

1. POLICY CERTIFICATION

Policy title:	Confidentiality and Privacy Policy
Policy number:	HR005
Category:	Policy
Classification:	HR
Status:	Approved

2. PURPOSE

The purpose of this policy is to provide guidance to Roper Gulf Regional Council Staff Members, Elected Members, and Local Authority Members when dealing with information that is of a confidential, personal and/or sensitive manner. This policy records Roper Gulf Regional Council’s commitment to preserving the confidentiality of information held by the Council. This policy should be read alongside and in observation of the RGRC *Complaints Policy, Communications Policy, Council Meeting Policy and Computer Usage Policy*.

3. ORGANISATIONAL SCOPE

This policy applies to all Roper Gulf Regional Council employees including contractors and volunteers, Elected Members, Council Committee members and Local Authority members. The policy relates to any piece of information that contains information that is of a confidential, personal or sensitive manner that is collected, retained, stored and/or used by RGRC to carry-out its functions.

4. POLICY STATEMENT

Roper Gulf Regional Council employees (including contractors and volunteers, Elected Members, Council Committee Members and Local Authority Members) will maintain confidentiality of all information regarding individual people (employees or clients), families, groups or communities at all times. It is particularly important to stress that this policy includes information about particular communities as well as individuals.

It is a breach of this policy to discuss privileged community, employee or client issues with people in social situations even in other places. This especially applies for Governance, Human Resources, Finance, Aged Care, Mentoring, Employment & Training, and Crèche services within RGRC.

5. DEFINITIONS

CEO	Chief Executive Officer
Confidential Information	<ul style="list-style-type: none"> • Information considered and discussed in meetings closed to the public pursuant to <i>Local Government Act</i> • Any information designated as confidential by the CEO • Names and/or address of complainants or witnesses • Information provided to RGRC on the condition that it is kept confidential and commercial-in-confidence information associated with any person or body • Information relating to preliminary budget/s • Information dealing with appointment, discipline or appraisal of employees or industrial matters affecting employees • Information dealing with rating concessions for individuals • Information associated with contracts proposed by RGRC • Legal advice reviewed by RGRC or any information starting or defending legal proceedings • Information subject to Legal Professional Privilege (LPP) • Commercial-in-Confidence (CIC) information

	<ul style="list-style-type: none"> Information dealing with the security of property Any other information that is generally not known by, or available upon request to the public which identifies and relates to a particular individual or carries a risk that if released or improperly used would cause harm to RGRC or a member of the community, or give an unfair advantage to someone. Information prescribed in Part 4 of the <i>Information Act</i> Information listed in the Information Privacy Principles, <i>Information Act</i> – Schedule 2 Information which if disclosed or released would contravene an Australian Privacy Principle, <i>Privacy Act 1988 (Cth)</i> – Schedule 1
Consent	Means express or implied consent by an individual whether oral or in writing
Information	Includes any discussions, documents, electronic data or knowledge
Personal Information	Council information from which a person's identity is apparent or is reasonably able to be ascertained.
RGRC	Roper Gulf Regional Council
Sensitive information	Information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, or criminal record. This is also considered to be personal information.
Shall	Will
Unique identifier	A symbol or code (usually a number) assigned by an organisation to an individual to distinctively identify that individual while reducing privacy concerns by avoiding use of the person's name.

6. PRINCIPLES

6.1 RGRC's Confidential, Sensitive and Personal Information

RGRC understands that confidential, personal and/or sensitive information within our organisation can be of a unique nature and it is occasionally challenging for RGRC employees to recognise which types of information are confidential, personal and/or sensitive. RGRC shall classify the following types of information as confidential, personal and sensitive:

- cultural information that RGRC employees, contractors, Elected Members, Council Committee Members, Local Authority Members and volunteers may become aware of in the course of their work that is of a sensitive nature,
- verbal information including telephone conversations or other conversations between staff or between staff and clients, discussions with community members,
- written information of any kind (case notes, pathology results, administration files, internal memos etc),
- medical information,
- information stored on computers,
- all other types of information that are defined above as confidential, sensitive or personal, and
- information defined as confidential by the Schedule 2 of the *Information Act*, Schedule 1 of the *Privacy Act 1988 (Cth)*, the *Local Government Act* or any applicable Act of the Territory or the Commonwealth

6.2 Collection of confidential, personal and sensitive information

RGRC shall collect personal information only if it is necessary for its functions, activities or programs or in order to comply with legislation and regulations.

6.3 Facilitating confidentiality of information

It is the responsibility of the business unit managers to ensure confidentiality and privacy procedures are implemented and adhered to.

All RGRC confidentiality and privacy procedures shall ensure:

- all interviews, regardless of the nature take place in a private space,
- all interview folders are locked away and/or are destroyed as soon as possible,
- all employee files are locked away,
- all employee notes do not breach confidentiality and privacy procedures.

If an RGRC staff member is under pressure to reveal confidential, sensitive or personal information that they have gained in the course of their employment with RGRC because of family ties or other reasons, then the problem should be discussed with their supervisor immediately.

6.4 Preservation of confidentiality

RGRC shall preserve the confidentiality of confidential, personal and sensitive information as far as possible under the law.

Confidential, sensitive and personal information shall not be released to any person unless:

- the information relates only to that person (that is, it is solely information about the person)
- it is information that relates only to a person, and that person has provided RGRC with written authority to release the information to someone else
- the release of information is necessary for conducting RGRC's business and it is in the public interest
- RGRC is obliged under law to release the information to that person.

6.5 Customer service

Staff shall fully inform Roper Gulf Regional Council clients and customers about their confidentiality and privacy rights in any situation where it is necessary, the purposes for which the confidential information is being obtained and how it may be used. RGRC staff shall gain consent from clients for any information used outside the primary workplace.

Any complaint or grievance submitted by any of RGRC's customers, clients or members of staff shall be investigated and actioned in a timely matter and will remain confidential.

6.6 Violations

Violations of the Confidentiality and Privacy Policy will be dealt with in accordance to the nature and severity of the specific violation. An RGRC employee, Elected Member, Council Committee Member, Local Authority Member, contractor or volunteers who violates the Confidentiality and Privacy Policy will be subject to disciplinary action under Council's Code of Conduct and Member's Code of Conduct.

Breaches of confidentiality and privacy constitute a serious breach of the Code of Conduct, and professional obligations, and can result in instant dismissal. All staff are to be fully informed of this requirement in the recruitment/employment process, and it is included in the Roper Gulf Regional Council Code of Conduct and Induction.

7. REFERENCES

Acknowledgements (original author/source documents)	
Related Policies	GOV003 - Complaints Policy GOV005 - Communications Policy GOV006 - Computer Usage Policy GOV010 - Media Policy CL001 – Members’ Code of Conduct CL002 - Members Disciplinary Policy HR001 - Employee and Contractor Code of Conduct HR003 - Employee Discipline Policy
Related Publications	<i>Local Government Act</i> <i>Information Act</i> <i>Privacy Act 1988 (Cth)</i>
Relevant Forms	<i>Nil</i>

8. DOCUMENT CONTROL

Policy number	HR005
Policy Owner	Human Resources
Endorsed by	OCM
Date approved	23 March 2009
Revisions	July 2014, July 2017
Amendments	27 August 2014, 23 August 2017
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9. CONTACT PERSON

Contact person	Manager - Human Resources
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