



PRIVACY POLICY

GCLC is committed to upholding the right to privacy of every individual who uses this service, including collection and storage of client information and client access to their information.

5.3.1 Collection of Information

It is necessary for the provision of services that individual client information is collected and retained by GCLC. To protect the right to privacy of persons whose personal information is held by GCLC, this organisation enacts the National Privacy Principles (NPP's) of the *Privacy Act 1988 (Cth)*.

It should be noted however that there may be occasions where it is not in the client's best interests to release some information. Where this is the case that matter is to be referred to the CEO to determine access.

To this effect:

1. Only personal information that is lawfully required for the provision of service or that is required to comply with data requirements of GCLC's funding bodies shall be collected and stored on individual client files.
2. Great care must be taken by GCLC's workers to ensure the personal information they collect about clients is recorded correctly.
3. At the time of collecting the information or as soon as is practicable each individual shall be advised as to the purpose of collecting the information, how it is stored and to whom any information will be supplied.
4. The personal information of any individual shall not be passed on to a third party without the prior express and informed consent of that individual, except where it is lawfully required.
5. Personal information about any individual will not be sought from a third party without that individual's prior express and informed consent.
6. All personal information shall be held in a confidential and secure manner.
7. All personal individual information shall be confidentially destroyed once it is no longer lawfully required.
8. Any individual seeking access to their personal information will be provided with access to their file except where there is a lawful reason not to do so. Where there is a reason not to provide part or all of an individual's personal information those reasons shall be put in writing and where appropriate carefully explained to that person.
9. Any individual wanting to correct any information that is held by GCLC will be requested to provide the correction in writing and following this the correction made.
10. Any person wanting to complain about a breach of this policy or about the denial of

access to their personal information shall be permitted to do so utilising GCLC's client complaint procedure.

5.3.2 Procedure

1. Personal data shall only be collected from individuals where they are to receive legal advice or a service from GCLC. Personal data of individuals is not required for the provision of information, referrals or participation in community legal education workshops.
2. Only aggregated data (numbers of persons within various categories) will be provided to funding bodies, except where the express and informed permission of a client has been obtained.
3. GCLC's intake ensures only information required to identify the individual, comply with Legal Practice rules and the requirements of funding bodies is collected from individuals. All workers must use the GCLC intake sheet when collecting personal information from clients (in our CLASS system).
4. Only instructions taken from a client and details of advice given, tasks to be undertaken and the results of those tasks shall be recorded on an individual's personal file. Workers of GCLC are not to record personal judgements or opinions regards the individual on the individual's file or anywhere else in the Organisation.
6. Where a client advises of a change to their personal details at any stage those changes shall be recorded as soon as practicable on the individual's file
7. GCLC will develop a brochure providing details of our Privacy Policy, why particular information is collected, how it is recorded and whom it is released to. This brochure shall be made available throughout the organisation and to individuals upon request.
8. At the time of collecting information from a client the worker shall make every effort to ensure the client understands why the information is being collected, how it is stored and to whom it shall be released.
9. GCLC will make available relevant Authority documents which enables a client to provide express consent to GCLC to release information to or obtain information from a third party. When asking a client to sign a relevant authority, it is the responsibility of the worker to ensure the individual understands what information is to be obtained or released and to/from whom.
10. Each Authority document must include the information to the client that they can revoke the Authority at any time. It is the responsibility of the worker to ensure the client understands this and understands how to revoke their authority.
11. The revocation of any authority must IMMEDIATELY be noted on the client's file and the relevant Authority document marked accordingly.
12. All client files and any documents holding a client's personal information must be stored in a locked filing cabinet. Workers must not retain client files on their desktop at the end of the working day but rather ensure that these files are securely stored in a locked filing cabinet.
13. All computers holding client's personal data shall be password protected.

14. Files holding personal client data, once archived, shall be stored in a secure storage facility with appropriate privacy policies and practices.
15. Once archived files are no longer required, they shall be destroyed in a confidential manner as soon as is practicable.
16. A client shall be permitted to have access to his or her own personal file. GCLC shall develop and make available an access request form and shall assist clients to complete those forms where it is appropriate to do so. The form shall include details to identify the individual and what part of their file they wish to gain access to. Clients do not have to provide a reason as to why they want access to their personal information.
17. It is the responsibility of the CEO to decide upon any requests for access to a file. This shall include denying access to any parts of a file that may be deliberate (internal decision making) or disclosing personal details of a third party. All requests shall be responded to within three working weeks.
18. Where there is a lawful reason not to provide access to personal information to a client, those reasons shall be put in writing and where appropriate carefully explained to the client.
19. If a client simply wants to view their file they shall be allowed access to an interview room where they can review their file confidentially. A worker shall be present at all times to provide an explanation as to any information contained on the file if this is required and to ensure the safety of the file.
20. If a client wishes to have copies of relevant documents from their file, photocopies of those documents shall be provided to the client. Where there is a significant amount of photocopying to be performed a small fee shall apply. The decision to request a fee for the supply of copies of documents is at the discretion of the CEO and shall be advised to the client prior to copies being made. A decision to charge for the copies shall take into consideration the capacity of the client to pay the fee and the fee itself shall be minimal, reflecting only the actual cost of providing the photocopies (or less).
21. Where a client is unhappy with the way in which their personal information has been handled or if they are unhappy with a denial of access to parts of their information they shall be entitled to lodge a complaint. This is to be done using the client complaints procedure. Clients shall be offered every assistance to pursue a complaint where they choose to do so.
22. **DESTRUCTION OF FILES:** All files should be kept for a period of 7 years from the date the file is closed.

In respect of a client under a legal disability such as being under the age of 18 years or a client with an intellectual disability such as mental illness, the file should be retained indefinitely.

When a file is not to be destroyed, the file should be stamped "Not to be destroyed". These files should be kept on the Centre premises.