

Privacy and Confidentiality

Rationale

Life Skills Victoria (LSV) aims to respect and protect the privacy of all people connected with the organisation, including clients, providers, employees, contractors, and community partners. This Policy advises the kinds of personal information we collect and hold, how and why we collect and hold that information and how we use it. It also explains how to access and amend your personal information and how you may make a complaint if you think that we have breached our privacy obligations.

A right to privacy not absolute. Sometimes other concerns are given priority, such as the safety of you or others, or the interests of justice. Strict rules apply in these situations.

Purpose

The purpose of this policy is to provide a framework protocol for Life Skills Victoria. (LSV) in dealing with privacy considerations and matters of confidentiality. The policy ensures that information about service users and employees remains private, and personal information is only used for the purpose for which it is collected. This policy applies to all employees. It ensures LSV meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of service users and employees. This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

Scope

This policy applies to all LSV employees, full time, part time or casual, clients and volunteers working across any LSV sites. All employees, volunteers, students, and Board Members of LSV should understand the requirements of meeting these obligations under this policy.

Relevant Legislation and Standards

<https://ovic.vic.gov.au/privacy/your-privacy-rights>

<https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014>

<https://www.oaic.gov.au/privacy/the-privacy-act>

<https://www.legislation.vic.gov.au/in-force/acts/public-records-act-1973>

<https://www.legislation.gov.au/latest/C2018C00276> NDIS Act

[Disability Service Safeguards Act 2018 \(Vic\)](#)

Policy Statement

LSV is committed to protecting and upholding the right to privacy of all service users, and employees and to protecting the privacy of personal information that we, and our funded service partners collect. Personal information includes information which directly or indirectly identifies a person, their issues, training details, treatment, or support plan.

LSV collects a range of personal information for the purposes of providing services or to carry out our statutory functions as well as for planning, funding, monitoring, and evaluating our services and functions, but where practicable we remove identifying details from information used for these purposes.

LSV recognises the essential right of individuals to have their information handled in ways which they would reasonably expect - protected on the one hand and made accessible to them on the other. These privacy values are reflected in and supported by our corporate values: collaborative relationships, professional integrity, quality, responsibility, and client focus.

LSV has adopted the respective Privacy Principles contained in the Victorian privacy laws as minimum standards in relation to handling personal information and conducts staff training on the best practice day-to-day management of information in order to promote a privacy aware culture.

LSV is also subject to NDIS (Quality and Safeguards) Commission.

LSV will ensure that each client, advocate, and employee, understands their rights with regard to collection of personal information, and agrees to the personal information that will be collected and why. This includes recorded material in audio and/or visual format. LSV will advise each client, advocate, family member, and employee of the confidentiality policy using language and terms that the client is most likely to understand.

<https://www.ndis.gov.au/about-us/policies/privacy/privacy-easy-read>

Use and Disclosure

LSV may use or disclose personal information for the purpose for which it was collected. For example, to the State Regulating Body for RTO's (for RTO student information), or in circumstances related to the public interest, such as law enforcement and public or individual safety (including emergency medical reasons). Information will only be disclosed to an unrelated third party (excepting legal, emergency, or medical reasons) if permission is obtained in writing from the individual concerned.

Data

Data sharing involves following strict privacy, information sharing and de-identification rules. LSV will take all reasonable steps to ensure the personal information it collects uses and discloses is accurate, complete, and up to date. In addition, it will take all reasonable steps to protect such personal information from misuse and loss through unauthorised access, modification, or disclosure.

Making a Complaint

There are a number of ways to make a complaint regarding a perceived breach of privacy:

- Speak to LSV directly.
Talk to the NDIS Quality and Safeguards Commission
<https://www.ndis.gov.au/participants/your-rights-and-responsibilities/when-something-goes-wrong>

Make a complaint to the NDIS Commission. Phone 1800 035 544 or complete a complaint form via this link

<https://www.ndis.gov.au/contact/feedback-and-complaints>

[https://www.vdwc.vic.gov.au/sites/default/files/2021-08/VDWC%20Factsheet Complaints%20updated.pdf](https://www.vdwc.vic.gov.au/sites/default/files/2021-08/VDWC%20Factsheet%20Complaints%20updated.pdf) Victorian Disability Worker Commission

Definitions

Term	Definition
Privacy	A fundamental human right that underpins freedom of association, thought and expression, as well as freedom from discrimination.
Confidentiality	Preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information.
Privacy and Confidentiality Act 1988.	The Privacy Act 1988 (Commonwealth), which promotes and protects individual privacy and confidentiality.
Privacy and Data Protection Act	In Victoria, you have privacy rights under the Privacy and Data Protection Act 2014 (Vic) (PDP Act). The PDP Act contains 10 Information Privacy Principles (IPPs) that outline how Victorian public sector organisations must handle your personal information.

NDIS Quality and Safeguards Commission	An independent agency established to improve the quality and safety of NDIS supports and services.
OVIC	Office for the Victorian Commissioner – Privacy and Data Protection

Procedure

LSV will:

- Ensure that the person (whose information is being collected) knows why it is being collected and how it will be used (see **attachment 1**)
- Only collect, use, or disclose information for the primary purpose for which it was collected, a directly related secondary purpose or for another purpose with the person's consent (unless otherwise authorised by law). For other uses LSV will obtain consent from the person whose information it is (see **attachment 2**) Consent Form).
- Ensure LSV service users are aware of the Privacy Policy and its purpose.
- Store information securely, ensuring protection from unauthorised access, misuse, and loss (see *LSV Record Keeping Policy*).
- Retain information only for the period authorised by the *Public Records Act 1973*.
- Destroy records in accordance with the LSV Record Keeping Policy.
- Provide the person with access to their own information, and the right to request correction or alteration.
- Take reasonable steps to ensure the information LSV collects is accurate, complete, up to-date, and relevant to the services we provide.
- Make this information freely available via the RTO handbook, FAQs, newsletters, and website.
- Ensure clients, students and employees are aware of the (*Record Keeping Policy*) and their right to seek access to information held about them and how to correct it if it is inaccurate, incomplete, misleading, or not up to date.
- Provide clients and employees the option of not identifying themselves when completing evaluation forms and/or surveys.
- LSV requires employees and management to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information (see **attachment 3**).

I..... (Name of staff member) confirm I have read and understand the Privacy and Confidentiality policy of LSV and the Employee Confidentiality Agreement.

I agree to operate within these principles at all times.

Signed.....Date.....

Document Information - References or Related Documents

Description	Location
Record Keeping Policy	LSV Policy and Procedure Manual
RTO Training and Operation Manual	RTO SharePoint
RTO Student Handbook and Form SH3	https://lifeskillsvic.com.au/resources/publications/
Compliments and Complaints Policy	LSV Policy and Procedure Manual
VRQA guidelines	https://www.vrqa.vic.gov.au/schools/Pages/standards-guidelines-requirements-for-schools.aspx
AQTF Essential Conditions and Standards	https://www.voced.edu.au/content/ngv%3A54655

Approval and Review	Responsible
Lead Author	CEO
Approver	LSV Policy Committee
Date Endorsed	January 2018
Date Reviewed	January 2022
Timeframe for next renewal	January 2025

Version History

Version No.	Date	Summary of amendment(s)
1	2018	Created
2	2021	Reviewed and amendments included: Minor changes
3	September 2022	Reviewed and amendments included: Organisation name change. Review and update links Add Public Records Act, NDIS Privacy easy read,

PRIVACY NOTIFICATION AND CONSENT FORM

Privacy Statement about why information is collected and how it will be used

Your personal information is protected by law, including the *Privacy Act 1988* (Cth) (Privacy Act).

Your personal information is collected by LSV to enable us to:

- Deliver services to you that meet your specific needs.
- Evaluating and monitoring LSV services and programs.
- To enable LSV to contact you or your support persons in case of emergency or to provide ongoing information about our services and programs.
- To assist LSV to resolve complaints made by you or your support person.
- To involve you in surveys conducted to improve LSV services to you.
- Some of your personal information is required to enable us to provide services to you. If you do not provide that information, we may not be able to provide you with all available services and programs.
- Your personal information may also be used by LSV or given to other third parties where you have agreed, or where it is otherwise permitted, including where it is required or authorised by or under an Australian law.
- You can withdraw your consent at any time. You understand the possible consequences of withdrawing your consent. For example, you may no longer have access to a service.

AUTHORITY TO RELEASE INFORMATION

Life Skills Victoria (LSV) will only release information on request of / or with the express permission of the service user.

Name:

Proposed Information Uses and Disclosures

I (full name)

Have agreed that my information may be forwarded to these agencies for the recorded purposes only:

Name of Agency	Purpose for Release of Information (e.g., referral, medical treatment)	Type of Information to be released (e.g., address only, details of disability, all information)

Declaration by Service User

I agree to the collection of my personal information in accordance with this form.

Name:	
Signature:	
Date:	

Person or Authorised Representative

LSV has discussed with me how, when, and why my information needs to be shared. I understand and give my permission for the information to be shared as detailed above.

Name:	
Signature:	
Date:	

Witness Person or Authorised Representative

Name:	
Signature:	
Date:	

Staff Use Only**Declaration by LSV**

I declare that I have explained information on this form to the service user, listed below including how their personal and sensitive information will be handled. I have:

- ☐ Explained that the person's information will only be released if the person has agreed.
- ☐ Discussed with the person the proposed release of information.
- ☐ Informed the person how the information is protected from misuse, loss, unauthorised, access, modification, and disclosure
- ☐ Provided the person with information about privacy e.g., LSV Privacy Policy Brochure - *Your information – It's Private*.
- ☐ Provided the person with a copy of this form, once completed.
- ☐ Placed a copy of this form on the person's file, once completed.

Name:	
Signature:	
Date:	

EMPLOYEE CONFIDENTIALITY AGREEMENT

1. I am an employee/volunteer/Board Member/student on placement of Life Skills Victoria (LSV).
2. LSV has entered into a service agreement with the Client, their family, or the National Disability Insurance Agency (NDIA).
3. The Agreement provides for LSV to keep confidential certain information and obliges all the employees and contractors of LSV to keep that information confidential in a similar manner.
4. Pursuant to this obligation, I undertake not to communicate, publish, release, or disclose to any person, any information likely to lead to the identification of a client or clients (people who use the service) of LSV except:
 - To the Department of Families, Fairness and Housing (DFFH).
 - To the National Disability Insurance Agency (NDIA).
 - In the course of provision of services.
 - With the informed consent of the service user where they have the legal capacity to give consent.
 - With the written consent of the Secretary when the Secretary has a statutory responsibility for the service user.
 - With the consent of the service user's parent or guardian, or attorney under a power of attorney.
 - As required by law.

5. I acknowledge that LSV is irrevocably authorised to enforce this undertaking.

Name:	
Title	
Signature:	
Date:	

Witness:

Name:	
Signature:	
Date:	