



Policy Name:	Confidentiality Policy	Policy Number:	EL0-044
Date Approved:	21 st February, 2018	Approved By:	Management Committee
Date Issued:	22 nd February, 2018	Review Date:	21 st February, 2021

1. Aim

Early Links is committed to maintaining the confidentiality of those involved in Early Links services and activities. Early Links aims to maintain confidentiality by ensuring that all records and information about individual children, families/carers, staff and management are kept in a secure place and are only accessed by or disclosed to those people who need the information to fulfil their responsibilities at the service or have a legal right to know.

The purpose of this document is to set out the expectations to maintain confidentiality. The supporting systems and procedures will ensure that there are guidelines and consistency around how we implement this policy.

2. Scope

This policy applies to children and parents/carers attending or receiving Early Links services, as well as employees, volunteers and contractors.

For the purpose of this policy, confidentiality relates to the transmission of personal, sensitive or identifiable information about individuals or organisations, which comes into the possession of the organisation through its work.

3. Policy

- 3.1 The use or disclosure of personal information will only be for its original collected purpose, unless the individual consents or unless it is needed to prevent a health threat, or is required or authorised under law.
- 3.2 Personal information will be kept in a secure and confidential way, and de-identified or destroyed by shredding or incineration, when no longer needed.
- 3.3 Every employee is required to sign their employment contract which contains details about the confidentiality requirements of each individual as a worker with Early Links.
- 3.4 Personnel forms and employee information will be stored securely in accordance with the Workplace Relations Act 1996 in order to maintain confidentiality.

- 3.5 Information about employees will only be accessed by the General Manager or relevant supervisor and individual staff members concerned. The Finance and Human Resources staff are able to access payroll and contract information about staff to fulfil their duties.
- 3.6 Workers will maintain the confidentiality of other workers by not relating personal information about another worker to anyone either within or outside the Service.
- 3.7 No staff member may give information or evidence on matters relating to children/ and/or their families to anyone other than the responsible parent/guardian, unless prior written approval by the responsible parent/guardian is obtained. Exceptions may apply regarding information about children when subpoenaed to appear before a court of law or in making child protection notifications. Notwithstanding these requirements, confidential information may be exchanged in the normal course of work with other workers at Early Links when this is reasonably needed for the proper operation of the Service and the wellbeing of families and workers.
- 3.8 Confidential conversations that workers have with parents/carers, or the General Manager has with staff members will be conducted in a quiet area away from other children, parents/carers and workers. Such conversations are to be recorded in the child's case notes
- 3.9 Reports, notes and observations about children must be accurate and free from biased comments and negative labelling.
- 3.10 Potential employees – applicants - will be asked for their consent before their references are checked.
- 3.11 All matters discussed at Management Committee meetings will be treated as confidential. All Early Links Management Committee members will be requested to sign a confidentiality agreement.
- 3.12 Students and volunteers will be required to sign a Confidentiality Agreement when they commence with Early Links.
- 3.13 Students/people on work experience/volunteers will not make workers/children or families at the Service, an object for discussion outside of the Service (e.g. university, school, home etc.), nor will they at any time use family names in recorded or tutorial information.
- 3.14 Students/people on work experience/volunteers will only use information gained from the Service upon receiving written approval from the General Manager. If permission is granted, these documents must be de-identified before use.
- 3.15 All information kept on children will be kept in filing cabinets which are locked at all times when not in use and are accessible only by key staff.
- 3.16 All information on USB or external devices will be saved as password protected. Procedures for how to do this will be kept on the share drive.
- 3.17 All information stored on the Early Links share drive is accessible by staff only. Personnel files are also secured and only accessible by the General Manager and Finance and Human Resources staff.
- 3.18 Parents/carers will be asked to indicate whether they consent to information being shared with other agencies/professionals on the 'Parent Consent Form' as part of the Enrolment process. Consent must be given before any information is shared with other agencies or third parties. An exception to this is sharing information to comply with Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998

which provides for the sharing of information that relates to the safety, welfare or wellbeing of a child with other prescribed agencies. This information can be provided without the consent of the family.

- 3.19 Non-compliance with this policy will be dealt with under the Feedback and Complaints Policy (where a breach is related to a family), the Staff Grievance Policy (where a breach is related to a staff member) and/or Staff Performance, Support and Management Policy.

4. Advocacy/legal advice/independent support

Early Links welcomes the inclusion of support for families which is external to the organisation, to assist families in their interactions with Early Links. Assistance may be provided by a friend, family member, staff member, translator, community visitor, advocate or anyone else who is acceptable to the family / person. Where necessary, Early Links will offer assistance to a family by making a referral to an advocacy service with the consent of the family.

5. References

Disability Service Standards

Standard 1 – Rights	
Practice Requirement 1	Each person is aware of their rights and can expect to have them respected
Practice Requirement 2	Service providers are to uphold and promote the legal and human rights of each person
Standard 6 - Service Management	
Practice Requirement 1	Each person receives quality services which are effectively and efficiently governed
Practice Requirement 2	Each person receives quality services that are well managed and delivered by skilled staff with the right values, attitudes, goals and experience

National Regulations

Regs	181	Confidentiality of records kept by approved provider
	181-184	Confidentiality and storage of records

Education and Care Services National Regulation

Privacy Act 1988

Australian Privacy Principles

Privacy Amendment (Enhancing Privacy Protection) Act 2012

United Nations Convention of the Rights of a Child

Freedom of Information Act 1989

All hard copy documents are uncontrolled.

Child Protection Act 1998
 NSW Children and Young Person's (Care and Protection) Act (1998)
 Children Legislation Amendment (Wood Inquiry Recommendations) Act (2009)
 NSW Disability Service Standard 1

6. Persons Responsible

All employees are responsible for:

- Implementing this policy
- Recording documentation in an accurate and strengths based way
- Maintaining Confidentiality responsibilities as outlined in employment contract
- Ensuring child files are secure to maintain confidentiality (hard copy and soft copy files)

General Manager is responsible for:

- Ensuring confidentiality agreements are upheld by all workers
- Organising for Confidentiality Forms to be signed by volunteers/students and Management Committee members

Management Committee is responsible for:

- Approval of this policy.

7. Definitions

Management Committee– the governing body of Early Links, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation

Family – refers to the parents/caregivers of the children that receive support from Early Links

Early Links – all Early Links Incorporated services and programs

Staff – refers to employees and volunteers of the organisation

General Manager – person responsible for supervising all staff members

Visitor – any person who is visiting an Early Links service who is not a staff member, client or family

Worker – anyone who is carrying out work, in any capacity, for Early Links. This includes employees, contractors/subcontractors and their employees, labour hire employees engaged to work in the organisation, outworkers, apprentices, trainees, students on work experience and volunteers

This document must be read in conjunction with the Policies and Procedures that it supports.

Commencement With Service Policy	ELP-016
Family Law and Access Policy	ELP-018
Record keeping and Retention Policy	ELP-019
Child Protection Policy	ELO-002
Social Networking Usage Policy	ELO-016
HIV / AIDS Policy	ELO-019
Confidentiality Policy	ELO-044
Privacy Policy	ELO-022

All hard copy documents are uncontrolled.

Feedback and Complaints Policy	ELO-091
Medical Conditions Policy	ELP-008
Providing Client Advocacy & Support Policy	ELO-045
Staff Grievance Policy	ELO-040
Social Networking Usage Policy	ELO-028
Conflict of Interest Ethics Policy staff	ELP-036
Staff Handbook	