



## **OPEN DOORS YOUTH SERVICE INC**

### **PRIVACY POLICY**

**Implemented as of 9<sup>th</sup> July 2008**

#### **1. Purpose**

- a. Open Doors is committed to improving the quality, effectiveness and efficiency of its service delivery while at the same time ensuring consumer rights and confidentiality is maintained.
- b. Open Doors has legal and ethical responsibilities in relation to obtaining, recording, storing, releasing and disposing of private information of the young people that access the service.
- c. Open Doors aim to hold and handle information about people in a responsible manner.
- d. This policy applies to all employees, volunteers, contractors and visitors of Open Doors and covers Open Doors work with any young person that has contact with the service.

#### **2. Policy Guidelines**

- a. Open Doors is committed to collecting information and keeping records for the purpose of;
  - i. maintaining professional, accountable and effective practice,
  - ii. providing continuity for and between workers,
  - iii. assisting consumers in not having to repeat their stories,
  - iv. providing a clear record to refresh workers memories and assist in providing efficient and effective practice,
  - v. assisting in decision making as to what further work or issues need to be addressed,
  - vi. providing a background to prepare court reports,
  - vii. informing planning and strategic decisions.
- b. Open Doors are committed to information being recorded accurately, completely, objectively and regularly. For this purpose case files will be kept for the purpose of accountability, continuity and planning.
- c. Open Doors is required to conduct its management of information in accordance with the National Privacy Principal provisions in the *Privacy Act 1988 (Cth)* (the Privacy Act) which affect private sector organisations that come into effect as of 21<sup>st</sup> December 2001.
- d. The National Privacy Principals cover the following areas of responsibility;
  - i. Collection
  - ii. Use and Disclosure
  - iii. Data quality
  - iv. Data security

- v. Openness
- vi. Access and correction
- vii. Identifiers
- viii. Anonymity
- ix. Transborder data flows
- x. Sensitive information

e. Each consumer accessing the service shall be informed about the confidentiality policies and procedures of Open Doors, including legal implications, in a manner that is timely and easily understood. Appendix A and B.

### 3. Responsibilities

- a. It is the responsibility of staff members to;
  - i. discuss any breach of confidentiality with the Coordinator or Chairperson. The only exception is if there is an imminent risk of harm to staff or young people that requires immediate intervention from police or ambulance.
- b. It is the responsibility of the Coordinator to;
  - i. guide staff with any decision in relation to the breaching of confidentiality.
  - ii. To pass any decision onto the Chairperson of the board if they feel that the decision to breach confidentiality will have potential serious consequences.
- c. It is the responsibility of the Management Committee to;
  - i. guide staff with any decision in relation to breaching of confidentiality.
  - ii. The Management Committee and committee members are bound by the same rules of confidentiality as staff.

### 4. PROCEDURES

- a. Open Doors aims to;
  - i. promote its Privacy Policy through displaying its principals at Open Doors,
  - ii. individually inform young people about their confidentiality rights,
  - iii. be open and transparent about when breaches of confidentiality may legally occur,
  - iv. protect the privacy rights of any young person that has contact with Open Doors,
  - v. to take any breach of confidentiality seriously, and to give it the due consideration that it deserves.

### 5. Collection

- a. Case files will be kept on young people who are receiving individual support, that will contain information about them and a record of work performed with them. Refer to the *Case File Management Policy*.
- b. Case files will not be kept for young people who only attend Open Doors groups and who do not receive individual support, however a record of their attendance will be kept for statistical purposes and Workplace Health and Safety requirements. Refer to the *Risk Management Policy*.
- c. Open Doors will only collect information that is necessary for the performance and primary function of Open Doors

- d. A young person will be notified when we are collecting information about them, what this information is, what it will be used for, who will have access to this information and how and when it may be released (via providing them with Appendix A the '*Privacy Information for Young People*', ensuring that they understand its contents and obtaining their signature on this document).
- e. If notification can not be given to young people when the information is being collected, they must be notified as soon as possible when practical.
- f. Open Doors will aim to collect personal information about an individual only from that individual as to ensure the validity of the information collected, but if it is necessary for effective cross case management, may obtain information about a young person from another reliable source.
- g. If information is collect from another source, Open Doors but must inform the young person that this information is been collected, unless revealing this information would pose serious threat to the life or health of any individual.
- h. If a young person asks, Open Doors will take reasonable steps to let them know, generally, what sort of personal information we hold, what purposes we hold it for, and how we collect, use and disclose that information.
- i. Reconnect Data Collection**
  - i. As part of the Reconnect program funding agreement with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Open Doors is required to record information on consumers for statistical purposes using the Reconnect Data Collection System, A, B & C Form.
  - ii. Young people accessing Open Doors must give informed consent to have information recorded and submitted using this system.
  - iii. Informed consent can be given by asking a young person to sign Appendix C: '*Consent to Release Information*'
  - iv. When seeking consent from young people, workers will inform them that:
    1. The purpose of recording this information is to help Open Doors and FaHCSIA to understand more fully the needs of young people accessing our service,
    2. The system does not record identifying information, and their name is removed and replaced with a code,
    3. They are not required to participate in the data collection,
    4. They can request particular information to be withheld from the data collection,
    5. Some limited data is collected on those young people who do not give consent to participating in the data collection.
  - v. Support Workers are to collect this data for young people who receive individual support by Open Doors (Part A) and when a young person exits the service (Part B and Part C).
  - vi. Group forms are also filled out and submitted to FaHCSIA, but they do not require consent as they contain only limited information.
  - vii. A photocopy to the A, B & C form will be stored in a young person case file.
  - viii. Data collected is submitted to FaHCSIA on a monthly basis.

## 6. Use and Disclosure

- a. A decision to breach confidentiality is considered extremely serious and will be given careful consideration, taking into account all possible consequences. Wherever possible decisions to breach confidentiality will be made in collaboration with the consumer concerned, the Coordinator and other Open Doors workers.
- b. Open Doors have no legal mandatory obligation to report incidences of harm to appropriate authorities (whereas people working in schools and medical roles do). Workers will make a decision to inform authorities in conjunction with and in the best interest of the young person.
- c. Open Doors will not use or disclose personal information about young people to any other source, including outside organisations or staff, family members, friends or authorities unless;
  - i. The young person has provided written consent to the use of disclosure via signing Appendix C: *Consent to Release Personal Information* on which they can nominate the organisations or individuals that can receive information about them. This will then be stored on the person case file.
  - ii. If written consent can not be gained, but verbal consent is received, a written note must be made of this consent and recorded on a person case file.
  - iii. Open Doors reasonably believes that the young person;
    - 1. plans to or has caused serious harm to themselves,
    - 2. plans to or has caused harm to others,
    - 3. is at risk of harm or has been harmed by another person.
  - iv. Open Doors has reason to suspect that unlawful activity has been, is being or may be engaged in and believes that it is necessary to disclose the information to the police for the prevention, detection, investigation, prosecution or punishment of criminal offences.
  - v. The use or disclosure is required or authorised by or under law; (for example, via a summons).
  - vi. The information is not sensitive information, and is used for statistical purposes and all identifying information has been removed, and is used for funding bodies, report writing, planning and for accountability purposes.

## 7. Data quality

- a. Open Doors staff will maintain case files in accordance with the *Case File Management Policy*, and will take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.
- b. Open Doors will endeavour to collect information about a young person directly from that young person.
- c. Where information is collected and recorded from another source, the young person should be informed about this occurring. It should be noted in the case file that this information was received from this source.
- d. Open Doors will aim to correct and update information that is identified as being recorded incorrectly, inaccurately or which is out of date.
- e. Open Doors will aim to ensure the validity and accuracy of its information before it is released or disclosed to another person or organisation.

- f. Case files are to be updated regularly, electronically, and are to be printed regularly and stored in a paper case file.

## 8. Data security

- a. Open Doors will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- b. Case files are to be stored electronically and in hard copy to reduce the loss of information in the case of damage to the building (i.e. fire) or through computer failure (i.e. computer system crash).
- c. For computer security please refer to the *Computer Maintenance and Security Policy*.
- d. Electronic versions of individual case files containing personal information will be kept secure by;
  - i. Ensuring that private documentation is not left on computer screens visible to others, and documentation is closed and computer password protected when left unattended,
  - ii. Only storing documents relating to in the designated '*Confidential Information*' folder, and '*Young Peoples Case Files*' subfolder located on O Drive, which is only accessible on staff members computers (not on computers accessible to young people),
  - iii. Identifying electronic files by the Reconnect code that is assigned to young people upon their intake as an individual client, rather than by their name,
  - iv. If the young person does not have a Reconnect code assigned to them (as they do not fit the scope of the Reconnect Program) but are still receiving individual support, some other code system must be developed to de-identify their file,
  - v. A record of names and assigned codes are to be stored electronically in the '*Confidential Information*' folder located on O Drive
- e. Paper versions of individual case files containing personal information will be kept secure by;
  - i. Ensuring staff do not to leave any personal information about young people on their desks, in the form of files, notes, phone numbers or addresses, when not in use,
  - ii. All files must be stored after use in a lockable filing cabinet, that is kept locked at all times when not in use, especially when young people are in the office space,
  - iii. Keys used to access these filing cabinets are only issued to relevant staff members
  - iv. Keys are kept on a staff members person, and are not left on any vulnerable location without adequate supervision (including on the desk of a worker),
  - v. Identifying files by the Reconnect code that is assigned to young people upon their intake as an individual client, rather than by their name,
  - vi. If the young person does not have a Reconnect code assigned to them (as they do not fit the scope of the Reconnect Program) but are still receiving individual support, some other code system must be developed to de-identify their file,
  - vii. A record of names and assigned codes are to be stored electronically in the '*Confidential Information*' folder located on O Drive.
- f. Case files are the property of Open Doors, and the original file must not be given to young people, other services, and should not leave the site. Case files are not to be taken home by workers.

- g. If an original file is requested, and required to be given to an authority, a record must be kept of when the file was moved, where it was moved to and who was the file given to.
- h. Young people may have a photocopy of documents they have developed during counselling or support sessions, such as case plans and action plans.
- i. Open Doors will take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose. This will be achieved by;
  - i. shredding case files and any other documentation containing personal information,
  - ii. permanently deleting computer files.
- j. Confidentially should be kept around the office by;
  - i. speaking with a considerate volume when in the office,
  - ii. not discussing the personal details of one young person with another young person,
  - iii. being aware of who is in the office when discussing personal information or during telephone calls regarding consumers,
  - iv. Only discussing necessary information with relevant people in an appropriate space
  - v. Speaking to young people in a private space, away from others, if possible and necessary when personal information is to be discussed.

## 9. Openness

- a. Open Doors will make public its privacy policy to young people who access the service by;
  - i. Asking young people to read and sign Appendix A: '*Confidentiality Information for Young People*' upon commencement of individual support,
  - ii. Ensuring that young people understand this information, especially;
    - 1. what information Open Doors collects and why,
    - 2. when legal breaches of confidentiality can occur,
    - 3. what responsibilities Open Doors has to ensure the safety of young people and others,
    - 4. how this information is stored and kept secure.
  - iii. Displaying posters that describe their privacy rights and responsibilities (Appendix B),
  - iv. Notifying young people if a breach of confidentiality is to be made,
  - v. Making available this Privacy Policy upon request.

## 10. Access and correction

- a. If a young person asks, Open Doors must give access to the personal information that we hold about them, unless providing access;
  - i. may pose a serious and imminent threat of life or health to the young person or to any other individual,
  - ii. may have an unreasonable impact upon the privacy of other individuals,
  - iii. is in breach of law or legal directive,
  - iv. would be likely to prejudice legal proceeding or investigation of criminal activity,
  - v. the request is frivolous or vexatious.
- b. Requests to access personal information can be carried out by the following;
  - i. All requests for access should be directed to the Coordinator.
  - ii. Providing verbal or written request to the Coordinator.
  - iii. If verbal request is received, the Coordinator should make a written note of the request on the case file.
  - iv. The coordinator must read the file fully and take time and care to ensure that access can be given, and there are no reasons to deny access to this information.

- v. If there are any reasons to deny access, the young person must be informed as to the reason.
  - vi. The coordinator may decide to allow access to the information, but remove any information that may not be viewed.
  - vii. If access is allowed, the young person will be allowed to view the information in private room on site, however will not be allowed to remove any information from Open Doors.
- c. If a young person identifies that the information about them is not accurate, complete and up-to-date, Open Doors will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- d. If Open Doors and a young person disagrees that the information accurate, complete and up-to-date, Open Doors will included a statement from the young person claiming this and including what they believe to be the correct information, but no information will be deleted or altered.

## 11. Identifiers

- a. To protect privacy, a young person will be given a code that will identify them in place of their name on both paper and electronic files.
- b. This code can be;
  - i. the Reconnect code that is developed when they register as an individual Reconnect client (2<sup>nd</sup> and 3<sup>rd</sup> letters of their first name, 1<sup>st</sup>, 2<sup>nd</sup> and last letters of their surname, and M or F, indicating their identified gender.
  - ii. The Reconnect non-consent code, which is used when a young person does not provide consent for their information to be collected for use by FaHCSIA, and which have been developed by FaHCSIA for this use.
  - iii. Another code which is developed for young people who are not Reconnect client but who are receiving individual support.
- c. A record of names and assigned codes are to be stored electronically in the '*Confidential Information*' folder located on O Drive

## 12. Anonymity

- a. Open doors will respect the wishes of young people who wish to remain anonymous.
- b. In these situations, a young persons name or identifying information will not be recorded.
- c. If a case file is needed to be kept, the young person will be identified by a code, without their name being recorded

## 13. Transborder data flows

- a. Open Doors may only transfer personal information about an individual to someone who ins in a foreign country only if;
  - i. The information belongs to that individual,
  - ii. The information is required by law,
  - iii. The individual consents to this transfer,
  - iv. Open Doors believes that the information will not be used in contradiction to the National Privacy Principals.

## **14. Sensitive information**

- a.** Open Doors will not collect sensitive information about a young person unless;
  - i.** The young person has consented (however can still collect this information if consent is impractical to collect),
  - ii.** The collection is required by law,
  - iii.** The collection is necessary to prevent a serious and imminent threat to the life or health of the young person or any other person.
  
- b.** Open Doors, as a non-profit organisation, may collect sensitive information if;
  - i.** The information related solely to the young person who has regular contact with our activities,
  - ii.** Collecting this information is relevant and necessary to the work that is currently being conducted with them,
  - iii.** We ensure that the young person is informed that this information is being recorded, and that this information will not be disclosed the information without the young persons consent.
  
- c.** Sensitive information may be anything that may be potentially damaging to the young person if it were to be released, this may include, but is not limited to the following;
  - i.** Criminal history,
  - ii.** Current criminal behaviour, including drug use,
  - iii.** Sexuality or Gender Identity.
  
- d.** If there are concerns about the negative consequences of recording a young persons sensitive information, or if a young person does not consent to the recording of sensitive information, this information should not be recorded.

## **15. Further information**

- a.** Privacy Commissioner  
GPO Box 5218  
Sydney NSW 2001
  
- b.** Privacy Hotline: 1300 363 992  
Telephone: (02) 9284 9800  
Fax: (02) 9284 9666

## **16. Attachments**

Attachment A – Confidentiality Information for Young People Form  
Attachment B – Your Privacy Rights and Responsibilities Poster  
Attachment C – Release of Information Consent Form

## **17. Links To Other Policies**

- Reconnect Program Funding Agreement
- Reconnect Data Collection Policy Manual
- Office and Equipment Policy
- Service Delivery Policy and Procedures
- Code of Conduct – Staff and Volunteers

- Code of Conduct – Management Committee Members
- Workplace Health and Safety Policy
- Management Committee Roles and Responsibilities
- Case File Management Policy
- Critical Incident Policy

**18. Related Legislation**

- UN Convention on the Rights of the Child
- District Court Act (1967)
- Supreme Court Act (1995)
- Privacy Act (1989) Cth
- National Privacy Principals

**19. Monitoring and Evaluation**

This policy and procedures is to be reviewed one year after its initial development, then once every two years following.

This policy should be reviewed earlier if there is;

- any changes in Federal or State legislation relating to this policy,
- concerns that it is not effective in its implementation,
- changes in organisational structure and delegated levels of authority,
- changes in funding body requirements, or
- changes in organisational aims and philosophy.

**Document History**

	Date	By Who
Created on	June 2008	Sally Morris
Ratified on	8 <sup>th</sup> July 2008	Management Committee
To be reviewed by	July 2009	Coordinator

Updates History:

Date	By Who	Changes ratified on

## Appendix A: OPEN DOORS Privacy and Confidentiality Information for Young People

Open Doors is committed to providing an effective service while at the same time that your rights and confidentiality is maintained in accordance with the Privacy Act 1988 (Cth).

For Open Doors to provide you with a good service, we will need to collect personal information that is important for us to know. Any information we collect about you will be kept safe and secure in a locked filing cabinet.

The type of information we collect is;

- Your name, address, contact details and date of birth
- Things about you that are relevant or important to our work with you
- A record of what work we do with you
- We will ask you if we want to collect information that would be considered sensitive

We will not collect information that is;

- Not relevant or important to our work with you
- Rumours or stories
- False or incorrect information (if you find that some information is incorrect, please let us know and we will change it)

You can remain anonymous if you wish, but for us to best assist you, we may need to know some things about you. This is so that we can;

- Keep staff members up to date and not relying on memory,
- Assisting young people in not having to repeat their stories,
- Create effective plans that will help young people,
- Providing a background to prepare court reports.

It is important that the information that we collect is correct and up-to-date, and so we will collect personal information directly from you. If we receive any information about you from another source (such as another youth service) we will let you know.

All information that you tell us is confidential and private and we can not pass any information about you onto other people, including your parents, school, friends or other services. We will not release any information about you unless we have your permission by filling out a consent form.

There may be times that we may need to pass your information onto other people without your permission if;

- We are required to do this by a court of law,
- You have hurt yourself or we believe you plan to cause harm to yourself or someone else
- We have reason to believe that you are being harmed by another person,

If you want to see the information we hold about you, ask the coordinator, and this information may be passed on to you. Any information about you will be destroyed when it is no longer needed.

If you have any questions about your privacy please talk to the Coordinator, about this.

I have read and understand this information about my privacy and confidentiality.

Name: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

# Your Privacy is Important!

## YOUR Rights and Responsibilities

- ❖ To have your personal information kept private and safe
- ❖ To have the information we know about you to be collected directly from you
- ❖ To know what information we collect about you and why
- ❖ To ask to see the information we collect about you
- ❖ To inform Open Doors when your information changes (such as address and phone number)
- ❖ To let us know if we have recorded the wrong information
- ❖ To be honest with Open Doors about your information
- ❖ To let us know if you don't understand any forms that you are asked to sign
- ❖ You do not have to give permission for Open Doors to talk about you with another service/person
- ❖ To be anonymous if you wish to be
- ❖ To be told as soon as possible if Open Doors needs to contact someone else about you to make sure that you are safe

## Open Doors Responsibilities

- ❖ To tell you when we are collecting information about you
- ❖ Only collect relevant information about you that is necessary to support you
- ❖ To keep all your information private, safe and secure so that other people can't access it.
- ❖ To not pass your information on to other people, unless we have your permission
- ❖ To get your permission before we pass your information on to someone else or another organisation, and only ask for this if it is in your best interest
- ❖ To contact someone if you we believe you need medical attention or plan to hurt yourself (such as the ambulance or mental health).
- ❖ To contact someone if we believe you are seriously planning to hurt someone else (such as police)

- ❖ To contact someone if we believe that you are being harmed by someone else (such as Department of Child Safety)
- ❖ To destroy all information about you when we no longer need it
- ❖ We will be honest and upfront with you about any decisions to contact someone about you. If we can't tell you straight away, we will tell you as soon as we can.

**Appendix C:  
OPEN DOORS**

**Consent to Release Information**

I (name) \_\_\_\_\_ Date of Birth: \_\_\_ / \_\_\_ / \_\_\_  
of (address) \_\_\_\_\_

give permission for information about myself to be shared between Open Doors Youth Service and:

- Department of Families
- Centrelink
- Child and Youth Mental Health and Adult Mental Health
- Department of Housing Queensland
- Queensland Police
- Reconnect Data Collection (FaHCSIA)
- School (Please name) \_\_\_\_\_
- Parents (Please name) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

This form is effective for the purpose of gaining/sharing information about:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This consent to share information can be stopped at any time. If you wish to stop this release of information, please notify the Open Doors staff members.

Signed (young person) \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Signed (worker) \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Consent was given verbally