

CONFIDENTIALITY POLICY

PREAMBLE

The Policy document on the aims and principles of Community Information & Support Victoria Incorporated (CISVic) states that members provide a free, confidential, impartial and independent service.

Staff obtain information about clients which they would not have if they were members of the public. They gain this information because of their position in providing a confidential service. Therefore, confidentiality procedures apply to this information. This in no way means that staff condone any illegal matters or plans of a client. If a client commits a crime on an agency's premises, they forfeit all rights to confidentiality.

DEFINITION

The Maquarie Dictionary defines "confidential" as "spoken or written confidence; in secret; entrusted with secrets or private affairs."

Confidentiality exists when private matters are revealed in complete trust. To keep that trust, member agencies provide a confidential service.

POLICY STATEMENT

No details learned from a client, or the fact that the client has contacted the agency, will be passed on to anyone outside the service without permission from the client.

IMPLICATIONS OF THE CONFIDENTIALITY POLICY

This principle has consequences in a number of situations:

1. CLIENT INTERVIEWS

Agencies should provide such facilities as are necessary to ensure that interviews with clients cannot be overheard by any other person.

2. DISCUSSION OF CASES

All agency members (including the Committee of Management) must sign the CISVic Code of Ethics.

a) Within the agency

Since the client's approach is to the service rather than to an individual worker, discussion of cases either with colleagues or ancillary service workers who have signed the CISVic Code of Ethics, is acceptable. Case discussion can be a useful way of ensuring the provision of a high quality service to clients.

b) Within the Committee of Management

If matters of concern relating to a client need to be brought to the attention of the Committee of Management, the client must not be identified unless absolutely necessary.

c) With trainees and students

Trainees, students and anyone else working in the agency in a similar role should sign the CISVic Code of Ethics because they may have access to confidential material. Trainees must be informed that they must not discuss specific clients in any training session.

d) Between agencies

Discussion of cases or clients between member agencies is acceptable provided all participants have signed the CISVic Code of Ethics. It is recommended that clients be advised that such communication will take place. Any agency has the right to withhold information from another agency if they consider it to be in the client's interest.

e) Between an agency and CISVic

CISVic staff and members of the Committee of Management and its Sub-Committees all sign the Code of Ethics. Therefore, discussions of cases between member agencies and CISVic is acceptable.

3. SAFEKEEPING OF AGENCY RECORDS

All client records are treated as confidential and must be locked away at all times when the agency is not staffed.

Care must be taken in the handling of records when the agency is open. Confidential material should not be able to be seen by members of the public.

The Statute of Limitations for civil actions is six years. Client records should therefore be retained for at least six years. Arrangements should then be made for the secure destruction of confidential records, preferably by burning, shredding or commercial disposal.

Ancillary service workers or specialist advisers are restricted to their own case records or only such client information as is directly relevant to matters being handled by those workers.

An agency's resource file may be accessible to individuals or community groups. Therefore, no client information should be held in the same location.

Such an arrangement should extend to the addresses of women's refuges or similar services, whose location must be kept secret.

4. CLIENT STATISTICS

One of the aims of member agencies is "to exercise a responsible influence on the development of social policies and services" by making statistical information available for planning and advocacy. During the transfer of such information, no details must be given which would breach confidentiality by enabling clients to be identified.

5. NEGOTIATION, ADVOCACY AND REFERRAL ON BEHALF OF A CLIENT

When a staff member is acting on behalf of a client, it may be considered necessary to supply the name, address or telephone number of the client to a third party. If permission is not given, the staff member must respect the client's right to withhold those details.

The staff member must be careful not to breach confidentiality when seeking information from another agency by inadvertently identifying the client either by name or by description without their permission.

6. EMERGENCY RELIEF

In the administration of Emergency Relief, the client's right to confidentiality must be respected. In seeking assistance from another agency for a client, no details concerning the client may be given without the client's permission.

7. DISCLOSURE OF INFORMATION TO OTHER AGENCIES

Should approaches be made by non-member agencies or organisations for information about a client, they should be advised about the CISVic policy of confidentiality, where information cannot be given without a client's permission.

8. PROCEDURE TO FOLLOW IN EXCEPTIONAL CIRCUMSTANCES

It is extremely rare for there to be any justification for a breach of confidentiality. What appears, at the time, to be a reason for a breach of the policy may prove to be unnecessary. On further examination alternative action may be more appropriate.

If a staff member has any doubt about the maintenance of confidentiality in any situation, the following procedures should be followed:

- a) A staff member who is faced with a situation where there appears to be a conflict between the duty of a responsible citizen and the need to preserve confidentiality, must first consult the Co-ordinator or some other person nominated within the agency.
- b) If a decision is made to breach confidentiality CISVic must be contacted.
- c) If time constraints make contact with CISVic impossible, and staff decide that action is imperative, any breach of confidentiality must be reported to CISVic as soon as possible thereafter.
- d) All enquiries to CISVic about possible breaches of confidentiality must go directly to the Executive Officer or the President. If present, the Executive Officer or President will give priority to answering such enquiries. If absent, the enquiry will be referred to a member of the CISVic Executive who will act instead.

9. CRIMINAL OFFENCES IN AN AGENCY

a) Precautionary measures.

Agencies should take all possible precautionary measures to prevent an offence being committed on the premises.

These measures should include:

- keeping all bags and valuables out of sight;
- rostering more than one person at a time;
- organising the layout of interview rooms so that agency staff are within easy access of each other and have an easy exit;
- installing, if necessary, an alarm system between parts of the building.

b) Violence

If a staff member appears to be in imminent danger of injury from a client which cannot be resolved with the assistance of co-workers, it may be necessary to call the police. The physical protection of the agency and all people therein is a consideration which overrides confidentiality.

If an act of violence is committed on agency premises, staff should contact the police. If there is any question of proceedings being taken against the offender, the police may take the names and addresses of those present. It must be made clear that these are disclosed solely because an offence has been committed. The CISVic Confidentiality Policy must be explained to the police who should be asked not to record the names of those not directly involved.

c) Other criminal offences within the agency

In the case of any other offence within the agency, consideration should be given to involving the police only when there is definite evidence rather than a suspicion of an offence having been committed. In such a case, the procedure in Section 8 should be followed.

10. DISCLOSURE OF INFORMATION TO THE POLICE OR COURTS

There is no legal duty on the part of the agency or its staff to disclose information about clients to the police. If a client provides information to a staff member which indicates involvement in criminal activity, information must be kept

confidential. Discussions of options should include the possibility of the client going to the police or other authorities.

In situations where it appears that a client's intended course of action may involve a criminal offence, the staff member should encourage the client to consider other possible actions. If a client persists in an intention to be involved in a criminal offence, the staff member may wish to tell the client that they feel uneasy about discussing a criminal action and would like to terminate the interview.

There is no duty in law to disclose a criminal offence, committed or intended. It is an offence to assist a criminal, or intending criminal, or to withhold information for a reward of some kind.

If an agency is approached by the police for information about a client, the agency should explain the policy of confidentiality, point out that no detail learned from a client, including the fact of any visit they have made, can be divulged without the client's permission.

If the police are convinced that information being withheld from them by the agency is vital to their case, they can apply to the court of a subpoena.

A staff member subpoenaed as a witness has no privilege to protect themselves from divulging in court any matter which has come to their knowledge in the course of their agency work. In this respect, they stand in exactly the same relation to the courts as any other individual, except a lawyer. When called to give evidence they should first make a statement that the information was obtained during a confidential interview and ask the judge or magistrate whether, after such an explanation, they are required to give evidence. If the judge rules that evidence must be given, the staff member would then be in contempt of court if they refused.

During legal proceedings relating to the defendant's visit to the agency, the protection of the confidentiality of other clients who have visited the agency on a particular day is essential. If records are ultimately produced in court as a result of subpoena, the court should be asked to treat them in such a way that only the pertinent matter is revealed to the court.

CISVic CODE OF ETHICS

Applicability

Please note that solicitors, accountants and social workers have an equivalent code of ethics of their own.

A Declaration of Confidentiality is attached.

The full CISVic Code of Ethics must be signed by:

- CISVic accredited agency workers and trainees.
- Administrative workers and receptionists who work in the agency on a regular basis.
- Students on placement in the agency.

A copy of the CISVic Code of Ethics is attached.

CODE OF ETHICS

**FOR A MEMBER OF A COMMUNITY INFORMATION & SUPPORT CENTRE
OR
CITIZENS ADVICE BUREAU**

I, agree to abide by the
Code of Ethics of CAB or
Community Information & Support Centre as expressed in the following
statements.

1. CONFIDENTIALITY

I will respect and safeguard the rights of agency clients to confidentiality, as stated in the CISVic Policy on Confidentiality, which I have read and understood.

I will not give any information about a client to anyone outside the CISVic service unless I have the permission of the client involved.

I will maintain confidentiality after the termination of my connection with the agency.

2. IMPARTIALITY

I will accept the responsibility of providing an impartial service as stated in the CISVic Policy on Impartiality and Objectivity, which I have read and understood.

I will relate to clients impartially, regardless of factors such as race, creed, political views or lifestyles.

I will provide information and referral impartially on any subject.

I agree that the agency has a responsibility to collect and store information in an impartial manner.

3. SELF-DETERMINATION OF THE ENQUIRER

I affirm the right of agency clients to make their own decisions.

***4. ROLE OF A COMMUNITY INFORMATION WORKER**

I will provide only those services for which I have received training for Community Information work.

5. PROTECTION OF INTERVIEWER'S PRIVACY

I will operate as an agency interviewer only at times and places officially approved by the Management Committee of the agency and will not give my address or telephone number to any clients.

6. GRATUITIES, PERSONAL, FINANCIAL, MATERIAL ASSISTANCE TO ENQUIRERS

I will in no circumstances receive payment or gratuities from clients for services rendered.

I will not provide clients with any material or financial assistance from my personal resources but will refer them to appropriate agencies.

7. PUBLIC STATEMENTS

I will not make public statements about the agency, its personnel, policies or services without the authority and permission of the agency's Committee of Management.

8. RESPONSIBILITY TO COMMITTEE OF MANAGEMENT

I will at all times be subject to the agency's Rules of Incorporation, the policies and decisions of the agency's Committee of Management and any other rules or regulations that the committee may from time to time make current and operative.

If the committee terminates my services, or if I resign from the service, I will regard as binding upon me all pledges of trust and confidence appropriate to my previous position as a member of the agency.

In the event of my contravening any of the provisions of this Code of Ethics the Committee of Management may terminate my services.

9. ACCEPTANCE OF THE CODE OF ETHICS

I will subscribe to this Code of Ethics. I will upon appointment and prior to the commencement of duties, sign this Code of Ethics and copies shall be retained by the agency Committee of Management and myself.

*** Paragraphs 4 and 5 apply only to interviewers.**

Signed _____
Full Name _____
Date / /

Witness _____
Position _____

DECLARATION OF CONFIDENTIALITY

For workers in Ancillary Services of Community Information & Support Centres

1. I will respect and safeguard the rights of the agency's clients to confidentiality, as stated in the CISVic Policy on Confidentiality which I have read and understood.
2. I will not give any information about a client to anyone outside the CISVic service unless I have the permission of the client concerned.
3. I will maintain confidentiality after the termination of my connection with the agency.

Signed _____

Full Name _____

Date / /

Witness _____

Position _____

Agency _____

PRIVACY POLICY

To help individuals better understand the personal information we gather and the practices we employ, Community Information & Support Victoria Inc (Registration Number A0002124L), and its member agencies have developed a **Privacy Policy** that covers the following areas:

- Information collected;
- Use and disclosure of information;
- Accessing and updating information;
- Security; and
- Contact details

CISVic and its member agencies are committed to protecting the privacy of your personal information. This Privacy Policy sets out our personal information management practices.

Throughout this Privacy Policy, we refer to your 'personal information' which means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Your home address and home telephone number are examples of personal information.

CISVic and its member agencies comply with the Information Privacy Principles set out in *Information Privacy Act 2000* (Vic) and any other applicable laws to protect your privacy.

INFORMATION COLLECTED

We only collect personal information that is necessary for our functions and activities, or the functions and activities of our member organisations. We will not collect personal information in an unfair, unlawful or unreasonably intrusive manner.

Generally, we try to collect personal information directly from individuals, however there are certain situations in which we may collect personal information about individuals from someone else. In either case, we will take reasonable steps to ensure that the individual is aware of the purposes for which the information is collected.

If we are not provided with personal information requested, we may not be able to fully carry out our functions and activities.

USE AND DISCLOSURE OF INFORMATION

We will use or disclose personal information which we collect:

- in accordance with this Privacy Policy;
- in accordance with the Information Privacy Principles;
- where you have consented to the use or disclosure; or
- for the main purpose(s) for which we collected it, or for related purposes which you would reasonably expect, which may include:
 1. Subject to the *Information Privacy Act 2000* (Vic), to provide you with information relating to CISVic and its member agencies or details about our services that may be of interest to you, unless you have previously advised us that you do not wish to be contacted for those purposes;
 2. Purposes related to CISVic and its member agencies' research (including market research), planning, service development, security, testing, and risk management;
 3. To assist CISVic member or related organisations in planning and delivering services; and
 4. Where a third party acquires, or wishes to acquire, an interest in CISVic.

We may provide the information we collect to third parties, only with your consent to do so. The type of third parties to whom we would usually disclose that personal information may include:

- Organisations which are member organisations of or otherwise associated with CISVic, who adhere to privacy policies similar to those contained in this Privacy Policy;
- Other individuals who assist us or our member organisations in delivering our services;
- Our service providers who assist us in running various aspects of our business, for example internet and technology service providers,

communications and media companies, professional advisors and our auditors, mail houses and delivery companies; and

- Organisations with whom we have co-promotional arrangements (and any agents used in administering such arrangements).

We may otherwise use or disclose personal information where required or authorised by law, which may include emergency situations and assisting in law enforcement.

ACCESSING AND UPDATING INFORMATION

If an individual wishes to request access to or to correct any personal information we hold about them, they may contact us using the 'Contact Details' set out below. Individuals should provide as much detail as possible about the particular information sought, in order to help us retrieve it. An access fee may be charged to cover our costs of providing the information. In certain circumstances, we may not be required by law to allow access to or correction of personal information. If that is the case, we will provide our reasons for that decision.

We always take reasonable steps to make sure that the personal information we collect, use and disclose is accurate, complete and up-to-date.

SECURITY

We always take reasonable steps to protect all of the personal information we hold from misuse and loss and from unauthorised access, modification or disclosure. This protection applies in relation to information stored in both electronic and hard copy form.

CONTACT DETAILS

If you have any questions or feedback about privacy, or you wish to make a complaint about the way in which we handled your personal information, please contact us as set out below:

Email: admin@cisvic.org.au

Phone: 03 9672 2000

Address: Suite 209, Level 2, 343 Little Collins Street, Melbourne 3000

IMPARTIALITY AND OBJECTIVITY POLICY

1. Member agencies of Community Information & Support Victoria are available to everyone, and information about services is provided in an impartial and objective manner. This includes the collection and provision of community information.
2. The provision of an impartial and objective service requires that agency staff should recognise their own prejudices and take action to control their feelings and opinions when dealing with a particular enquirer.
3. Services shall be provided in a non-judgemental manner regardless of a person's cultural background, religion, political beliefs, gender, sexuality etc.
4. Service shall be provided without prejudice and in the best interests of the client.
5. The image of Community Information & Support Centres should reflect the impartial nature of the service and be accessible to all members of the community.
6. When parties involved in a dispute approach agencies for advice, each party should be advised in an impartial and objective way.

ACCESS AND EQUITY POLICY

Attachment 6.1: Application of the Access and Equity Policy for CISC services to people from non English speaking backgrounds (NESB)

PREAMBLE

The first aim of Community Information Centres is to ensure that individuals and groups have equal access to information about their rights, responsibilities and the services available, in order that they can be independent and effective members of their community.

In order to meet this aim, the ways in which information is provided and agencies are managed should take into account the special needs of particular groups in the community.

POLICY STATEMENT

A proactive approach is necessary to ensure that information services are available to all groups in the community.

DEFINITIONS

Access and equity practices mean that:

- the provision of information and referral takes into account barriers which inhibit access to information or services; and
- means are developed and implemented to overcome these barriers.

A **proactive approach** includes actively seeking out clients, information to meet their needs, and ways of improving services.

PRINCIPLES

1. Impartiality, objectivity and non-discrimination are basic principles of the Association.
2. A Community Information & Support Centre should operate in a way which promotes access and equity to particular groups in the community.

3. A Community Information & Support Centre should operate according to the principles of Equal Opportunity in the delivery and management of services. Equal Opportunity means not directly or indirectly discriminating against people on the grounds of sex, race or ethnic origin, marital status, parental status or pregnancy, impairment or political belief and activity.
4. A Community Information & Support Centre should be involved in community consultation.

APPLICATION OF THE ACCESS AND EQUITY POLICY FOR CISC SERVICES TO PEOPLE FROM NON ENGLISH SPEAKING BACKGROUNDS (NESB)

STRATEGIES

A Community Information & Support Centre should develop appropriate strategies for managing the following issues:

- identification of NESB groups in the community
- cross cultural skilling of workers
- the composition of the Community Information & Support Centre at management and worker levels to reflect the diversity of its community
- signage and promotion of services in community languages
- appropriate information in accessible formats for non-English speaking people
- programs and facilities for communication with people of non-English speaking backgrounds
- use of a Community Information & Support Centre by different NESB groups in the community

EVALUATION

A Community Information & Support Centre should monitor and evaluate its operation in regard to:

- client use of the agency
- consultation with other community organisations about the needs of different groups and the effectiveness of different strategies
- the skills of workers
- the range of information held and its provision in community languages
- participation in the operation and management of the agency by a representative cross section of the community served