

Privacy and Confidentiality Policy

Policy Type	Information Management
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Person/Body Responsible	MHF Board
Approved By	MHF Board

Purpose

The Mental Health Foundation ACT (MHF) acknowledges that the forming of a partnership with participants, carers and other stakeholders is central to providing quality services. These partnerships are characterised by open and honest communication. MHF has developed practices that respect privacy and confidentiality so that all parties can trust staff with the exchange of personal information important to the treatment and care of our participants.

MHF is bound by and committed to the 13 Australian Privacy Principles relating to all personal and sensitive information collected in relation to any individual.

Definitions

Privacy – the ability and right to control the disclosure of your own personal information.

Confidentiality - Protection of personal information ensuring that it is accessible only to those authorised to have access and that it is protected throughout its lifecycle.

Personal Information – any information about an individual whose identity is apparent or can reasonably be ascertained from that information. This includes information about your location, your health and body, finances, and your communications and associations with others.

Policy

All MHF staff and volunteers are bound by the Commonwealth *Privacy Act 1988* to maintain the confidentiality of personal details regarding MHF participants, carers and employees disclosed to them in the course of performing the role for which they were employed.

Confidentiality applies to information provided in the form of documents, disclosed via conversation, or included in records made for the purpose of provision of service.

Where it is essential to record confidential information, guidelines for creating, updating, and protecting the privacy and confidentiality of electronic and written records are detailed in *MHF Management of Participant Records* and *Managing Organisational Records* policies.

Formal consent must be acquired from the person prior to the release or exchange of any of their personal information. Consent must be signed by the relevant individual and state who the information can be given to, the purpose for the information exchange, and may also specify limits as to what information can be exchanged. This information is set out in the MHF *Participant Consent Form*.

MHF has a duty of care to its participants, carers, and other stakeholders, and therefore may disclose information where use of the information is necessary to prevent a serious threat to a person's health or safety. The Chief Executive Officer (CEO) should be informed of such disclosures and approve any necessary action to be taken.

All efforts should be made by MHF staff to ensure the security of documents containing personal information, and that conversations where sensitive information may be exchanged be conducted in an environment that allows for privacy.

Where a breach of data held by MHF occurs, the CEO will report the breach to the Office of the Australian Information Commissioner in line with the MHF *Data Breach Response Plan*.

All staff and volunteers are required to read this policy as part of their induction training and will be required to sign a confidentiality agreement relating to their role.

Wherever reasonably possible, a person shall be afforded the capacity to interact with MHF anonymously.

If a person becomes aware of any breach in this policy or believes their privacy has been compromised, they should utilise the MHF Feedback and Complaints mechanism.

References

Albury Wodonga Health	<u><i>Privacy and Confidentiality Policy</i></u> , (accessed 15 May 2024)
Anglicare Central Queensland	<u><i>Confidentiality and Privacy Policy</i></u> , July 2017
Mental Health Foundation ACT	<i>Data Breach Response Plan</i> <i>Management of Participant Records</i> <i>Managing Organisational Records</i> <i>Participant Consent Form</i>
Office of the Australian Information Commissioner	<u><i>Australian Privacy Principles Quick Reference</i></u> , 12 March 2024.

Document History				
Author	Version	Amendment	Owner	Date of Effect
Policy Manager	1.0	Document Created	MHF Board	19/3/2013
Corporate Support Manager	2.0	Review against changes in Privacy Act on 12/3/14. Australian Privacy Principles adopted. Managing unsolicited information. Option to interact with anonymity. Complaints re breach of privacy.	Board	21/8/2014
Corporate Services Manager	3.0	Reviewed against legislation to ensure currency. Included information about obtaining consent for the use of consumer/carer photographs. Changed 'consumer' to 'participant'. Changed 'HR and Risk Management Sub Committee' to 'MHF Board'. Made minor grammatical changes. Specified that all MHF staff 'will' sign a confidentiality agreement rather than 'may' sign. Changed 'Executive Officer' to 'Chief Executive Officer'.	Board	4/10/19
Corporate Services Manager	4.0	Updated to incorporate new logo and branding guidelines. Reviewed for currency. Noted that there are now 13 Australian Privacy Principles. Amended other MHF document names. Corrected name of the 'Managing Organisational Records' policy from 'Management of'. Removed reference to photographic and video images and associated consent form. Added sentence about data breach reporting. Updated references.	Board	May 2024