

Youth Solutions – Policy and Procedures

1 Policy statement

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

Youth Solutions is committed to protecting the privacy and confidentiality of participants, 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 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 is to be directly collected from the individual, unless consent has been given to obtain it otherwise. Parents/carers can give consent for minors. Basic contact details (phone, email) may occasionally be provided by a third party to Youth Solutions for the purpose of initiating contact with, should there be a prescribed need (ie a school may pass on a teacher's name and phone number to liaise directly for program booking details).

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 and larger non-profits (annual turnover of \$3 million), 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. Youth Solutions also acknowledges that strong privacy protections can enable stronger relationships between NFP services and the community.

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 informed consent. Care must particularly be taken with sensitive, personal information.

Sensitive personal information includes information about ethnic or racial origin, political opinions or associations, religious or philosophical beliefs, health or genetic information, sexual orientation and practices 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 informed 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 participants 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 participants, stakeholders, staff, Board members, student placements and volunteers is recorded, stored and managed.

All individuals, including participants, 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 participants
- administrative activities, including human resources management
- sector development activities
- fundraising
- complaint handling
- for testimonials, photographs or other material to promote and evaluate 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. Where personal information is supplied via email, correspondence is deleted to mitigate data breach risks. 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 (unique for each project and where appropriate authorised by human ethics review)

- 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. Where case notes are required for referrals, these are saved separately, with restricted access.

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

“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 participants or youth volunteers as their friends on their personal social media accounts

For more information, see Policy – Social Media.

5.6 Third-Party Platforms

Youth Solutions utilises third-party platforms within its communication and financial administration processes. These include, but are not limited to, MailChimp (EDMs); Square, Humanitix, GiveNow, GalaBid and Stripe (ticket bookings, payments). These platforms each have their own privacy and confidentiality, data and security processes and take responsibility for the safeguarding of information collected and input on their platforms. Youth Solutions, however, takes a proactive approach to its use of these platforms, staying up to date and reviewing privacy and confidentiality policies of each. Youth Solutions will not utilise any third-party platform without reviewing the policies in place to safeguard consumer information.

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 participants, staff and stakeholders.

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CEO	<ul style="list-style-type: none">• Comply with policy• Endorse associated procedures• Oversee the development and review of the policy and procedures• Manage implementation of the policy and associated procedures• Ensure systems are in place across the organisation to adequately protect the privacy of personal information and confidentiality of other sensitive information.
Managers	<ul style="list-style-type: none">• Be familiar with Youth Solutions' legislative requirements regarding privacy and the collection, storage and use of personal information relating to portfolios.• Implement processes within portfolio to ensure the adequate protection of privacy relating to personal information and confidentiality of other sensitive information.
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 participants, 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 26/10/2023 via <http://www.comlaw.gov.au/Series/C2004A03712>.

Australian Government, n.d., *Australian Privacy Principles*, accessed on 26/10/2023 via <https://www.oaic.gov.au/privacy/australian-privacy-principles/>.

Community Child Care Co-operative Ltd NSW, 2022, *Privacy and Confidentiality Policy*, accessed on 26/10/2023 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, 2023, *Privacy Policy*, accessed on 26/10/2023 via <https://www.communitydirectors.com.au/icda/policybank/>.

NADA, 2020, *NADA Policy Toolkit – Communications Policy*, accessed on 26/10/2023 via <https://www.nada.org.au/policy-toolkit/policy-toolkit-communications/>.

Office of the Australian Information Commissioner, 2022, *NFPs and the Privacy Act*, accessed on 26/10/2023 via <https://www.oaic.gov.au/privacy/privacy-guidance-for-organisations-and-government-agencies/organisations/privacy-for-not-for-profits>

11 Other relevant internal policies and documents

- [Policy – Child Protection](#)
- [Policy – Code of Ethics and Conduct](#)
- [Policy – Communications and Media](#)
- [Policy – Complaints Handling](#)
- [Policy – Consumer Rights and Responsibilities](#)
- [Policy – Photograph and Video Consent](#)

- [Policy – Research Integrity](#)
- [Policy – Social Media](#)
- [Form – Media Consent](#)
- [Procedure – Managing Research Data](#)

12 Quality and accreditation standards

12.1 Australian Service Excellence Standards (ASES)

Provided by Quality Innovation Performance (QIP)

Standard 2.1 – Sound Governance

Standard: Commitments to leadership, mutual accountability, and ethical conduct are evident.

Outcome: Stakeholders are confident that Governance supports long term organisational success

Requirements:

- Processes for appointments to the Governing Body and senior executive positions are documented.
- A documented and implemented Corporate and Clinical governance framework is in place that outlines the various documents as required.
- The Governing Body should demonstrate attributes and behaviours commensurate to the role.
- Monitoring and evaluation of the Governing Body are undertaken.
- The Governing Body follows ethical practice.
- The process is in place to address ethical dilemmas.

Standard 2.2 – Policy and Procedures

Standard: Policies and procedures are in place and consistently applied, reviewed and updated to address legislative, industry, contractual and organisational requirements.

Outcome: Good service is consistently provided to stakeholders.

Requirements:

- The organisation has identified and documented its legislative obligations and related actions
- Policies and procedures support consistent service provision and the safety of children, young and vulnerable people in accordance with organisational objectives, industry and legislative requirements.
- Policies and procedures are authorised and have a periodic review date.
- Documentation is subject to planned reviews to ensure it reflects and supports agreed work practices.
- Records are available to demonstrate consistent application of policies and procedures for all areas of operation of the organisation.
- Records are legible and retrievable and are securely stored with defined retention times and disposal method.
- Privacy and confidentiality principles are consistent with the Australian Privacy Principles (APP) and applied in the collection, storage, use and disclosure of personal information and related records.

Standard 2.3 – Data and Knowledge Management

Standard: The organisation has effective processes to collect and use data, to create information, and to refine information into knowledge.

Outcome: Stakeholders can confirm that information is used effectively to improve organisational performance.

Requirements:

- There are defined processes for the collection and analysis of information and data.
- Accurate and timely management reports are generated for use in decision-making.
- Consumer information systems exist and are reviewed for data security and online safety, and to improve understanding of consumers and their service usage.
- Information Technology (IT) infrastructure, protocols and procedures support effective and secure management of consumer and corporate data.

Standard 2.4 – Risk Management

Standard: Policies and procedures are in place to manage risk and opportunities.

Outcome: Organisational and consumer risks are minimised, and opportunities explored.

Requirements:

- Risk management systems are in place.
- Risk management systems have been communicated to all staff and relevant stakeholders.
- Business related incidents, accidents, adverse events and near misses are identified, recorded and reported, investigated, improved upon and analysed regularly.
- Clinical risks are identified, assigned and managed for each service user type and service type.
- Responsibility for assigning the risk is managed.
- All significant projects and purchases have appropriate risk management strategies.
- Audits are carried out to provide assurance that risk management systems are in place and effective.
- The organisation's core functions and critical systems have been identified, acceptable downtimes estimated, and continuity, contingency or recovery plans developed and tested.

Standard 4.1 – Human Resources

Standard: Human resources ensure competent staff for effective service.

Outcome: Stakeholders are competent and confident in the organisational environment.

Requirements:

- Processes for recruitment, selection, and appointment of staff and volunteers are compliant with statutory requirements, possess appropriate qualifications, skill, and experience, uphold safety and rights of consumers, and document agreed conditions of employment.
- Staff, students, and volunteers have structured and comprehensive induction processes.
- Documented role descriptions include individuals' accountabilities and responsibilities.
- A Code of Conduct defines acceptable behaviours, including values of the organisation, rights and responsibilities of consumers, staff and volunteers, child safety and wellbeing culture, staff and consumer surveys.
- The rights of staff and volunteers are clearly defined, communicated and respected.
- Compliance with Equal Employment Opportunity requirements is evident.
- The organisation facilitates flexible work practices that meet business and service requirements, while allowing employees to balance their career with their family and cultural responsibilities.
- A performance review and development plan is in place to assist staff and volunteers to meet personal and organisational objectives.
- Staff, volunteers and students are supported through direct supervision that monitors service quality and effectiveness.
- Legislative and mandated training requirements are met.

Standard 6.1 – Communication

Standard: Communication systems and strategies ensure information is disseminated internally and externally to all key stakeholders.

Outcome: Communication informs and improves outcomes.

Requirements:

- Internal and external target groups, communication processes and timelines are defined.
- All staff are expected to convey information accurately, succinctly and free of jargon.
- Internal and external communication is maintained.
- Meetings are effectively managed.
- Communication mediums are effective and appropriate for audiences and processes. This includes providing safe, secure and accessible communication channels for children, youth and vulnerable people.
- Communication processes seek feedback and develop actions that foster continuous improvement.
- Appropriate information sharing protocols are promoted and practised.

Standard 8.1 – Consumer and Community Engagement

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Standard: Consumers are key partners in shaping service delivery and continuous improvement.

Outcome: Consumers services are effective in achieving agreed goals.

Requirements:

- The organisation actively engages consumers to participate in service planning and provision.
- Resources are allocated to support consumer participation in service planning at the organisation and individual level.
- Consumers, community, public advocates and carers have access to information about the service.
- Consumers confirm practices are in place to support their individual needs and that these practices consider their culture, spirituality, age, literacy, ability, sexuality and life choices.
- Program design, delivery and review focus on positive consumer outcomes.
- The organisation collaborates with other service providers for consumers' continuity of care. This is demonstrated in intake assessments and exit and referral processes.
- Consumer rights are demonstrated.
- Consumer service standards are precise and measurable.

Standard 8.2 – Consumer Feedback and Complaints

Standard: Consumers are key partners in shaping service delivery and continuous improvement.

Outcome: Consumers services are effective in achieving agreed goals.

Requirements:

- Consumer feedback is actively sought through a variety of means and is used to identify potential service improvements.
- A process for managing consumer complaints has been implemented.
- Consumers are provided with information about feedback and complaints processes that are accessible and culturally appropriate.
- Alternative options are provided to the consumer if not satisfied with the outcome (ie Ombudsman, Health and Community Services Complaints Commissioner or other advocacy service).
- Consumer complaint outcomes and trends are reported to senior management and the Board.

Internal Standards – Quality Programs and Services

Service Framework

- Youth Solutions actively reviews guiding frameworks, principles and policies, and where appropriate contributes to knowledge surrounding good practice in AOD harm prevention and health promotion
- Youth Solutions maintains clear positions on relevant frameworks/approaches and remains responsive to emerging issues and the changing needs of population groups
- Youth Solutions works with young people and stakeholders to conduct qualitative research to inform practice
- Youth Solutions provides clear and consistent health promotion messaging to young people and the community at large

Referral and Information

- Youth Solutions works with services, networks and agencies to provide relevant and timely responses for those requesting information, brief advice and referral options

Education and Training

- Youth Solutions provides flexible learning opportunities and acknowledges the specific needs of service users and stakeholders

Project Specific

- Youth Solutions integrates currently accepted evidence-based practice throughout all stages of program and projects

Document control

Please note printed this document is uncontrolled when printed.

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

POLICY – PRIVACY AND CONFIDENTIALITY

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 2020	Due for review + added QIP phrase around data collection and privacy limitations	Amanda Dillon	
January 2021	Checked against Australian Privacy Principles and added updated reference	Amanda Dillon	
October 2023	Self-assessment	Geraldine Dean, Emily Deans & Amanda Dillon	Advice re. Third party platforms included All references updated and Privacy Principles reviewed against content. Additional relevant internal docs (including Managing Research Data and Research Integrity added).