

Privacy and Confidentiality



Created:	10/12/2019	Modified:	12/12/2024
Policy Number	2.2	Page:	Page 1 of 5

System: Governance

Responsible Person/s:

Directors

Managers/Team Leaders

All FCS's Employees, Contractors, and Volunteers

Purpose:

The purpose of this policy is to provide information about how FCS ensures that the privacy and confidentiality of all people involved with the organisation, or of those who have contact with FCS is maintained at all time in accordance with the Australian Privacy Principles (APPs) and the requirements of the *Privacy Act 1988 (Privacy Act)*, *The Privacy Amendment (Enhancing Privacy Protection) Act 2012* which amends the *Privacy Act* and the *Information Privacy Act 2009 (Qld) (IP Act)*. In this policy considerations are also given in the context of NDIS and the provision of services to vulnerable people.

Scope:

This policy applies to all FCS's clients, employees, subcontractors, consultants, volunteers, Stakeholders, Beneficiaries, business partners and "online users".

Definition

- **Online users** are defined as anyone who accesses FCS's online content (not limited to FCS's website and social media).
- **Data Breach:** An incident whereby Personal information is being disclosed either deliberately or not to an unauthorised party, which might cause harm.
- **Personal information:** All information collected about an individual, including but not limited to details about the individual, Health-related information and notes.

General:

To provide effective, high-quality service for business purposes and maintain appropriate accountability, FCS is required to collect, store, and sometimes share relevant personal and private information about individuals, including, but not limited to, clients, staff, and volunteers.

FCS is committed to protecting and upholding the rights of its clients, staff, and volunteers, as well as their privacy and confidentiality. This means that we ensure no personal information 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.

Version Control	Current	Previous	Previous	Prior	Initial
Privacy and Confidentiality V2.2	12/12/2024	13/10/2022	19/09/2022	N/A	10/12/2019

Privacy and Confidentiality



Created:	10/12/2019	Modified:	12/12/2024
Policy Number	2.2	Page:	Page 2 of 5

To uphold the rights of clients, staff and volunteers to confidentiality and privacy, all employees and volunteers must demonstrate an appropriate level of understanding of:

- Confidentiality, including limits to confidentiality and obtaining clients', staff and volunteers consent to share information about them.
- FCS's processes for providing information to people using or working in our services.

FCS acknowledges it works in a complex environment where information management can be a question of life and death and where information cannot be shared without clear rules and guidelines.

Our principles for ensuring confidentiality are:

- Only information that is required for service provision is gathered.
- Information is safely recorded and stored within a controlled environment.
- Information is only shared when necessary.
- Information is only shared with the right person and in the correct format.
- Information is discarded when not necessary.
- FCS abide by the law regarding the storage and keeping legal information.

In line with the Australian Privacy Principles (APPs) FCS will ensure:

- Open and transparent Management of Personal Information.
- That we have an up-to-date Privacy and Confidentiality procedure about the management of personal information which contains the following information:
 - The kinds of personal information that FCS collects and holds.
 - How FCS collects and holds personal information.
 - The purposes for which FCS collects, holds, and discloses personal information.
 - How an individual may access personal information that is held and seek correction of such information.
 - How an individual may complain about a breach of the Australian Privacy Principles (APPs) and how FCS will deal with such complaints.
 - Whether or not FCS is likely to disclose overseas.
 - Availability of Privacy Policy (free of charge and in such form as appropriate i.e. on website).

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Created:	10/12/2019	Modified:	12/12/2024
Policy Number	2.2	Page:	Page 3 of 5

Privacy and confidentiality in the context of employment

- Employees' information and how the organisation manages privacy and confidentiality are provided at onboarding.
- All employees are requested to confirm they understand that in the context of their work, they will have to manage privacy and confidentiality, in particular that of the clients they work with.
- Employees are forbidden to discuss or disclose personal, identifying, and sensitive information about FCS's clients with anyone who is not directly involved in service delivery.
- Employees must be sensitive in discussing personal details regarding themselves and clients with other staff and/or stakeholders.
- FCS will ensure sufficient training is provided to employees to ensure they understand their legal obligations as well as how privacy and confidentiality are maintained in the workplace, including when dealing with stakeholders.

Privacy and confidentiality in the context Service Delivery

- Information about clients and how we treat their personal information is provided to them at intake.
- When applicable, individuals will be offered the right to opt out of consenting and provide their personal details.
- When and if needed, Clients will be asked if they consent for their personal data to be shared. Consent or not will be recorded in writing for audit purposes.
- Personal information will only be gathered for and used for the purpose of service delivery by FCS and will not be shared outside the organisation without clients' explicit consent unless required by law (e.g. reporting assault, abuse, neglect, criminal activity, or where a court order is issued).
- A confidentiality and consent form will be completed upon intake, whereby the client will be able to record who they want to be able to access their personal data.

Security of information

- Individual data captured in the context of FCS's business is stored safely. This is electronic data is only accessible using a protected password system and/or encrypted.
- Access to Client information is limited to FCS employees who work with this client or to those who must access the data to deliver contracted services.

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Privacy and Confidentiality



Created:	10/12/2019	Modified:	12/12/2024
Policy Number	2.2	Page:	Page 4 of 5

Data Breach

- If a breach occurs, a critical incident will be raised.
- In accordance with FCS risk Management framework, FCS will assess the seriousness of the incident.
- If the breach is eligible, it must be reported to the regulator the Office of the Australian Information Commissioner OAIC.
- <https://www.oaic.gov.au/privacy/notifiable-data-breaches/report-a-data-breach>

Use of clients and staff image, likeness and/or recordings

- FCS will ensure that it obtains consent before using any recording/images of employees, clients and third parties.
- Overall, consent will be obtained in writing and stored in accordance with FCS policies. In some specific circumstances, as defined in the FSC procedure, verbal consent will be accepted.
- FCS will provide a generic consent form to all clients for approval via its service agreement.
- FCS will provide a generic consent form to all employees as part of the onboarding process.
- FCS will ensure that all materials used have received consent prior to being used.
- FCS will ensure that all material is used for the purpose for which it was approved.
- FCS will ensure it does not publish material for which it has not received specific consent.
- All material used for marketing and published in the public domain must receive specific consent.

Access to personal data/correction

- Individuals can request access to their own data.
- Requests for access or corrections should be made in writing to relevant service managers. This is necessary to ensure that personal information is provided only to the correct individuals and the privacy of others is not undermined. FCS will take reasonable steps to provide access to the information requested within five working days of the request.
- In the context of FCS business activity, FCS might request that individual information be shared. (i.e. government funding bodies, report to agencies). In this case, information might be provided in a de-identifiable format and only to the extent of FCS's obligations.

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Created:	10/12/2019	Modified:	12/12/2024
Policy Number	2.2	Page:	Page 5 of 5

Electronic Data Public Notice

FCS publish on its website a notice (FCS's *Privacy Statement*) which explains how we manage users' data in particular electronic data.

Related Documents:

FCS Privacy Statement

FCS Privacy procedure

FCS Public Notice

References:

Disability Services Act 2006 (DSA 2006)

Australian Privacy Principles (APPs)

Privacy Act 1988 (Privacy Act),

The Privacy Amendment (Enhancing Privacy Protection) Act 2012

Information Privacy Act 2009 (Qld) (IP Act).

Scheduled Review Date:

This policy will be reviewed as required, or no later than within five (5) years from date of authorisation.

Authorisation:

- Originally approved by Managing Director 10/12/2019
- Reviewed by GM on 19/09/22 with further changes approved on 06/10/2022

Changes History:

Date	Summary of changes	Responsible individual
19/09/2022	Update of the policy	Mickael Blanc
20/09/2022	Review	Jay Harrison
13/10/2022	Review	Mickael Blanc
12/12/2024	Review suggested by NDIS auditor as part of best practice	Mickael Blanc
20/01/2025	Reviewed	Jay Harrison CEO

Version Control	Current	Previous	Previous	Prior	Initial
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