

CAXTON LEGAL CENTRE INC
MANAGEMENT COMMITTEE

POLICY : Client Confidentiality and Privacy Policy

SERVICE STANDARD: Service Standard 9 – Client Satisfaction and Managing Complaints

DATE REVIEWED: APRIL 2003

PURPOSE: The Centre is committed to the observance of professional standards in client contact and to the protection of the privacy of clients.

1. Confidentiality

Staff members and volunteers shall not communicate, publish, release or disclose to any person information provided to them and/or the Centre in the course of their work, except:

- in the course of the delivery of services; or
- with the informed consent of the client, the client's Parent, Guardian or Attorney under Power of Attorney; or
- as authorised or permitted by law.

2. Privacy

Caxton Legal Centre Inc abides by the National Privacy Principles contained in the Commonwealth *Privacy Act 1988*.

2.1 Collection of Information

When collecting personal information, or as soon as practicable afterwards, reasonable steps will be taken to ensure that the person is aware of:

- *who* is collecting the information;
- *why* the information is being collected;
- *what* it will be used for;
- *how* the person can get access to the information;
- *who else* usually has access to the information;
- *what* the main consequences, if any, are for the person if they do not provide the information; and
- *who* the information might be given to.

Where possible, all personal information will be collected directly from an individual.

If information about an individual has been collected from someone else, reasonable steps will be taken, where practicable, to inform the individual of the process of collection. Personal information should be collected in private. Discretion should be used when collecting information from people in the front desk area.

Information about an individual will not be collected and recorded where it directly relates to the client's legal matter or the Centre's service provision.

2.2 Disclosure and Use

Where the client has given instructions that he/she is not to be contacted at a particular place, or that certain details (eg. address) are not to be disclosed on forms, court papers or other documents, those instructions must be complied with, provided there is not conflict with a duty to the court or any legislative requirement. Where such a conflict arises, this shall be explained to the client.

In matters where safety may be an issue, the staff member should verify with the client that it is safe to use any contact information the client has given. This must be noted on the client's file.

If a staff member or volunteer is telephoning a client and cannot speak to the client directly, they should not identify themselves as calling from the Centre. (The client may have genuine safety concerns). Instead, the staff member/volunteer should only give their first name and say they will ring back.

It is noted that it is not a breach of confidentiality for a matter to be discussed in the normal course of legal practice with other staff members and volunteers of the Centre. However, this should be done away from the front desk and in a manner that respects the client's dignity and privacy. The same duties of confidentiality and privacy apply to the staff member or volunteer with whom the matter is discussed.

2.2.1 Medical Information

Information regarding a client's health, medical treatment or HIV status will only be collected, recorded on file or communicated to other staff members or volunteers if it directly relates to their legal matter or the Centre's service provision.

Disclosure of a person's HIV status is unethical and unlawful.

If, in the course of handling a matter, the client has been or is required to be tested for HIV or is infected with HIV, the solicitor must take all reasonable steps to protect the privacy of the client.

2.2.2 Miscellaneous

The Centre will not assign or adopt another organisation's unique identifiers (eg. social security numbers or drivers licence numbers) for its own record-keeping purposes. The Centre will not use or disclose a client's unique identifier without consent except as required by law or as necessary for the provision of legal services.

2.3 Access to Personal Information

A client may ask to view their personal information.

The Centre will allow clients access to their files upon request and within a reasonable time except where access is prohibited by law. If access is denied or delayed, the Centre shall provide reasons to the client.

The Director, or in their absence a paid solicitor of the Centre, must view the file and approve any copies of material to be given to the client prior to allowing the client access or copies.

Professional reports are not accessible by the client if a request has been made by their author to withhold access.

Any request from a client to transfer their original file to another solicitor will be dealt with by the Director. In such an instance the Centre is entitled to keep a copy of the file.

2.4 Security of Information

Refer to the Centre's Information and Data Management Policy.

2.5 Retention and Destruction of Documents

Refer to the Centre's Information and Data Management Policy.

3. Complaints

Complaints about breaches of confidentiality or privacy can be made in accordance with the Centre's Client Complaints policy.

Reference to other applicable CLC Policy and Procedure documents

- Casework Policy and Guidelines
- Information and Data Management Policy
- Client Complaints Policy
- Access and Equity Policy
- Information and Referral Policy
- Advice Policy and Procedure
- Conflict Policy
- Volunteer Policy and Handbook
- Internet and Email Policy