

Privacy Policy and Procedure

Policy number: 1.24		Version number: 1.0	
Date Ratified: 17 April 2023	Reviewed: Management Committee	Date of next review: 16 October 2024	

1. Purpose:

To provide an effective and high-quality service and to maintain appropriate accountability, North Queensland Combined Women's Services Incorporation (NQCWS) must collect, store and sometimes share relevant personal information about the women who access our service, employees and volunteers.

Women who access our service, employees, volunteers and the organisation have legislated rights to confidentiality and privacy, and to accessing their own records. NQCWS is committed to protecting and upholding these rights, and to acting correctly in those circumstances where the right to privacy or confidentiality may be overridden by other considerations.

2. Scope:

This policy applies to:

- all NQCWS members of the management committee, employees, volunteers and students.
- Any person or entity engaging with NQCWS's services.

3. Policy statement:

NQCWS Inc. is committed to protecting and upholding the privacy and confidentiality rights of women accessing our services, staff, student, volunteers and the management of NQCWS Inc. This means that we make sure no personal information about a woman, employee, student, volunteer or the organisation is shared with anyone, on purpose or by omission, unless we have their informed consent or in special circumstances where the law allows or dictates an exception.

Specifically, we will:

- meet legal and ethical obligations as employees, volunteers and students in relation to protecting the privacy of women accessing the service as set out in the Information Privacy Act 2009 (QLD).
- provide women with information about their rights regarding privacy and confidentiality
- ensure privacy for women when they are receiving support or discussing matters of a personal or sensitive nature with staff, volunteers and students
- meet legal and ethical obligations as employers, in relation to protecting the privacy of employees, volunteers and students
- protect the privacy of the operations and management of NQCWS Inc.

What is 'personal information'?

'Personal Information' is defined in the Information Privacy Act as:

Information or an opinion including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.

Privacy and Confidentiality of Women accessing NQCWS Inc. Women's Rights Statement and Privacy Notice

As part of your initial engagement with NQCWS Inc., all women accessing the service will be advised of:

- Our commitment to maintaining the privacy and rights of women accessing the services.
- This information will be summarised in an easy to read Privacy Notice and Women's Rights statement which will be displayed throughout The Women's Centre and on printed copies when providing services outside of The Women's Centre. A copy can be requested should you wish.
- You will be asked to sign a Consent Form to confirm that you have been advised of and have been offered written information to explain your rights, through The Women's Rights Statement and Privacy Notice.
- A signed copy of the consent form, or an acknowledgement of verbal consent where signed consent is not possible, will be stored on your file.
- Consent documents will be reviewed with you on a regular basis no longer than 12 months apart.

Data Collection and Storage

NQCWS Inc. will only request and retain information that is necessary to:

- assess your eligibility for a service
- provide a safe and responsive service
- monitor the services you receive
- fulfil our duty of care responsibilities
- fulfil contract requirements to provide non-identifying data and statistical information *to our funding bodies.*

NQCWS Inc. is committed to ensuring the confidentiality of all information of women who access the service, in all forms in which it might be stored. All service records and information regarding you will be kept up to date and stored securely on our Service Record System (SRS).

In the instance where your details are being entered onto a database external of NQCWS Inc. including Queensland Homeless Information Platform or Department of Social Services the privacy and confidentiality policies of these databases must be explained to you and a copy offered. The appropriate consent forms are to be explained to you and signed. Copies will be uploaded on to both the relevant database and your NQCWS Inc. SRS file.

Sharing Of Information

Workers will gain your written permission to contact another service or individual on your behalf. Verbal permission may be given if you are unable to provide written consent or you are present whilst information is being shared in some instances. This will be noted on file. When, with permission, discussing your information with another member of staff, service agency or government department, only information relevant to the purpose of the contact may be discussed.

Your information will not be disclosed to a third party without prior knowledge and consent from you or your appointed guardian, attorney or advocate. However, there could be occasions on which NQCWS Inc. must release personal information to a third party, and these will be explained to you before personal information is collected. These occasions will include, but not necessarily be limited to the following:

- The exercise of duty of care - occasionally, there might be conflicts between NQCWS Inc.'s duty of care to you and the duty to maintain privacy and respect confidentiality.
- If there are concerns that you might cause harm to yourself, or pose a threat to another individual or group, or that someone else poses a threat to you, confidentiality might need to be broken to ensure your safety or safety of the group concerned as per our Duty of Care Policy and Procedure or Child Protection Policy and Procedure.

Subpoenas

The contents of your file will be released upon production of lawful documentation from a legal court or the police in accordance with the Evidence Act 1977. They will not be released unless the appropriate documentation is produced.

Please note if there is or has been an allegation or reference to a sexual offence, that in accordance with Division 2A of the Evidence Act 1977 this information is subject to Sexual Assault Counselling Privilege and will not be supplied unless permission from you is obtained.

Access to files

Case notes or other records will be made available to be shared with you upon production of identification. This can happen either in a session or at a pre-arranged time with the relevant worker, Senior Counsellor, Team Leaders or the Coordinator.

You do not have to offer a reason for wanting to access your file.

The worker must ensure that the information is only given to you. Information may be given in verbal or written form. This contact will also be recorded.

You have the right to correct any information contained within your file if you believe it to be incorrect.

You may be excluded from accessing your file under the following conditions:

- where providing access would pose a serious threat to the life or health of any individual
- where providing access will have an unreasonable impact upon the privacy of another

- the information relates to existing or anticipated legal proceedings between NQCWS Inc. and yourself

Notifiable Data Breaches

A data breach is any unauthorised access to or any unauthorised disclosure of personal information, or a loss of personal information, that NQCWS holds.

NQCWS will contain a suspected or known breach where possible. This means taking immediate steps to limit any further access or distribution of the affected personal information, or the possible compromise of other information.

NQCWS must consider whether the data breach is likely to result in serious harm to any of the individuals whose information was involved. If NQCWS has reasonable grounds to believe this is the case, we will notify the Australian Data Breach Commissioner.

NQCWS will document and conduct a data breach assessment process that includes:-

- Initiate: plan the assessment and assign a team or person
- Investigate: gather relevant information about the incident to determine what has occurred
- Evaluate: make an evidence-based decision about whether serious harm is likely.

Entities should conduct this assessment within 30 days, and take remedial action.

NQCWS will report a notifiable data breach to:-

- Police or law enforcement
- Department of Justice and Attorney-General
- Department of Communities, Housing and Digital Economy
- The Australian Cyber Security Centre

Following a notifiable data breach NQCWS will review the incident and take action to prevent future breaches.

Complaints

Any complaints regarding the breaching of your confidentiality and privacy will follow the Complaints Policy and Procedure.

5. Documents related to this policy

Related policies	Duty of Care Policy and Procedure Child Protection Policy and Procedure
Related procedures	Women's Rights Statement NQCWS Inc. Privacy Notice

	Consent Form – generated on SRS
Forms or other organisational documents	

Policy context: This policy relates to:	
Human Services Quality Framework	Standard: 1.7 The organisation has effective information management systems that maintain appropriate controls of privacy and confidentiality for stakeholders. 4.1 The organisation provides services in a manner that upholds people's human and legal rights.
Other standards	N/A
Legislation or other requirements	Information and Privacy Act 2009 (State) Privacy Act 1988 (Commonwealth) Privacy Amendment (Notifiable Data Breaches) Act 2017 Victims of Crime and Other Legislation Amendment Bill 2017 Part 3 Amendment of Evidence Act 1977 Division 2A Sexual assault counselling privilege Human Rights Act 2019 (Qld)



Privacy Notice

The Women's Centre is committed to protecting the privacy of personal information obtained in the course of its work with women.

Collection of Personal Information

The Women's Centre collects personal information that is reasonably necessary or directly related to, its provision of services or activities and events.

The specific types of personal information The Women's Centre may collect and hold are personal details and notes that are relevant to the service that you received, for further detail you will receive an information sheet called Taking Care of Confidentiality.

We also collect information that enables The Women's Centre to respond to your issues.

We analyse the data and look at trends to improve our services to you.

Accuracy of Personal Information

The Women's Centre takes all reasonable steps to ensure that any personal information collected is accurate, complete and up to date. If you believe that the information we hold is inaccurate or out of date, you may contact The Women's Centre and we will update the relevant information accordingly.

Use of Personal Information

Personal information will not be used for any other purpose without the consent of its provider, unless The Women's Centre is required by law to disclose that information. We won't sell, trade or exchange your information without your permission.

The Women's Centre will not pass on personal information to any other organisation without your consent, the exception is where we believe you or someone else is not safe.

For research projects The Women's Centre ensures that the release of information is in accordance with any instructions provided by academic ethical clearance committees; and is relevant to furthering The Women's Centre strategic vision and goals. Participants will receive advice regarding the ethical clearance prior to participation in the research.

Security of Your Information

The Women's Centre will take all reasonable steps to protect against the loss, misuse and/or alteration of the information under its control through appropriate physical and electronic security strategies. Only authorised personnel are provided with access to personal information.

Accessing Your Information

This information may be requested by contacting The Women's Centre and we will make your information available within 30 days of the receipt of the request.

Under the Australian Privacy Principles, we can refuse a request of personal information. If we do refuse a request, we will provide the individual with a written notice that sets out the reason (unless it would be unreasonable to do so).

Privacy Complaints

If you wish to make an enquiry about your personal information at The Women's Centre or make a complaint because you believe we may have breached the privacy code that applies to us, please contact The Women's Centre.

As soon as The Women's Centre has been made aware of a complaint that relates to a privacy matter every effort will be made to resolve it quickly and effectively.