

Purpose and Scope

This procedure outlines the requirements for the protection of participant, staff and volunteer's confidentiality within the organisation.

This policy applies to all participants, staff and volunteers.

The Corporate Services Manager is responsible for implementation of this policy.

Procedure

All data, information, notes, or reports made regarding participant, staff and volunteers are to be objective and confidential.

Cahoots will:

- Only collect information about participants, staff and volunteers that can be shown to be directly required for their involvement in Cahoot's activities. Any additional details, other than those freely offered by the person involved, are only to be requested should there be concern that current information is inadequate to ensure appropriate services. All information should only be provided to staff and volunteers on a need-to-know basis to enable the provision of appropriate care and support.
- Obtain written or verbal consent of the participant or decision maker (i.e. parent/guardian) prior to:
 - obtaining information from or about the participant.
 - releasing information to any other sources (refer to Appendix A), except where the organisation is required by law to disclose the information.
- Advise the participant or decision maker of the following at the time of obtaining consent:
 - the purposes for which the information is collected.
 - organisations to which Cahoots usually discloses information of this type.
 - the fact that the parent or carer can gain access to any information the organisation has about them.
- Ensure that electronic and hardcopy personal information is stored securely. In the office, either in a locked cabinet away from public access, or in a secure electronic database, and on Cahoots services in the Facilitator's Camp File, and that only those staff who need access will be granted it.
- Ensure personal information about a participant, staff or volunteer is only held if it remains relevant to the primary purpose of the organisation.
- Promptly investigate, remedy, and document any participant, staff or volunteer grievance regarding privacy, dignity, or confidentiality.

Where staff or volunteers have knowledge of participants through outside social or professional relationships, information pertaining to this or from camp should not be discussed or disclosed in any form with other staff, family, customer, volunteers, or participants except for the circumstances listed under the section of this policy Exceptions to Confidentiality.

Participant, Staff or Volunteer Information

- Every person will be fully informed when they first register or apply to Cahoots of the information that will be collected and maintained regarding them.
- Every person will be advised of the Cahoots Privacy Policy, associated procedures and how Cahoots maintains the security of this information.
- When information is sought, every person will be informed of why the information sought is required by the organisation and consent obtained prior to any personal or health information being collected.
- All electronic and hardcopy personal details, medical forms and other reports collected will be stored securely and access is strictly limited.
- Participant's personal information shared with the Operations Staff is to be limited to name, age, disability, and essential information necessary for the participant appropriate care and support. During a service the participant's contact details will only be accessible by the service Facilitator.
- All names, addresses and personal information on the staff or volunteer register and mailing list will be stored on a secure platform and are to remain strictly confidential with no access permitted to these records except by authorised persons.
- Any person outside of Cahoots seeking access to Cahoot's participant, staff, or volunteer information must approach the Cahoots CEO who will then, if necessary, contact the participant, participant's decision maker, staff, or volunteer on the person's behalf, or alternatively seek written permission from those concerned for the release of their personal details to the interested party. Any contact maintained beyond this is no longer associated with Cahoots.
- Personal information and reports maintained by Cahoots in regard to participants will not be kept for longer than is necessary and stored to prevent loss and theft, as well as unauthorised access, disclosure, copying, use or modification.
- Records of Personal Information are retained for such period as required by law, in the case of health and financial records, for a minimum of seven years.
- If the Personal Information is no longer required by Cahoots for any purpose for which it was collected and is no longer required by law to be retained, Cahoots will take all reasonable steps to destroy or de-identify the information.
- No Personal Information about participants, including their names, is to be kept on whiteboards, noticeboards or other locations where it may be viewed by unauthorised staff, volunteers or members of the public.
- Participant files are periodically audited to ensure personal information that is no longer relevant, and is unlikely to be relevant in the future, is removed from files, and ensure that no identifying third party personal information is included.

Exceptions to Confidentiality

Cahoot's participants, customers, staff, and volunteers have the right to expect that information disclosed during the professional relationship will be treated confidentiality. Cahoots will not share any personal information with third parties without consent except where:

- We are required by law, or we believe in good faith that such action is necessary to comply with law, cooperate with law enforcement or other government agencies, or comply with a legal process served on the company (including other service providers or insurers) or court order.
- The disclosure of the information will prevent or lessen a serious and imminent threat to somebody's life or health.
- We are obliged to report to government and other bodies on the services they fund us to provide. Reports cover demographic and service use information only.

No information may be disclosed to any parties except under compulsion of law, with consent, to ensure the safety of people involved in Cahoots, or due to overwhelming public interest (to be determined by CEO only).

Compulsion of Law

Confidential information is not privileged from disclosure to a Court, either as a witness or in answer to a subpoena to produce documents. However, all requests for information from police, coroner's inquiries and other legal bodies should be denied until the appropriate Court Orders (subpoena, search warrant, etc) are produced. Any requests for information under subpoena should be immediately referred to the CEO.

Mandatory reporting

As a registered NDIS provider, Cahoots must notify the NDIS Commission of all reportable incidents (including alleged reportable incidents) that occur (or are alleged to have occurred) in connection with the services we deliver to NDIS funded participants.

NDIS Reportable incidents include:

- the death of a person with disability
- serious injury of a person with disability
- abuse or neglect of a person with disability
- unlawful sexual or physical contact with, or assault of, a person with disability
- sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity
- use of a restrictive practice in relation to a person with disability where the use is not in accordance with an authorisation or if it is used according to that authorisation but not in accordance with a behaviour support plan for the person with disability

Additionally, under the Children and Community Services Act 2004, Cahoots has a responsibility to report all reasonable beliefs of child sexual abuse or neglect to the Department of Communities - Child Protection and Family Support.

If during the course of their work Cahoots team members form a belief, based on reasonable grounds that a participant has been abused, neglected or is at risk they must inform the on-call staff member immediately.

Consent

Decision makers (Parents/carers/guardians) can consent to disclosure for participants, who are under the age of 18. In these cases, written or verbal consent must be obtained before the information is disclosed using the appropriate consent forms. The participants decision

maker has a right to information regarding the child's general progress and any serious concerns for the child's psychological, emotional or physical wellbeing.

Overwhelming Public Interest

Disclosure is allowed in circumstances where there is actual or threatened risk to life or health. This typically relates to people in danger of imminent self-harm or of harming others. Disclosure should be to the appropriate authorities (e.g., DCPFS, Acute Care Hospitals, etc) and be limited to the nature of the risk and to who is at risk. Decisions related to disclosure due to overwhelming public interest can only be made by the CEO.

Access to Information (FOI)

Requests for access to information held by Cahoots should be directed to the CEO. See Cahoots Policy Customer, staff, or volunteer Records.

Personal Privacy Whilst on Services

- As children in the 5 to 17year old age group generally need strict supervision and assistance regarding the carrying out of personal hygiene tasks (i.e., showering, dressing, toileting), it is essential that the staff support is carried out in such a way as to uphold the dignity of the participant.
- With regards to the personal hygiene tasks of the teenage participants, their right to privacy in carrying out these tasks is to be ensured, provided they are capable of doing so and their safety can be maintained.
- Due to the limited number of male staff and volunteers, there will not always be a male staff member or volunteer on every camp. Male participants are to be assisted in their ablutions by male staff only (where possible) and female participants are to be assisted by female staff only (no exceptions).
- During toileting or dressing, participants have the right to close doors and refuse staff interference where it is considered the participant can carry out tasks appropriately and without danger.
- The right of staff privacy is to be respected and maintained. All personal belongings of staff are not to be interfered with by any other customer, staff, or volunteer, unless deemed a safety risk by the relevant authorised person.
- All discussions by staff regarding any persons attending Cahoot's activities are to be dealt with sensitively and with respect for the person or persons being discussed.
- After Cahoots services, staff are not to use participants full names when discussing incidents with persons not directly associated with the service. All staff are to ensure that any discussions are conducted with respect for the participants and staff.

Photographic, video, and digital images

Photographic, video, or other identifying images of participants are not to be displayed or aired publicly without prior written permission from the participant, or where required, their decision maker (. Permission is sought upon the implementation of a Service Agreement. If consent changes throughout the year, it is the participant, or their decision makers responsibility to contact Cahoots.

Use of Images

The Facilitator is responsible for videotaping and/or photographing as much of the service as possible. These images are sent home to parents so that they can see the types of activities that their child has been involved in and may subsequently be used for the promotion of Cahoots services, where consent is obtained.

Photos and videos are used in the following:

- Cahoot's website www.cahoots.org.au;
- Cahoots Social Media groups
- Photo Boards displayed at Cahoots events, volunteer recruitment sessions, in the office and at disability sector events.
- Photos are also included in pamphlets, posters, letters, booklets, and slide show presentations aimed at promoting Cahoots as well as recruiting customers, partners, staff and volunteers.
- If photos are requested by individuals/organisations external to Cahoots, extra permission will be sought from the customer, staff or volunteer (s) involved.

Communication

This policy will be communicated in an appropriate way to staff and volunteers through inductions, professional development and staff meetings.

Policy Review

This policy will be reviewed every two years in consultation with staff and volunteers. This policy is not intended to be a static document and Cahoots commits to its ongoing development as part of continuous quality improvement, and as policy and legislation changes dictate.

Reference and Related Documents

- Privacy Act 1988
- Australian Privacy Principles
- Disability Discrimination Act 1992
- Freedom of Information Act 1982
- National Disability Insurance Scheme Act 2013
- NDIS Practice Standards and Quality Indicators
- Cahoots Privacy Policy
- Cahoots Safeguarding Children and Adults at Risk Policy
- Cahoots Communications and Social Media Policy
- Cahoots Access to Personal Information Consent Policy

Versions

No.	Date	Description of Amendment
1.0	12/12/2011	Policy created
2.0	17/07/2013	Reviewed
3.0	03/11/2015	Reviewed

4.0	17/11/2017	Reviewed
5.0	13/01/2021	Reviewed and updated
6.0	29/03/2022	Reviewed and updated

Owner	Approver	Next Review
Corporate Services Manager	CEO	March 2025