### **Employee Personnel files**

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

- ✓ contact details and emergency contact information in case of an emergency
- ✓ a copy of the current years Employment Agreement
- ✓ 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 team member accessing their own file
- ✓ the Management team
- ✓ the Administration Officer



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### **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
- ✓ 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 Management team, Management Committee and delegated personnel e.g. 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 Management team and the 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, or
- ✓ refer the request for access to the to the Management Committee.

In considering all requests for information, the Management team will take into consideration:

- ✓ a general presumption in favour of transparency
- ✓ the relevant provisions of Early Connections - Coffs Coast Constitution regarding information to be made available to Early Connections - Coffs Coast members
- ✓ the business, legal, and administrative interests of Early Connections - Coffs Coast, 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 Management team may determine a fee to be charged.

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

- ✓ Clients / Families / Primary Caregiver's have the right to access their child's records. We aim to provide information on all aspects of the organisation and our Program in terms families understand.
- ✓ Clients have the right to have your client record read only by the team directly involved in the delivery of your program OR in the Management teams monitoring of its quality.
- ✓ Clients can expect all communication and other records pertaining to your service provision be treated as confidential.



- ✓ Clients can obtain from the team responsible for coordinating the supports and services (the Key Worker and / OR the team around your child) complete and current information in terms and language you can easily understand.
- ✓ Clients have a right to review all plans and reports and advise the organisation of any inaccuracies.
- ✓ Clients have a right to be provided with information on their right to access personal, private or confidential records containing 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 more 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 the Management team. 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.

### **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.

### **Freedom of Information Legislation**

From time to time, Early Connections – Coffs Coast may receive requests for information. These requests may include:

- ✓ clients or service users seeking to access information held about them
- ✓ documents sought as part of a court proceeding - sometimes called 'discovery'
- ✓ documents sought through a subpoena
- ✓ information sought using Freedom of Information provisions (where services are linked to Government), and
- ✓ members seeking access to the documents of your organisation, such as meeting minutes or financial records.

In these cases we will follow the rules, regulations and record keeping requirements set out in the following -

- ✓ Freedom of Information Act
- ✓ Australian Charities and Not-for-profits Commission Act 2012 (ACNC Act), and
- ✓ Corporations Act 2001 (that charities have to comply with before they are registered with the ACNC)

### **DOCUMENTATION**



Documents related to this policy	
Related policies	<ul style="list-style-type: none"> <li>▪ Child Protection Policy and Procedure - Allegations of abuse against an employee 2017</li> <li>▪ Child Protection Policy and Procedure</li> <li>▪ Decision Making and Consent Policy</li> <li>▪ Complaints Handling Policy and Procedure</li> <li>▪ Interactions with Children Policy</li> <li>▪ Confidentiality Policy</li> <li>▪ Delegation Policy and Procedures</li> <li>▪ Risk Management Policy</li> </ul>
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> <li>▪ Intake Forms</li> <li>▪ Service Agreement, Schedule of Supports,</li> <li>▪ Third Part Agreement, Intake and Conflict of Interest Declaration</li> <li>▪ Keeping Them Safe Documents</li> <li>▪ Client and Staff Files</li> <li>▪ Management Committee minutes and Action Lists</li> <li>▪ Financial reports</li> <li>▪ Treasurer's Report</li> <li>▪ AGM minutes</li> <li>▪ Member of Association records.</li> </ul>

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
JULY	21-OCT-19	Management Committee	OCT 2020

Approved by the Management Committee

Signed:

Name: Ian Braine

Date: 21.10.19