



## ACCESS TO CONFIDENTIAL INFORMATION POLICY

Policy number		Version	2
Drafted by	Management Team	Approved by MC on	24.06.2020
Responsible person	Management Team	Review date	June 2023
<b>Policy context:</b> This policy relates to the following:			
Legislation / Standards or other external requirements	<ul style="list-style-type: none"> <li>▪ National Disability Insurance Scheme Standards, Rules, Policies and Guidelines 2018</li> <li>▪ NDIS Code of Conduct 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 client and 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 This policy applies to the internal records, client records and unpublished materials of Early Connections - Coffs Coast.

This Policy is based on the above Legislation and aligns with the National Disability Insurance Scheme Act 2013, Privacy and Personal Information Protection Act 1998, NDIS Service Registered Service Provider obligations and the National Disability Insurance Scheme Standards, Rules, Policies, Guidelines and the Code of Conduct. More information can be found here

### PROCEDURES

#### Client Files and 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 family (primary caregiver), or in the case of legal



subpoena. All client records will be kept securely in Echidna electronic data storage and client files in staff only areas, and locked filing cabinets. These are updated, archived and destroyed according to the organisation's licensing requirements (NDIS Commission – Quality and Safeguards / Quality Audit – Audit participation process) –

**During the Service Agreement meeting client families will be informed of the following –**

- a. the kinds of personal information that will be collected and held, including recorded /audio and visual material
- b. why this information is held
- c. who will have access to this information
- d. how we will ensure the information is secure
- e. how this information will be used
- f. how to access and amend information held about them
- g. how to make a complaint if they feel that the NDIS provider (Early Connections – Coffs Coast) has breached their privacy obligations.

**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 25 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.

**Access to Client Files for the NDIS Quality Audit –**

As an NDIS Service Provider it is a Legislative requirement that client files are accessed for the **NDIS Quality Audit** process. The external Auditor will request access to all client files. All client families will be advised



of this process on enrolment and this information will be included in the Service Agreement. All Client families will be automatically included in the Audit process and will be notified in writing prior to an access request from the Auditor. At this time all client families will be given the option to “Opt –Out” of the Audit process. All returned **Audit Participation Forms** will be filed in individual client files.

*When conducting audits against the NDIS Practice Standards the approved quality auditor shall consider participants’ experiences of supports as an important part of the triangulation of evidence. In the collection of evidence, the principles of sampling apply to the review of documents, interview attendee selection and observations.* (National Disability Insurance Scheme (Approved Quality Auditors Scheme) Guidelines 2018)  
<https://www.legislation.gov.au/Details/F2020C00100>

### **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.

All Management Committee documents (including meeting minutes and meeting documents) will be kept in a calendar Folder, secured in the Management Office. Alternatively, electronic files will be stored securely in Share Point and accessible for the Management Committee members in a TEAMS Group Page – Files page.

### **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

### **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 to 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)

### **Recording and Storing of Video Files –**

From time to time team members may request that client families make video recordings of their child in their natural environment. Video files are a tool to help support Key workers, Teachers and Therapists to observe, review and interpret children's skills and behaviour and family interactions. Video recordings can then be used to support the development of goals from client families Service Plans. Video recordings are particularly useful during times when families are accessing supports via Video Consults.

The following steps should be undertaken by all team members to ensure all video recordings are securely filed / stored –

- ✓ Videos from client families should only be sent to team members via email or via Microsoft TEAMS.
- ✓ Email and Microsoft TEAMS have the appropriate encryption to ensure client file security.
- ✓ Video recordings should only be stored / filed in the client families TEAM page, which allows uploading and storing of all files securely and with encryption. Only team members and client family members who are invited onto that TEAM will have password approved access to this system.
- ✓ Video recordings filmed by team members on phones, iPads or laptops need to be uploaded into the clients individual Microsoft TEAM Files folder after the client appointment and deleted from the device once uploaded.



- ✓ If the video recording contains sensitive material of the child e.g.: if the child is dressing / undressing, naked or bathing, then the family needs to be notified that the video contains sensitive content. The client family must complete a ‘Sensitive Video Content Permission Form’ with their signature (hardcopy or electronic) advising of their consent for the video to be uploaded and securely stored and then accessed only by other team members who make up the Team Around the Child.

**Privacy Breach - Accidental or unauthorised disclosure of personal information**

As a Registered Service provider for the NDIS, Early Connections – Coffs Coast Inc. must comply with the same quality privacy standards as the NDIS Commission – Quality and Safeguards. The Organisation will take seriously and deal promptly with any accidental or unauthorised disclosure of personal information of stakeholders, client families, members and employees. Early Connections – Coffs Coast will use the same process for dealing with breaches of privacy as the NDIS Commission by following the OAIC’s [Data breach notification – A guide to handling personal information security breaches](#) when handling accidental or unauthorised disclosures of personal information. Legislative or administrative sanctions, including criminal sanctions, may apply to unauthorised disclosures of personal information.

**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>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>Enrolment Forms</li> <li>Service Agreement, Schedule of Supports,</li> <li>Consent Form</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
1	16.09.19	Management Committee	Sept 2022
2	24.06.2020	Management Team / Management Committee	June 2023



# Early CONNECTIONS™

COFFS COAST

Approved by the Management Committee

A rectangular box containing a handwritten signature in black ink, which appears to read 'Ian Braine'.

Signed:

Name: Ian Braine

Date: 24.06.2020