

Confidentiality Policy

Purpose

The children, young people and families who access an Australian Childhood Trauma Group (ACTG) have the right to have their confidentiality of personal information kept confidential. Professional and ethical practice requires that all ACTG individuals' employees, and students commit themselves to ensuring that confidentiality of information is maintained as set out in this policy.

Principles

ACTG is committed to the rights of children, young people, parents/carers and guardians to access records which relate to them. In the case of a child under the age of 16 years, their records may be accessed by a legal guardian if an appropriate ACTG staff member is present and where the disclosure of such information will not be prejudicial to the child's interests.

ACTG will ensure that all service user records are maintained securely and that the information is kept confidential.

Information held on record will only be disclosed to third parties when accompanied by the service user's informed written consent. Exceptions to this would only occur if it was deemed by a Senior staff member to be in the best interests of the service user to disclose this information to the third party in circumstances that comply with formal legislated information sharing schemes related to the young person or family risk assessments.

Information will also be disclosed without consent when the service user's records have been subpoenaed by a court.

ACTG may make information available to children/ young people / parents/ guardians who make a request in writing to view or obtain a copy of their own files. This will occur after a written request is received and at the discretion of the Senior staff in consultation with the CEO. The CEO, in line with Freedom of Information guidelines, may direct information in files to be removed or obscured which refers to third parties other than the child, young person or parents.

Requests by other agencies/professionals to view child / young person / parent/ family files must be directed to the CEO, who in discussion with the relevant Clinical Lead working with the children/family will approach those concerned to obtain written permission. Written permission to release the file to a third party will be recorded on the file.

Access to Records for Service Users

All service users will be informed about the ACTG policy covering access to their records when they first engage in the service. Service user records will only be made available to third parties if it can be established that the person or agency has a right to this information. The request must be made in writing and the following conditions applied:

- the service user has given informed consent to the release of their records; and/ or the request is in the form of a court subpoena; and / or,
- where the child is the subject of a statutory care order by a relevant child protection authority and they request the information.
- Service users will be informed where possible prior to the release of their records to third parties.

Information contained in a service user's file is kept confidential. Access to this information will be denied if it is believed that disclosing the information would not be in the child's and/or carer/parent's best interests.

Service users will have the support of a therapeutic staff member when reading their file. All requests for access to a service user record will be documented in that record. Service users may obtain a copy of their records if appropriate.

Sharing of Confidential Information Within ACTG

On their first contact with ACTG, service users will be given information about the nature and limitations of confidentiality adopted by the organisation. When appropriate this information will be given in writing. The exchange of information between ACTG and service users must avail in such a way that the information exchange is facilitated in the most effective form of intervention.

All service user will be made aware that employees, and students will at times consult with other staff and their manager in order to achieve the best way of supporting/ facilitating the service users experience and intervention.

ACTG Clinical staff will have access to all records in accordance with their duties. This will include the preparation of reports, recording service user information, providing information and for monitoring and quality assurance purposes. The Executive Leadership Team will also have the right to access records for any legitimate purpose (e.g. Supervision, when they are required to respond to complaints, quality assurance, provision of clinical advice).

Students on placement will only have access to the files of service users with whom they are directly working.

Administration staff will have access to service user records for record management and clerical purposes only.

Storing of Confidential Information

ACTG group has a commitment to the transition of having all client data stored in electronic forms, therefore any previous service user files will be kept in a locked cabinet. Electronic versions of client information will be stored securely on a secure server and backed up regularly using a secure protocol. Service user information is not to be left unattended.

All confidential or third-party information must be filed in a separate section of the data file and marked as confidential. The information contained within these files will not be disclosed to the service user or other parties without the written consent of the third party concerned.

All records will be stored in a safe and secure place for a period of twenty-five years. Records will be destroyed after twenty-five years.

Sharing of Confidential Information with Other People

All ACTG service users have the right to private and confidential therapeutic intervention. However, the effectiveness of such intervention often depends on the involvement and support of parents/carer's, family and the network of professionals who are involved with the service user. As such, sharing information to these important stakeholders can be a vital component of therapeutic intervention to support service users.

ACTG employees and will endeavour to consult with and inform service users about disclosure of this information. In addition, employees, and students will obtain consent from at least one guardian of a child and young person in order to be able to contact other relevant agencies who might be or may have been involved with the child.

This consent must be secured and saved on the service user data file. All staff must ensure that information which is provided by service users during therapeutic intervention is kept confidential, unless:

- Parents/cares/guardians' children and young people give their written permission to release/share/obtain such information to with others;
- There is belief formed by a clinical practitioner that a service user (e.g. child or young person) is at risk of suffering abuse or trauma and that they need to act to ensure their protection;
- A service user is either temporarily or permanently in a state of mental incapacity and is unable to give informed consent regarding the disclosure of their personal information - in such circumstances the CEO or delegate will determine if disclosure of this information is in the service user's best interests; and/or,
- Staff are required to by law or through a court ordered subpoena.

Denying Access to Confidential Information Held by ACTG

The CEO will consider denying access to confidential information held by ACTG on the following basis:

- It is reasonable to believe that providing access to confidential information may pose a serious threat to any individual in the present or at some time in the future;
- It is reasonable to believe that providing access to confidential information may have a detrimental impact on the privacy of others;
- It is reasonable to believe that the request is frivolous or vexatious;
- It is reasonable to believe that providing access to confidential information may prejudice or adversely affect the investigation or outcome of an investigation about unlawful activity;
- ACTG has been requested by a verified law enforcement body to deny access to such information.
- If access to confidential information is denied, the CEO will provide the reasons for doing so in writing to the individual who has made the request.

Timeframes for Responding to Access to Confidential Information Held by ACTG

A request for access to confidential information held by ACTG will be responded to by the CEO or delegate within 30 days unless the request is of an extraordinary nature.

Access Fees

ACTG may charge a fee for preparing information requested by an individual. However, the fee will not be sufficiently excessive to discourage an individual from making a request for access.

Maintaining Accuracy of Information Held

ACTG will take all reasonable steps to ensure that information held is accurate, up to date and complete. If any dispute about the accuracy of information is lodged, ACTG will review the information held and either correct it or take reasonable steps to ensure that the disputed

accuracy is recorded on the file. The CEO will provide a written response to any dispute about accuracy lodged by an individual.

Breaches of This Policy

ACTG staff, and students found to be in breach of this policy will be subject to disciplinary action in accordance with the organisations Code of Conduct and HR Policy, and serious offences which breach this policy and/or the law will be treated as serious misconduct leading to the potential for termination of employment or the termination of association with the organisation.

Document Management

| VERSION | DATE | SUBMITTED BY | AUTHORISED BY | APPROVED DATE |
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| 1 | October 2020 | CEO | Executive Leadership Team | October 2020 |

Revision History

| VERSION | REVIEW DATE | REVIEWED BY | AUTHORISED BY | NEXT REVIEW DATE |
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