

## 1.1 Confidentiality and Privacy Policy

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Effective from: 21 February 2023

Next Review: 21 February 2025

### POLICY STATEMENT

The purpose of this policy is to explain how employees are expected to manage confidential and sensitive information in Yadu Health Aboriginal Corporation (YHAC).

### RELATION TO OTHER DOCUMENTS

Code of Conduct.  
YHAC Privacy and Confidentiality Guidelines including Procedures.  
10.1 Storage and Use of Client Information Policy.

### SCOPE

This policy applies to all YHAC employees, including Board members, contractors and volunteers who may have access to confidential information.

### DEFINITIONS

**Confidential information** is information, which is personal and sensitive information, and is not known publicly and is legally privileged.

### LEGISLATION

Privacy Act, 1988.  
Australian Privacy Principles.  
Freedom of Information Act, 1982.  
Fair Work Australia.  
Privacy Amendment (Notifiable Data Breaches) Act 2017.

### POLICY

YHAC is committed to protecting and maintaining the privacy of clients and their families, YHAC members, employees, Board members and contractors, to maintain the confidentiality of the person's information.

All stated people are entitled to be treated with respect and dignity pertaining to the use and protection of the handling of sensitive information, so their privacy remains confidential, that is commercially sensitive, is not known publicly and is legally privileged information.

The Privacy and Confidentiality Policy applies to all personal, health or sensitive information about individuals, collected, used, stored, disclosed, shared and destroyed by YHAC, regardless of the format of the information.

It also applies to organisational information which is not to be used or disclosed by Board Directors, contractors, employees or volunteers.

This policy applies to current and past YHAC employees, including Board members, contractors and volunteers who may have access to confidential information, which means:

- you must not disclose confidential or sensitive information to anyone outside of YHAC.
- non-disclosure of confidential and sensitive information to other YHAC employees or contractors requires high level approval.
- you must immediately report any breach of obligations of confidentiality when you become aware of a breach.

Confidentiality is an important principle in business because it functions to impose a boundary on the amount of personal information and data that can be disclosed without consent.

All employees are bound by the ethical and legal rules of confidentiality. There can be no deviation from these rules, as legislation safeguards these rights and considerable penalties apply.

All aspects of client records are confidential. This includes name, address, telephone numbers, medical notes, investigations, reports or results. 'Sensitive information' is a subset of a client's personal information and must be treated with the highest privacy safeguards.

All aspects of YHAC's business and corporate information is confidential, and includes all information relating to staff members and conditions of employment. On commencement of employment, all employees must electronically sign the confidentiality and privacy policy within the Human Resources software (Employment Hero) to acknowledge their understanding and acceptance of this policy.

If confidentiality and privacy is breached, any victim of the breach may have legal grounds for action of damages and the staff member concerned will be instantly dismissed.

Written consent is needed for release of the following information:

- Medical record details.
- Financial details.
- Referral information.
- Deceased patient medical records requires written consent from the next of kin or Executor of the Will before the information can be released.

Written consent is also needed for any information to be given at the request of:

- Legal representation (e.g. solicitor, lawyer, counsel, barrister).
- SAPOL.
- Social Welfare.
- Health Insurance agency.
- Employer.
- Specialists/ Doctors/ Pathology companies.

No consent is needed for information to be given in respect of:

- Subpoena for court.
- Notifiable diseases for the Health Department.
- 'Justifiable' emergency situations.

- Only relevant and necessary information is to be given.

In compliance with the privacy legislation employees of YHAC will inform clients that:

- Information collected about clients requires their consent; and
- Why, how and who YHAC discloses information to.

YHAC has a strict no tolerance policy on breach of confidentiality and privacy, any breach of this will result in instant dismissal.


Information regarding the service must not be posted on Social Networking pages as this may result in a deliberate or inadvertent breach of confidentiality and privacy, unless approved by management for work purposes.

Refer to the Storage and Use of Client Information Policy for more detailed information on the use and disclosure of personal information.

## RIGHTS AND RESPONSIBILITIES

It is the responsibility of all YHAC employees to adhere to this policy and report any known breaches of confidentiality to their immediate Manager and/or the CEO.

## DOCUMENT CONTROL

Policy Area	Corporate
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