



Policy No. 02

Confidentiality Policy

Application

This policy applies to all Workers and Board Directors of the First Nations Advocates Against Family Violence (“FNAAFV”).

FNAAFV recognises that there are situations where its staff are in, or will come into, possession of confidential information. This policy provides an overview as to how the Board and Workers can identify confidential information, key duties that may apply with respect of confidential information, and steps that staff can take to ensure these duties are upheld and the confidentiality of information is protected and maintained.

FNAAFV considers it to be imperative that the security and confidentiality of confidential information be maintained. Improper use or disclosure to third parties of confidential information may cause serious loss or damage to FNAAFV and to our service users, funders, and partners.

Definitions

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| “Board Director” | means a member of the board of directors of FNAAFV. |
| “Confidential Information” | broadly, confidential information includes personal information obtained while working for or being engaged by FNAAFV (whether that be about FNAAFV’s operations, or our service-users), as well as information that is confidential for other reasons such as commercial sensitivity. |
| “Worker” | means all staff (full-time, part-time, casual, permanent or temporary), contract or commission workers and volunteers, vocational and work experience placements at FNAAFV. |

The Policy

Generally

FNAAFV is committed to ensuring that confidentiality of information is respected, and that all procedures for releasing specific information are followed correctly.

Processes

Confidential information includes any confidential information relating to the past, present, or future business of FNAAFV that comes to the knowledge of the staff member, including:

- (a) financial, budgetary, marketing, research and business plan
- (b) information of FNAAFV or any customer or service-user of FNAAFV;
- (c) customer or service-user lists and supplier lists;
- (d) third party information disclosed in confidence;
- (e) any confidential information or data belonging to a customer or Service-user of FNAAFV (including data that is communicated as being confidential), and
- (f) any other information the disclosure or use of which may be detrimental to the interests of FNAAFV or of any other person who has provided it to FNAAFV on a confidential
- (g) basis, but does not include information in the public domain (unless in the public



- (h) domain due to a breach of confidentiality by any person).

Identifying confidential information

Just because a document isn't identified or labelled as confidential does not necessarily mean that the document is not confidential. Staff should be mindful that a lot of the information they are dealing with in the course of their work is of a confidential nature and err on the side of caution.

Before disclosing or distributing information, staff must consider whether the information or any aspect of the document is confidential considering the nature of the information. For example:

- (a) is the information publicly available? If so, it may not be confidential.
- (b) is the information about a member service? If so, it is almost certainly confidential.
- (c) is the information commercially sensitive? If so, it is likely that the information will be confidential.
- (d) If uncertain about whether information is confidential, please check with your manager/supervisor or other member of management.

Duties of Confidentiality

All Board members and workers are expected to:

- (a) not disclose confidential information, except with prior written consent or as required by law or where necessary for a person to do their job or provide their services;
- (b) not copy, produce or misuse confidential information, except where necessary for a person to do their job or provide their services;
- (c) take whatever measures are reasonably necessary to prevent the loss, disclosure or misuse of confidential information;
- (d) report any breach of these obligations;
- (e) use confidential information solely where necessary for a person to do their job or provide their services;
- (f) maintain the secure custody of confidential information;
- (g) safeguard and protect all confidential information;
- (h) not sell, let for hire, assign rights in or otherwise commercially dispose of confidential information;
- (i) not commercialise or otherwise exploit any confidential information;
- (j) comply with any conditions on any consents provided by FNAAFV to disclose confidential information;
- (k) comply with any obligation to execute a deed in favour of FNAAFV (or any of its service-users, funders or customers) regarding the disclosure of any confidential information;
- (l) comply with all privacy laws (including the Privacy Act 1988, Privacy and Personal Information Protection Act 1988 (NSW), the Health Records and Privacy Information Act 2002 (NSW), the Privacy and Data Protection Act 2014 (Vic), the Health Records Act 2001 (Vic).

If Board members or Workers are required by law to disclose confidential information, they must notify FNAAFV and comply with any lawful and reasonable directions or requirements provided by FNAAFV with respect to that disclosure.

Delivery of documents

Staff must deliver up to FNAAFV all confidential information at the end of their employment with FNAAFV, at the end of their engagement as a contractor with FNAAFV, or earlier if directed by FNAAFV.

Board and Worker assistance



Board members and Workers must execute any document reasonably requested by FNAAFV, or as requested by a service-user, funder, or customer of FNAAFV, in relation to their obligations with respect to confidential information.

Ongoing obligations

The obligations in this Policy continue to apply after the end of the employment or engagement of the staff member.

Restrictions

FNAAFV may limit access to certain information to specified persons only. Individuals dealing with restricted information will be advised as such. Specified persons may be required to handle this information in a specified way, including keeping the information confidential and not disclosing the information to other persons.

No Exclusion of Law or Equity

Any existing laws or principles that safeguard FNAAFV’s confidential information are not excluded from this Policy and must be followed, even if they are not explicitly mentioned in this Policy.

Disciplinary Action

Disciplinary action will be taken by FNAAFV against any Worker or Board Director found to have breached this policy. Action taken will be appropriate to the breach and may result in the termination of the Worker’s employment or the Board Director’s appointment.

Related Policies

- Employee Handbook **OR** Board of Director’s Handbook
- Policy 01 – Employee Code of Conduct **OR** Policy 01(a) - Board Code of Conduct
- Procedure 01 – Grievance Handling Procedure

Review

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Every 2 years	Chief Executive Officer	Chief Executive Officer