

## CORP12 - Privacy & Confidentiality Policy & Procedures

### POLICY

The right of persons to privacy and confidentiality is recognised and respected at all times.

### SCOPE

This internal policy concerns personal and health information collected by BGT for the purpose of providing services to clients, verifying credentials and fulfilling statutory obligations. It applies to everyone who works at BGT - Board Members, employees, contractors, volunteers, apprentices and trainees.

### DEFINITIONS

<b>Privacy</b>	The right of any individual to have personal and health information used only for authorised purposes
<b>Confidentiality</b>	The right of any individual to have their personal information kept in confidence
<b>Personal Information</b>	Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained, from the information of an individual
<b>Health Information</b>	Information or an opinion about the physical, mental or psychological health of an individual
<b>Consent</b>	Informed voluntary agreement by the individual or authorised representative regarding the use and disclosure of personal information.
<b>Privacy Officer</b>	A person designated to handle feedback and enquiries about personal information handling practices.

### PRINCIPLES

Collection and use of personal and health information will be limited to that which is necessary for the delivery of services and the effective functioning of BGT.

BGT will only collect personal information directly from the person it relates to.

Personal and healthcare information may be accessed, used and/or disclosed only for the primary purpose for which it was collected.

Disclosure of personal and health information to a third party is not permitted without the person's consent.

Where disclosure of personal/health information is requested by a third party, the requester identity and their right to receive the information must be verified.

Staff will ensure that conversations regarding personal and health information are necessary, factual and conducted with authorised personnel and conducted with discretion away from the public area.

Staff shall comply with systems in place to protect personal and health information from unauthorised access and disclosure, misuse, loss, modification and wrongful deletion or destruction.

Confidential paper and electronic records and documents must be secured away from unauthorised access and public view. A person entering a restricted area will be accompanied at all times.

Staff must not share logons and passwords to systems containing personal or health information.

Confidential information that does not need to be retained in accordance with legislation must be disposed of in labelled and locked Confidential Disposal bins. It must not be placed in general recycle bins or general rubbish.

Disclosure of personal/health information is permitted where required by legislation.

You have a right to request access to personal information held by BGT about you. You also have the right to request correction of any personal information that we hold.

## **RESPONSIBILITY**

It is the responsibility of each Board Member, employees, contractors, volunteers, apprentices and trainees to comply with the requirements of this policy and associated procedures at all times and to raise any concerns regarding privacy and document management with their manager.

It is the responsibility of Management to ensure that employees are aware of and abide by this policy and to monitor employee compliance at all times.

At BGT the CEO is appointed as the Privacy Officer.

Failure to comply with this policy may result in disciplinary action, including dismissal, or prosecution, if in breach of any section of the relevant Acts.

## PROCEDURES

### **Informing clients of the BGT privacy and confidentiality policy**

On commencement of services, staff must explain the BGT privacy and confidentiality policy to clients including what information is collected and why it is collected, our obligation to protect the information and how to make a complaint about a potential breach.

### **Informing clients of information collected to meet statutory/contractual obligations**

As a contracted service provider to the Commonwealth Government of Australia and Victorian State Government to provide education, training, employment and associated services, BGT may be required to collect the personal and health information for the Commonwealth and State Government departments and funding bodies including:

- Full name
- Tax file number
- Date of Birth
- Language(s) spoken
- Country of birth
- Disability Status
- Address
- Indigenous Status
- Telephone Number
- Education Achievements
- Contact Details
- Employment Details (past and current)
- Medical Assessments and Reports
- Police Checks (if applicable)
- Credit Card Details (if applicable)

This information will be outlined on commencement of our services.

### **Completing registration and consent forms**

Consent for the collection of personal and health information is sought through relevant registration and consent forms, including but not limited to:

- Springboard Registration and Consent Form
- Reconnect: Engagement and Learner Supports Registration Form (aged under 18 years and aged 18-24 years)
- Consent to collect and disclose personal information (photographs & images of people).

### **Provisions for individuals seeking to access their own records**

An individual requesting access to their own personal information will be required to verify their identity and specify what information they require.

A fee may be charged for provision of access. BGT will advise the individual of the likely costs in advance.

### **Disclosure to a third party**

Staff must not disclose any personal or health information unless:

- the requester identity and their right to receive the information has been verified
- consent form has been signed by the individual or

- the disclosure is in accordance with any statutory/contractual obligations

### **Disclosure to job applicants**

Explain to job applicants that as part of the recruitment process we collect personal information such as:

- current and/or previous employers
- referees as nominated by the individual
- Working with Children Checks
- Police Checks

Assure job applicants that this information is handled confidentially and BGT take all reasonable measures to protect this information.

### **Handling information collected from the BGT Website**

Information collected through the BGT website will be identified and a third party will be used to analyse traffic at the website.

### **Maintaining confidentiality**

Staff must keep personal and health information in the strictest confidence and act in good faith towards BGT to prevent (or if impractical, report) the unauthorised disclosure of any confidential information.

### **Lodging complaints**

Any person who on reasonable grounds believes that this policy has been breached may make a complaint, in writing, to BGT's Privacy Officer specifying details of the alleged breach at the following address:

CEO  
25-39 Barkly Street, Ballarat  
Ballarat 3353 Victoria  
Phone: 03 5333 8600  
Email: [ceo@bgt.org.au](mailto:ceo@bgt.org.au)

It is requested that the written complaint be forwarded within a timely manner so a formal investigation can be made.

The Board will be notified of the complaint at the next Board meeting or if deemed appropriate due to its nature, the CEO should notify the Board Chair within one business day.

Complaints will be investigated in line with BGT's Complaints and Appeals Policy.

## RELEVANT LEGISLATION

- Privacy Act 1988
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Privacy and Data Protection Act 2014
- Health Records Act 2001
- Mental Health Act 2014
- Archives Act 1983
- Freedom of Information Act 1982
- Freedom of Information Amendment (Reform) Act 2010
- Charter of Human Rights and Responsibilities Act 2006

## ASSOCIATED DOCUMENTS

- QUAL04 Feedback, Complaints and Appeals Policy
- Student Privacy Statement
- BGT Privacy Policy

## DOCUMENT HISTORY

Revision date	Department	Description of change
Sept 2019	Business Services	Review of policy in line with exemplar documents.

Adapted from the Ballarat Health Services policy - Privacy, *Confidentiality of Information*.