



Confidentiality

Principle

1. The Tasmanian Council on AIDS, Hepatitis and Related Diseases (TasCAHRD) is committed to protecting the privacy and confidentiality of its members, clients, consumers, supporters, volunteers and staff. This policy is to be read in conjunction with TasCAHRD's Privacy Policy.
2. TasCAHRD supports and is bound by the *Privacy Amendment (Private Sector) Act 2000* and the *National Privacy Principles* that requires non-government organisations to safeguard the privacy of personal information, including health-related information. TasCAHRD is subject to additional privacy obligations by virtue of other legislation such as the *Tasmanian HIV/AIDS Preventive Measures Act 1993*.

Guidelines:

Compliance

3. All staff, board members and volunteers will be required to sign a Confidentiality Agreement Declaration upon commencement of duties at TasCAHRD. This Declaration will be filed with their personnel records.
4. Any breach of the TasCAHRD Privacy and Confidentiality policies by a member of staff, board member or volunteer may result in disciplinary action being taken.
5. All TasCAHRD forms providing for the collection of personal information will include the TasCAHRD Privacy Disclaimer. When collecting sensitive information, it is collected in accordance with TasCAHRD's Client Records Policy and clients must be given a copy of TasCAHRD's Privacy Statement.
6. All information collected will comply and be read in conjunction with the following policies:
 - Privacy Policy
 - Feedback and Complaints
 - Consumer Rights and Responsibilities
 - Worker Code of Conduct
 - Client Record Policy

- Information Technology Policy
- Building Access and Office Security

Confidentiality

7. Much of TasCAHRD operations involve information that is confidential. This includes financial information, employee information, and client information, negotiations between TasCAHRD and government and board deliberations. It is imperative that all TasCAHRD, staff, board members and volunteers understand the confidential nature of the organisation and only divulge information which is imperative to their work.
8. Confidentiality applies to verbal and written information. Any discussion that may relate to a confidential matter must be conducted in private. Only an addressee should have access to letters, faxes and other written material containing confidential information, or marked 'private/confidential'.

Disclosure with Consent:

9. A staff member may need to consult with another TasCAHRD staff member to assist with improving care and treatment of an individual, and the individual would reasonably expect the organisation to use the information for that secondary purpose. Where possible this would be done in a non identifying manner. When collecting information it may be advisable to discuss with the individual how a team based approach will affect the handling of personal information.
10. All client information is to be regarded as sensitive information and therefore if there is a requirement to disclose information, permission will be obtained either in writing or verbally in accordance with the Client Record Policy.

Disclosure without Consent:

11. In limited circumstances, there may be a need to use or disclose personal information to lessen or prevent:
 - A serious and imminent threat to an individual's life, health or safety; or
 - A serious threat to public health or public safety

This exception allows for such uses and disclosures and generally relates to emergencies. This exception can allow disclosures to the police service or other government authorities, such as a community services department or mental health crisis team. The exception also allows for disclosure to an individual whose life, health or safety is threatened but only after consultation with the CEO.

A threat could include the infecting of a person with a disease which may result in death or disability or where an individual's life or health would be in danger without timely decision and action.

12. Other circumstances where legal obligations to use or disclose personal information are required by law, the health provider must do so. For example, these include mandatory reporting of child abuse (under care and protection laws) or the notification of diagnoses of certain communicable diseases (under public health laws) – however the health provider does have discretion. Other permitted uses and disclosures could relate to suspected unlawful activity, criminal offences or other breaches of law, suspected improper conduct.
13. In any circumstances where a decision needs to be made to breach confidentiality, the employee, volunteer or board members must, where possible, consult with the Chief Executive Officer. Where consultation is not possible the worker must notify his/her superior and/or Chief Executive Officer as soon as possible after the event. Decisions regarding disclosure will be made on a case by case basis.
14. If there is a need to disclose any information to conform with any laws or legal process TasCAHRD will inform the individual of what information has been disclosed and to whom (unless informing is precluded by legislation) so that any necessary action can be taken.

Approved: 27 March 2002

Amended: 27 March 2007

Due for Review: April 2009