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PRIVACY & CONFIDENTIALITY POLICY

1 Policy Intent

Lifeline WA is committed to ensuring the privacy and confidentiality of its Service Users, its Staff Members and Donors.

The terms 'privacy' and 'confidentiality' are commonly used interchangeably. The key difference between the two terms is that confidentiality relates to an ethical duty, whilst privacy is a legal right, which is reflected in the Privacy Act 1988 and the Australian Privacy Principles (APPs).

This policy sets out to define the principles required in the capture, use, disclosure and storage of personal information and to describe the rights of people who have personal information stored at Lifeline WA.

2 Scope and Responsibilities

Everyone at Lifeline WA is responsible for respecting the privacy of others and maintaining the confidentiality of staff, volunteer, service user or carer information they receive or have access to. This policy applies to anyone who encounters an individual's personal information when working for Lifeline WA.

The duty of confidentiality continues beyond the end of any professional relationship and even beyond the death of a person about whom information is held, unless there are overriding legal or safety considerations.

3 Definitions

Confidentiality	Confidentiality, within the context of this policy, relates to information only. Lifeline WA has an ethical duty of confidentiality to protect individuals' personal and sensitive information from inappropriate disclosure to unauthorised people.
Data breach	The loss of, unauthorised access of, or unauthorised disclosure of, personal information.
Donor	In the context of this policy Donor refers to an individual or company who make donations and support the fundraising activities of Lifeline WA and in that process provides personal information.
Notifiable Data Breach	Is unauthorised access to, disclosure, or a loss of personal information, that an organisation holds, that is likely to result in serious harm to one or more

	individuals, and the organisation hasn't been able to prevent the likely risk of serious harm with remedial action
Open Disclosure	Within the context of this policy open disclosure is an open discussion with the service user and their family and carers, the staff member or the donor, about the data breach.
Personal Information	Information or an opinion about an identified individual, or an individual who is reasonably identifiable: • Whether the information or opinion is true or not; and • Whether the information or opinion is recorded in a material form or not.
Primary Purpose	The purpose for which Lifeline WA collects personal information
Privacy	Privacy refers to the right of an individual to keep their personal and sensitive information private.
Privacy Impact Assessment	A systematic assessment of a service that identifies the impact that the service might have on the privacy of individuals, and sets out recommendations for managing, minimising or eliminating that impact.
Privacy Officer	CFO, for the purpose of this policy, is the Privacy Officer.
Secondary purpose	If Lifeline WA uses or discloses personal information for any other purpose other than the primary one.
Sensitive information	Sensitive information is a subset of personal information and requires more stringent obligations. Sensitive information includes information about an individual's: • Health including mental health • Racial or ethnic origin • Political opinions • Membership of associations including political, professional, trade or trade unions • Religious beliefs or affiliations or philosophical beliefs • Sexual orientation or practices • Criminal records
Unauthorised Access	Personal information held by Lifeline WA is accessed by someone who is not permitted to do so.
Unauthorised Disclosure	Occurs when personal information is made accessible or visible to someone outside of Lifeline WA.

4 Relevant Legislation and Regulations

This policy complies with:

- Privacy Act 1988 (Commonwealth) and the Australian Privacy Principles

5 Policy Details

5.1 Individuals' rights

Lifeline WA respects every individual's privacy and makes sure that:

- Individuals know what information will be collected, used and stored relating to them
  - Personal information of an individual will be stored securely and only accessed by authorised persons
  - Lifeline WA will gain the consent of the individual prior to collecting sensitive information
  - Personal information will not be shared with others without the individual's consent
  - Individuals can access the information held about them on request and can request to have information about them corrected
  - This policy will be made available free of charge on the Lifeline WA website
  - Individuals under the age of 18 years will be assessed as to whether they can make their own privacy decisions.
- Decisions about privacy will be discussed with the individual using age-appropriate language.

5.2 Collection of personal information

- When collecting personal information, Lifeline WA will only collect the information necessary to do our work. We will always gain consent to collect sensitive information about an individual.
- Information that we have collected will only be used for its primary purpose unless we gain consent for secondary use.
- Personal information may be used for normal business practices such as quality improvements, planning or audit.
- Personal information will be de-identified in reports and for the purposes of practice supervision.
- Lifeline WA will ensure that personal information collected about an individual is complete, accurate, consistent, unique and timely.
- Lifeline WA will collect personal information respectfully and directly from the individual or from others with that individual's consent.
- Records for an adult service user will be retained for a minimum of 7 years, and for a child service user for a minimum of 7 years or until the child reaches the age of 25 years, whichever is longer. Records which may become relevant to an actual or alleged incident of child sexual abuse will not be destroyed.
- Where disclosure without consent is due to a data breach, and this data breach involves personal information, Lifeline WA will manage this incident in a timely and compassionate manner, reflecting the elements of Open Disclosure as outlined in the Incident, Hazard & Near Miss Management Policy
- In the event that Lifeline WA ceases operations, we are committed to handling all personal and sensitive data in accordance with applicable data protection laws and our internal governance standards.

5.3 Security of personal information

- Any personal information that is collected must be stored securely and protected from unauthorised access, modification, disclosure, misuse, interference and loss.
- Lifeline WA will install device encryption in all end user devices to prevent unauthorised access to user and company data.
- A Privacy Impact Assessment for each service will be undertaken, and reviewed regularly, to ensure the security of all personal information.

5.4 Quality of personal information

- Lifeline WA will take steps to ensure that any personal information that we collect or disclose is accurate, current and complete.

5.5 Disclosure of personal information

- Disclosure of confidential information is permitted under specific circumstances. Lifeline WA will discuss these possible exceptions to confidentiality with individuals before providing a service to them.

5.5.1 Disclosure with consent

- If an individual (or a person authorised to make decisions for them) has consented to the disclosure, and the disclosure complies with the terms of that consent.
- If a child is a mature minor, they are entitled to the same confidentiality about their health information as an adult patient. This means a parent or guardian does not have a right to know this information.

5.5.2 Disclosure without consent

- Without an individual's consent, confidential information can and must be disclosed in these situations:
    - to ensure the safety of the individual or others.
    - to prevent a serious threat to public health or public safety.
- to provide patient care in an emergency, when the person can't give consent.
    - when requested by a Court of Law.

5.5.3 Notification of third-party disclosure

- Where a request for personal or sesitive information is requested by an individual or a third party and it meets the criteria for a privacy exception (with or without consent), the author of the record can be notified after an assessment by their Executive manager.
- When a disclosure is required, Lifeline WA will discuss this including what information will be disclosed and to who, with the individual, before the information is disclosed or as soon as possible after the event.
- In all cases of disclosure, a written record will be made and kept with the relevant individual's file.
- Lifeline WA does not routinely disclose or share personal information overseas.

- Where disclosure without consent is due to a data breach, it will be reported as an incident and dealt with as per the data breach procedure.
- Where disclosure without consent is due to a data breach, and this data breach involves personal information, Lifeline WA will manage this incident in a timely and compassionate manner, reflecting the elements of Open Disclosure as outlined in the Incident, Hazard & Near Miss Management Policy

5.6 Access to personal information

- Lifeline WA respects the rights of individuals to access the information that we hold about them.
- Individuals may request access to their information in writing. Lifeline WA will respond to this request within 30 days advising the outcome of the decision made. All decisions will be in consultation with the Privacy Act (1988).
- If access cannot be granted, the reasons why will be offered to the individual concerned and advice on how to make a complaint about the refusal will be offered.
- Lifeline WA will endeavour, where possible to provide the information in the mode that it is requested.

5.7 Correction of personal information

- Where an individual advises Lifeline WA that the personal information we hold about them is inaccurate, incomplete, out of date, irrelevant or misleading, they can request that this is corrected.
- Lifeline WA will respond to this request within 30 days advising the outcome of the decision made. All decisions will be in consultation with the Privacy Act (1988).

5.8 Management of Privacy Concerns

- Individuals who believe their privacy has been mishandled or that their personal information has not been managed in accordance with this Privacy Policy may submit a complaint. All such complaints will be handled in accordance with the organisation's Complaint Management Policy (which can be found on the Lifeline WA website.)
- Lifeline WA will respond to this request within 30 days advising the outcome of the decision made. All decisions will be in consultation with the Privacy Act (1988)

5.8 Updates to this Privacy Policy

- Lifeline WA will update this Privacy Policy when our information handling practices or services or applicable laws change, or to explain our practices further.
- Updates will be published on the Lifeline WA website and are effective from the date of publication.

6 Relevant Internal References

The following internal documents relate to this policy

- Incident, Hazard & Near Miss Management Policy
- Service Delivery Policy
- Information and Record Management Procedure
- Incident Reporting Procedure
- Data Breach Procedure
- Complaint Management Policy