



## POLICY 2.5 Confidential Information

### Purpose

ECSC collects, creates, stores, uses and shares a wide range of Confidential Information to pursue our mission and carry out our business operations. This may include personal information collected from individuals as well as business information and intellectual property. This policy outlines how we will use and protect Confidential Information.

### Terms Used

<b>Confidential Information</b>	All data and information relating to ECSC's business operations and management including client data, intellectual property, business operations and service information. It does not include information that is generally known by the public or in the community sector.
<b>Personal Information</b>	Any information or opinion recorded about an individual where the identity of the person is known or can be ascertained using the information.
<b>Intellectual Property</b>	Intellectual property rights exist to protect individuals and organisations from their original information being taken and used by others without permission. This includes copyright information.
<b>Australian Privacy Principles (APP)</b>	13 principles introduced in 2014 legislation by the Australian Government and applying to non- government and private entities. They deal with the management, collection, notification, disclosure, security, quality and correction of personal information.
<b>Health service provider</b>	Under the Privacy Act, an organisation is a health service provider if it holds health information and provides a health service, which can include assessing or improving a person's physical or psychological health. It also includes care for persons with a disability.
<b>Notifiable Data Breaches Scheme</b>	Legislation introduced in 2017 which requires agencies to notify individuals whose personal information is involved in a data breach that is likely to result in serious harm.

### Policy Statements

#### Key principles

- ECSC will act to protect the Confidential Information which we obtain or create, including personal information and Intellectual Property.

**ALERT: When printed, this document may not be the current approved version.**

- ECSC's Confidential Information, including our Intellectual Property and business information, is one of our most significant assets. All management, staff and volunteers have an obligation to protect our Confidential Information.

### **Collecting and Sharing Confidential Information**

ECSC will:

- Meet legislative requirements and good practice standards in handling Confidential Information, including the *Australian Privacy Principles 2014* and the *Commonwealth Copyright Act 1968*.
- Ensure informed consent is obtained to collect any personal information.
- Notify individuals from whom we collect personal information that we have collected the information, for what purposes, how the information will be used and shared; and how the individual may contact us to seek access to the information, make a correction or make a complaint.
- Only collect personal information which is necessary and relevant to our business operations or to meet legislative requirements or contractual obligations.
- Take reasonable steps to ensure the information we collect is accurate, up-to-date and complete, having regards to the purpose of use or disclosure.
- Collect and use information in a manner that is ethical and responsible, including when it is used for research, analysis and assessment, and evidence-based decision making.
- Take a collaborative approach in the exchange of information within the community sector where this contributes to our mission, is in the best interests of ECSC, and aligns with our privacy and confidentiality obligations.
- Meet all contractual obligations for reporting of information, while protecting the privacy and confidentiality of any participants, and our own Intellectual Property rights, to the maximum extent possible.
- Only share Confidential Information which belongs to others when we have informed consent to do so, except where required to do so by law.

### **Protecting Confidential Information**

ECSC will:

- Ensure all staff and volunteers understand the importance of protecting Confidential Information, including personal information from our stakeholders as well as Intellectual Property and business information.
- Take reasonable steps to protect the security of all Confidential Information, including through appropriate data security procedures.

**ALERT: When printed, this document may not be the current approved version.**

- Have secure storage, back-up and archival systems to enable ease of access and retrieval of information.
- Ensure that any third-party service providers with whom we share Confidential Information (such as for data storage, payment processing, auditing etc.) are required to adhere to the Australian Privacy Principles or to a similar law or binding regulation.
- Require all employees and volunteers to sign an Employee Confidentiality Agreement and enforce its requirements.
- Train staff and volunteers in good practice standards for the protection of Confidential Information.
- Establish procedures to notify participants and relevant authorities of any breaches of data security as required under the Notifiable Data Breaches Scheme.
- Dispose of, or destroy, information that is no longer needed in a secure manner, and in compliance with required timeframes.
- Destroy or de-identify any unsolicited personal information we receive, unless we determine we could have lawfully collected the information ourselves.

### **Intellectual Property**

ECSC will:

- Respect the copyright and Intellectual Property Rights of others.
- Act to protect our own Intellectual Property, including considering the issue of Intellectual Property in all contracts with suppliers and customers which involve the creation or use of Intellectual Property.

### **Privacy and Confidentiality of Participants**

ECSC will:

- Respect each participant's right to privacy, dignity and confidentiality.
- Protect the privacy and confidentiality of participants in the collection, use, disclosure, storage, access and corrections of personal information.
- Recognise that a range of factors can heighten the vulnerability of people when dealing with their personal information, such as language and cultural barriers, trauma, unfamiliar systems and processes, migration history, contact with the criminal justice system and intellectual disability. ECSC will take additional steps to protect the privacy rights of stakeholders who may have additional vulnerabilities.
- Respect the anonymity of participants when requested, to the extent possible to provide the service and meet our legal and contractual obligations.

**ALERT: When printed, this document may not be the current approved version.**



- Ensure that consent procedures reflect the needs of diverse groups.
- Ensure that consent procedures take into account the capacity of participants to provide informed consent. Where capacity is limited, consent is sought from recognised carers or guardians and the participant is kept informed and engaged in decision-making to the maximum extent possible.
- Ensure that staff and volunteers are aware of and respect participants' right to privacy.

### Related Procedures and Forms

Procedure 2.5.1 Data Security and Confidentiality  
Procedure 2.5.2 Protecting Participants' Information  
Procedure 2.5.3 Intellectual Property  
Employment Confidentiality Agreement  
Volunteer Confidentiality Agreement  
Privacy and Confidentiality Statement (Employees)  
Privacy and Confidentiality Statement (Participants)  
Consent to Share Information form

### References

Office of the Australian Information Commissioner: [www.oaic.gov.au](http://www.oaic.gov.au)  
Aged Care Quality Standards – Standard 1  
National Standards for Disability Services – Standard 1  
NDIS Code of Conduct  
NDIS Practice Standards – Core Module 1: Rights and responsibilities (Privacy and dignity) and  
Core Module 2: Provider Governance and operations (Information management)  
National Principles for Child Safe Organisations

### Relevant Legislation

Privacy Act 1988 and the Australian Privacy Principles (APP) 2014  
Privacy and Personal Information Protection Act 1998 (NSW)  
Health Records and Information Privacy Act 2002 (NSW) and the Health Privacy Principles  
Disability Inclusion Act 2014 (NSW)  
Carers (Recognition) Act 2010 (NSW) (including the Carers Charter)  
Copyright Act 1968

### Document Control

**Version 2023**

**Most recent previous policies and procedures (if any):**

Policy 2.5 Confidential Information (03 Sep 2021)  
Policy 2.5 Confidential Information (30/08/2018)  
Policy 2.5 Privacy and Information Management (7 Feb 2017) and Policy 3.6 Privacy and  
Confidentiality (18 Jun 2018)  
POLICY 2.5 Privacy and Information Management (8 Oct 2014)

**ALERT: When printed, this document may not be the current approved version.**



# Ethnic Community Services Co-operative

*A voice for diversity and inclusion*

(Formerly known as Ethnic Child Care, Family and Community Services Co-operative)

ECSC Policies and Procedures 2023  
Policy 2.5 Confidential Information

Policy 2.5 Information Management v.2 (2013) superseded by this policy  
Confidentiality and Privacy Policy (2010)  
RTO Record Keeping Policy (2011)  
RTO Version Control (2011)

**ALERT: When printed, this document may not be the current approved version.**

Address: Building 3, 142 Addison Road Marrickville NSW 2204  
ABN: 92 766 868 403  
Tel: 02 9569 1288 Fax: 02 9564 2772

Email: [admin@ecsc.org.au](mailto:admin@ecsc.org.au)  
Web: [ECSC.org.au](http://ECSC.org.au)