

Youth Solutions – Policy and Procedures

1 Policy statement

Youth Solutions follows several protocols to ensure the personal information of its staff, volunteers, service users and other stakeholders is respected and kept confidential.

Youth Solutions is committed to protecting the privacy and confidentiality of service users, staff, Board members, students, volunteers and stakeholders in the way information is collected, stored and used. Youth Solutions is committed to abiding by the Australian Privacy Principles as set out in the Privacy Act 1988 (Cth).

2 Purpose, scope and outcomes

The purpose of this policy is to protect the privacy of individuals and organisations by collecting and holding information confidentially. This policy outlines the guidelines for collecting, storing and using personal and confidential information.

This policy provides guidance on Youth Solutions' legal obligations and ethical expectations in relation to privacy and confidentiality.

Youth Solutions holds two types of information which are covered by this policy, personal and organisational information.

3 Definitions

Please refer to the [Policy and Procedure Definitions](#) document, section 2.2 Policy & Procedure, for all definitions.

4 Principles

4.1 Collection, storage and access

All personal information collected by Youth Solutions must be collected for a lawful purpose. It must also be directly related to Youth Solutions' activities and be necessary for these purposes. Personal information, beyond basic contact details, must be collected directly from the individual, unless consent has been given to obtain it otherwise. Parents/carers can give consent for minors.

Youth Solutions must ensure that the information is relevant, accurate, up to date and not excessive. The collection should not unreasonably intrude into an individual's personal affairs.

Freedom of information laws exist to enable individuals to access information and records held about them by government agencies, whilst also protecting the privacy of those records.

Whilst freedom of information laws only apply to government agencies, Youth Solutions acknowledges that individuals have the right to request access to personal information held about them and accordingly allows the individual to access, update, correct or amend their personal information as necessary.

When collecting personal information, Youth Solutions must advise individuals about how to contact Youth Solutions to access or change their personal information or to make a complaint about the use of their personal information.

To change or access their personal information or make a complaint about use of that information an individual should contact the Chief Executive Officer (CEO) via phone on 02 4628 2319, via email to info@youthsolutions.com.au, or by mail to PO Box 112 Macarthur Square NSW 2560.

An individual's information must be stored securely. Employment or contractor records must be kept for a minimum of five years as directed by the Australian Taxation Office. Other information about individuals should only be kept as long as necessary. If personal information is no longer needed and there is no law that says the information must be retained (eg employment information must legally be kept for five years), then it should be destroyed and disposed of appropriately and safely. An individual's information should be protected from unauthorised access, use or disclosure.

4.2 Use and disclosure

Youth Solutions can only use or disclose an individual's information for the purpose for which it was collected, for a directly related purpose, or for a purpose to which they have given consent. Care must particularly be taken with sensitive, personal information.

Sensitive personal information includes information about ethnic or racial origin, political opinions, religious or philosophical beliefs, health or sexual activities or trade union membership.

Youth Solutions collects personal information for a variety of reasons including, but not limited to:

- when seeking consent (eg media consent or consent required before an individual can take part in a Youth Solutions project or activity)
- for research purposes, to inform the direction of Youth Solutions' work, projects and campaigns
- for people who join Youth Solutions as an employee, Board member, Youth Advisory Group member, Fundraising Committee member, student placement or volunteer

The only exception where information can be disclosed or used without consent is in order to deal with a serious and imminent threat to any person's health or safety. For example, Youth Solutions staff members, in the course of their work with young people, are mandatory reporters who are legally obligated to report any concerns about the safety, welfare or wellbeing of a child or young person. For more information, see [Policy – Child Protection](#).

Accordingly, the message to service users and stakeholders around use of information and limitations to privacy and confidentiality is as follows:

Your consent for sharing personal information will be sought and respected in all situations unless:

1. *It is unreasonable or impracticable to gain consent or consent has been refused, and*
2. *Without information being shared, it is anticipated a child, vulnerable person or member of their family will be at risk of serious harm, abuse or neglect, or pose a risk to their own or public safety.*

5 Policy detail, action and procedures

Youth Solutions is committed to ensuring that information is used in an ethical and responsible manner.

Youth Solutions recognises the need to be consistent, cautious and thorough in the way that information about service users, stakeholders, staff, Board members, student placements and volunteers is recorded, stored and managed.

All individuals, including service users, stakeholders, staff, Board members, student placements and volunteers have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (eg, child protection concerns), staff must act in accordance with the relevant policy and/or legal framework. See [Policy – Child Protection](#).

All staff, Board members, student placements and volunteers are required to have an appropriate level of understanding about how to meet Youth Solutions' legal and ethical obligations to ensure privacy and confidentiality.

5.1 Collection of Information

Personal information collected by Youth Solutions is only for purposes which are directly related to the functions or activities of the Service. These purposes include:

- enquiry about projects or activities
- referral
- providing support to service users
- administrative activities, including human resources management
- sector development activities
- fundraising
- complaint handling
- for testimonials, photographs or other material to promote the Service
- participation in projects or activities
- participation in research

Where possible, Youth Solutions provides information to individuals about collecting personal information, including:

- the purpose of collecting information
- how the information will be used
- who the information may be transferred to, if anyone, and under what circumstances it may be transferred
- limits to privacy and personal information
- how an individual can access or amend their information
- how an individual can make a complaint about the use of their personal information
- how long an individual's personal information will be retained for

Youth Solutions collects personal information via email, online, by telephone and face-to-face. This personal information can be collected in many ways including the following:

- anonymous and non-anonymous surveys (anonymous surveys preferred where possible)
- consent forms to use photos or videos of an individual – see [Form – Media Consent](#)
- consent/information forms for participation in projects, activities and/or research
- referrals

Generally the information collected about an individual includes details such as their age, gender, cultural background, postcode and contact information. In some cases, such as surveys and referrals, the information gathered and stored may relate to behaviour, medical, health and other personal details.

5.2 Data quality

Youth Solutions takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when Youth Solutions is advised by individuals that such information has changed, and checking that information provided about an individual by another person is correct.

5.3 Data security

Youth Solutions takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative safeguards, including:

- limiting the information stored, particularly in hard copy format
- locking filing cabinets
- securing areas in which personal information is stored
- not storing personal information in public areas
- positioning computer terminals so they cannot be seen/accessed by unauthorised people or members of the public
- using and regularly updating passwords to restrict computer access
- establishing different staff access levels to information
- implementing policies and procedures to safeguard personal information
- training staff, Board members, volunteers and students about privacy and confidentiality
- engaging IT specialists to assist with technical safeguards

5.4 Website privacy

Staff who edit and update Youth Solutions website need to consider privacy issues when adding or editing website content, including:

- the personal information of staff presented to the public or other staff
- the personal information of members of the public included in web documents
- obtaining personal information from the public through their visit to the website

The following Privacy Statement should also be published on the Youth Solutions website:

Website Privacy Statement

POLICY – PRIVACY AND CONFIDENTIALITY

“Youth Solutions will collect, manage, use and disclose personal information in accordance with all relevant legislation and standards as per the Privacy Act 1998 (Cth).

Your consent for sharing personal information will be sought and respected in all situations unless:

- 1. It is unreasonable or impracticable to gain consent or consent has been refused, and*
- 2. Without information being shared, it is anticipated a child, vulnerable person or member of their family will be at risk of serious harm, abuse or neglect, or pose a risk to their own or public safety.*

When collecting personal information, we will, whenever practical, outline why this information is being collected, how it will be used, stored and how Youth Solutions may be contacted. Youth Solutions will not sell any part of information collected, nor will we disclose it to any outside organisation unless approved by you or as authorised under law. Youth Solutions will take reasonable steps to securely store your information from loss, misuse and unauthorised access.

An individual has the right to change or access their personal information held by Youth Solutions or make a complaint about use of that information. To do so an individual should contact Youth Solutions via phone on 02 4628 2319, email info@youthsolutions.com.au, or send mail to PO Box 112 Macarthur Square NSW 2560.”

5.5 Social Media

Content updated on social media sites, including but not limited to, Facebook, Twitter, Instagram, Linked In and YouTube, must reflect the procedure and guidelines outlined in this policy.

Ways in which privacy can be protected through social media include:

- privacy settings – all accounts have a privacy setting that can be implemented so that Youth Solutions can properly control the content that is posted on their social media accounts
- following the guidelines in the Policy – Social Media
- Form – Media Consent are required for the use of photographs or videos on social media platforms
- in accordance with the Policy – Social Media, all staff are advised not to add service users as their friends on their personal social media accounts

For more information, see Policy – Social Media.

6 Delegations and responsibilities

Position	Delegation or task
Board	<ul style="list-style-type: none">• Endorse the policy.• Be familiar with Youth Solutions’ legislative requirements regarding privacy and the collection, storage and use of personal information.• Understand Youth Solution’s ethical standards with regards to the treatment of other confidential information relating to Youth Solutions, its service users, staff and stakeholders.
Management	CEO <ul style="list-style-type: none">• Be familiar with Youth Solutions’ legislative requirements regarding privacy

	<p>and the collection, storage and use of personal information.</p> <ul style="list-style-type: none"> • Comply with the policy and associated procedures. • Understand Youth Solution’s ethical standards with regards to the treatment of other confidential information relating to Youth Solutions, its service users, staff and stakeholders. • Ensure systems are in place across the organisation to adequately protect the privacy of personal information and confidentiality of other sensitive information. • Act in accordance with the organisational systems in place to protect privacy and confidentiality.
Staff	<ul style="list-style-type: none"> • Collect and store private information of service users and fellow staff lawfully. • Be familiar with legislative requirements regarding privacy and the collection, storage and use of personal information. • Understand Youth Solution’s ethical standards with regards to the treatment of other confidential information relating to Youth Solutions, its service users, staff and stakeholders. • Act in accordance with the organisational systems in place to protect privacy and confidentiality. • Comply with the policy and associated procedures.

7 Policy implementation

This policy is developed in consultation with Youth Solutions staff. All staff are responsible for understanding and adhering to this policy.

The Policy – Privacy and Confidentiality will be implemented when collecting and storing private information and when updating the Youth Solutions website or social media accounts.

This policy should be referenced in relevant policies, procedures and other supporting documents to ensure that it is familiar to all staff and actively used.

This policy will be reviewed in line with Youth Solutions’ quality improvement program and/or relevant legislative changes.

8 Risk management

Policies and procedures is a standing agenda item for Youth Solutions staff meetings to discuss any relevant issues.

Risks that could occur in relation to this policy include:

- staff not collecting and/or storing private information correctly
- using an individual’s private information that may not conceal their identity without consent or notification

Staff and services users may not be aware of their rights in terms of privacy and in fact have the right to know where their private information is kept and may have access to it at any time.

Youth Solutions ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

All staff, volunteers, students and Board members are made aware of this policy during orientation. All staff are provided with ongoing support and information to assist them to establish and maintain privacy and confidentiality.

9 Breaches

There are various penalties for breaching policies and all breaches will be taken seriously. Disciplinary and/or legal action could be taken against Youth Solutions or its employees if a breach of this policy occurs.

If staff are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor.

If a service user or stakeholder is dissatisfied with the conduct of a Youth Solutions staff or Board member, a complaint should be raised as per the Policy – Complaints Handling. Information on making a complaint will be made available to clients, stakeholders. Additionally, a complaint can be taken over the phone by any staff member.

10 References to external sources

Australian Government, 1988, Privacy Act 1988, accessed on 24/09/2020 via <http://www.comlaw.gov.au/Series/C2004A03712>

Community Child Care Co-operative Ltd NSW, 2020, *Privacy and Confidentiality Policy*, accessed on 24/09/2020 via <https://www.cela.org.au/privacy/>.

Find and Connect, 2011, *Applying for Records: Your Rights and the Law*, accessed on 24/09/2020 via <https://www.findandconnect.gov.au/resources/your-rights/>.

Institute of Community Directors, 2020, *Privacy Policy*, accessed on 24/09/2020 via <https://www.communitydirectors.com.au/icda/policybank/>.

NADA, 2020, *NADA Policy Toolkit – Communications Policy*, accessed on 24/09/2020 via <https://www.nada.org.au/policy-toolkit/policy-toolkit-communications/>.

Office of the Australian Information Commissioner, 2020, *Privacy*, accessed on 24/09/2020 via <https://www.oaic.gov.au/privacy/>.

11 Other relevant internal policies and documents

- Policy – Child Protection
- Policy – Code of Ethics and Conduct
- Policy – Complaints Handling
- Policy – Communications and Media
- Policy – Consumer Rights and Responsibilities

- [Policy – Photograph and Video Consent](#)
- [Policy – Social Media](#)
- [Form – Media Consent](#)

12 Quality and accreditation standards

12.1 Australian Standards Excellence Standards (ASES)

Provided by Quality Innovation Performance (QIP)

Standard C.2.2 Policy and Procedures:

Legal and contractual compliance

- Youth Solutions maintains awareness of all legal obligations and ensures compliance with all legal and contractual requirements

Personal records and privacy

- Youth Solutions ensures that information collected and stored about individuals is managed in accordance with legislated Privacy Principles and the privacy requirements of relevant funding bodies

Policies and procedures

- Youth Solutions provides guidance to the Board, staff and volunteers through providing documented policy and procedures for all core aspects of its operation
- Youth Solutions reviews and updates policies on an annual or as-needed basis to ensure their relevance to the organisation

Document control

Please note printed this document is uncontrolled when printed.

<i>Policy</i>	Privacy and Confidentiality Policy	<i>Effective date</i>	October, 2011
<i>Responsibility</i>	CEO or designate	<i>Approved by</i>	Chief Executive Officer
		<i>Review date</i>	Refer to register

Record of policy review

<i>Reviewed</i>	<i>Reason for review</i>	<i>Reviewed by</i>	<i>Additional comments</i>
2013	Updated	Brooke Manzione	
September 2014	Due for review	Amanda Partridge	
August 2017	Due for review	Amanda Dillon	
December 2017	Added phrase about Freedom of Information under section 4.1 Collection, Storage and Access	Amanda Dillon	Updated document added to website
September 2019	Due for review + added QIP phrase around data collection and privacy limitations	Amanda Dillon	