

# The Paraplegic & Quadriplegic Association of South Australia Ltd



## Worker Confidentiality Policy

### STATEMENT

The Paraplegic & Quadriplegic Association of South Australia Ltd (PQSA) is committed to protecting the confidentiality of our current and prospective workers. We will work within legislative requirements to ensure personal information is kept confidential and private.

<p>Approved by:</p>  <p>Chief Executive Officer</p>	<p>Date: May 2021</p>
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**In this policy, 'us' 'we' or 'our' refers to The Paraplegic & Quadriplegic Association of South Australia Ltd ACN 644 670 977, which is a Company Limited by Guarantee and conducts its business through Lifestyle Support and HomeCare+ services.**

*Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.*

## **SCOPE**

Compliance with this policy is a condition of appointment for all workers and volunteers engaged to provide services on behalf of PQSA.

## **DEFINITIONS**

Refer to the PQSA Policy and Procedure Definition Glossary.

## **RESPONSIBILITIES**

It is our responsibility to communicate our policies and procedures to all workers on a systematic basis. All Directors and Supervisors are responsible for monitoring our workers' understanding of their obligations and need for compliance with policies and procedures. Workers are responsible for complying with our policies and procedures.

**Directors/Supervisors** are responsible for ensuring that:

- our workers are informed of, understand and apply the principles of this policy
- accurate and confidential records are maintained
- client and workers' confidentiality is maintained at all times.

**Director of People & Culture** is responsible for ensuring:

- adherence to federal and state legislative requirements
- this policy is reviewed and updated on a bi-annual basis.
- all workers are informed and trained in the application of this policy and its procedures.

**Workers must ensure they:**

- adhere to this policy at all times
- update their personal information by notifying PQSA of any changes in writing using the appropriate form(s).

## **POLICY**

PQSA is required to collect and administer a range of personal information from its current and prospective workers. PQSA is committed to protecting the information and its administration.

PQSA will ensure that all information collected from workers will be considered confidential and not disclosed without prior knowledge or consent from the worker or their legal representative, unless it is a legal requirement for this information to be disclosed or under Information Sharing Guidelines (refer <https://www.dpc.sa.gov.au/responsibilities/information-sharing-guidelines/about-the-information-sharing-guidelines>).

All workers and volunteers are bound by the Privacy Act 1988, including the Privacy Amendment Act 2012 and any subsequent amendments and regulations. These impose specific obligations in relation to handling of information. The Privacy Act 1988 has no set time limit and this Policy covers all people whilst they are working with/for PQSA and when/if this relationship ceases.

PQSA will:

- use lawful and fair means to collect personal information
- use and disclose personal information only in relation to our primary functions or a directly related purpose, or for any other purpose with the person's consent
- ensure the personal information we collect, use or disclose is accurate, complete and up to date

- store personal information securely and protect it from unauthorised access
- provide workers with access to their own information and the right to seek any correction if required
- ensure that we obtain a person's consent when information is used or disclosed to a third party, except where required or authorised by or under law.

The types of information that is considered confidential can include:

- name, date of birth, age, sex and address
- emergency contact details of family, guardian etc.
- bank details
- medical history or records
- pay records.

Other information relating to ethnicity, race, political opinion, religious or philosophical belief, medical information or sexual preference should also be considered confidential.

All workers of PQSA must sign an acknowledgement of these confidentiality provisions during induction. This signed form is retained in PQSA's personnel files.

## **PROCEDURES**

We will only collect information that is necessary for the recruitment, ongoing employment and management of workers. During the recruitment process, PQSA obtains information to determine a prospective worker's suitability to undertake the advertised position. If an applicant is deemed to be successful with their application, this information will be retained on their personnel files.

Upon commencement of employment, a worker is required to provide personal details for People and Culture and Payroll requirements. This personal information is gathered using a Personal Details form, Tax File Number Declaration and, if required, an application form for the worker's chosen superannuation fund. Workers are not legally required to disclose their tax file numbers (TFN); however there may be financial implications for not doing so.

Only authorised workers of PQSA will have access to information which is stored on a worker's personnel file and prospective worker applications. Only authorised workers have access to electronic personnel files which are stored on PQSA's secure network.

PQSA will safeguard the information we collect and store against misuse, loss, unauthorised access and modification. PQSA will only destroy records in accordance with legislative requirements. Unsuccessful prospective workers' applications will be securely disposed of six (6) months after the application has been deemed unsuccessful.

No personal information will be divulged to an outside party without the express permission of the person concerned or in accordance with the requirements of the law.

Under the Work, Health and Safety (WHS) Act 2012, unions may apply to the Industrial Relations Commission of South Australia to have one or more of their officials granted a WHS entry permit. This permit allows union entry into workplaces for specified purposes. An entry permit holder (EPH) may enter any workplace for the purpose of inspecting or making copies of employee records or documents directly relevant to the suspected contravention of the WHS Act. An EPH must provide a 'notice of proposed entry' during usual working hours at the workplace, at least 24 hours but no more than 14 days prior to entering the workplace, if they wish to inspect employee records held at the workplace or information held by another person.

PQSA will not disclose any information to a third party without the express written request of the worker. This is obtained through the completion of an Authority to Exchange Information form. The form must outline what information can be disclosed and to whom, and must be signed by the worker. Examples of third parties who may require information include but are not limited to financial institutions, property management agencies and job networks.

## **RELATED LEGISLATION**

- Australian Privacy Principles
- Privacy Act 1988
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Tax File Number Guidelines 2011
- Taxation Administration Act 1953 (Cth)
- Taxation Administration Act 1996 (SA)
- Work, Health and Safety Act 2012

## **SUPPORTING PQSA DOCUMENTATION**

- Capacity for Work Form
- Change To Personal Details Form
- Code of Conduct and Ethical Behaviour Policy
- Information Sharing Guidelines
- Personal Details Form
- Privacy – Private Information Management Statement
- Privacy – Private Information Management Procedures
- Recruitment Policy and Procedures

## **BREACHES OF THIS POLICY**

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

## **DISTRIBUTION AND REVIEW**

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.