

GUIDE TO CONFIDENTIALITY POLICY TEMPLATE

ABOUT THIS POLICY AREA

This policy guides how the organisation protects the confidentiality of client information.

A written confidentiality policy is required as part of meeting Standard 4 (Confidentiality and privacy).

Standard 4 – confidentiality and privacy

The organisation develops, implements and reviews policies and procedures about the obligations of employees, volunteers and executive officers in relation to confidential information. It also covers the circumstances where the right to confidentiality may be overridden by other considerations.

Policy checklist

The following checklist will help you check that an existing policy covers this area adequately.

The policy should:

- show how verbal and written disclosure of sensitive client information is managed appropriately
- explain how clients will be approached to obtain their consent for information about them to be shared, either internally or with an external agency, in both verbal and written forms, and how consent is documented and signed
- describe the ways people using services are informed of any necessary limits to confidentiality and the circumstances where the right to confidentiality might be overridden by other considerations
- contain clear procedures and actions
- indicate the timing of any actions
- show when it was approved
- show when it was last reviewed.

COMPLETING YOUR CONFIDENTIALITY POLICY

Using the policy template

The template provides some example statements. You can adapt these statements and include them in your policy or write your own statements to better suit the operations and services of your organisation.

To customise the policy template, click on the shaded sections <<Insert text>> and insert the information that is specific to your organisation.

When you have completed the policy template, delete the shaded instruction sections such as: [Refer to the confidentiality policy template guide for questions and/or examples to consider when customising this section.](#)

For further information on using the policy guides, refer to the information in *Using the policy templates and guides*.

Guidelines for each section of your policy

1. Purpose

When identifying the purpose of the policy, consider how it might apply to your client group/s and other agencies you work with. Do you need to make specific statements to ensure you are inclusive of particular groups, such as Aboriginal and Torres Strait Islander peoples, Australian South Sea Islanders, people from culturally and linguistically diverse backgrounds and people with a disability?

2. Scope

To determine the scope of the policy, consider the following questions:

- Does this policy apply to all your organisation's services and to all clients and agencies?
- Would it be helpful to define the use of the term 'confidentiality' in the context of your particular services or activities? Who must maintain confidentiality, whom for and whom from?
- Can an individual staff member or volunteer maintain confidentiality with a client, or is it understood that confidentiality is within their team?
- What type of information about a client is and is not confidential?
- Are there particular situations where it may be necessary or even required that staff disclose client information that would otherwise be confidential? (These should be clearly specified in the procedures.)

3. Policy statement

If you are adopting the policy statement in the template, consider whether there are any additional commitments your organisation wants to make.

In identifying the actions your organisation will take to implement this policy, you should include the following:

- meeting legal and ethical obligations as employees, volunteers and managers in relation to handling confidential information
- providing clients with information about their rights regarding confidentiality
- avoiding inappropriate verbal and written disclosure of information about clients, within and outside the organisation
- sharing verbal and written information about a client with agencies and individuals external to the service only when this is necessary and with the written consent of the client (unless the circumstances are such that limits to confidentiality rights apply).

4. Procedures

The procedures describe how your organisation achieves the aims and goals you have outlined in your purpose, scope and policy statement.

4.1 Confidentiality

List your principles for ensuring confidentiality. These will be drawn from the requirements of the privacy legislation. Principles will include:

- providing clients with information about your confidentiality policy
- collecting and recording information only if it is necessary for effective service provision, including assessments
- being professional and appropriate in the language used in client records
- being unbiased and non-judgmental in comments and assessments that are recorded
- keeping client information secure and making sure that only those who are authorised to do so can gain access
- making sure information is up to date and accurate before it is used
- having written consent from a client prior to information sharing with other agencies
- disposing of records safely, or transferring them to a more appropriate agency, when they are no longer required by your service.

Explain how you manage your obligations as employees, volunteers and managers in relation to confidential information about clients.

Consider:

- What steps do you take to avoid inappropriate verbal and written disclosure of information about clients, within and outside the organisation?
- When is it appropriate to share verbal and/or written information about a client? How do you decide that information sharing is necessary? Is the client always involved in this decision? Can you share information without the written consent of the client? Under what circumstances? Whom with?
- What written agreements, memoranda of understanding or protocols do you have with other agencies for information sharing about clients, for case management and other purposes?
- What consent is a client asked to give to the collection, storage and sharing of information about themselves?
- What information do you produce to explain to clients their rights to confidentiality (including a summary of the main points in the privacy legislation) and the procedures you follow in collecting, storing and using information about them?
- When and how do you inform clients of these rights and procedures?

5. Other related policies and documents

List the other policies related to the confidentiality policy. The policy should be linked to:

- privacy policy
- client records policy
- access to confidential information policy.

6. Review processes

Consider how often the policy should be reviewed and the process for doing this:

- **frequency of review:** Most policies benefit from an annual review. The experience of implementing the policy is used to decide which changes are necessary. Consider reviewing your confidentiality policy as part of an annual review of your organisation's policies or, if your organisation is small, perhaps over a three-year period. Critical incidents may prompt you to review the policy ahead of schedule.

- **responsibility for the review:** In most organisations, the person accountable for client service would be responsible for reviewing this policy. In small organisations, this may be the coordinator or manager. In larger organisations, this may be a client service manager or administration manager.
- **process for the review:** Decide which particular staff, volunteers, external people and organisations will provide input to the policy review, and how clients will be involved.
- **decision-making process:** Who will review draft changes to the policy and approve changes? What will be the timeframe for the review process?
- **documentation and communication:** What records of the policy review process are needed? How will changes to the policy be communicated to staff implementing the policy? In a small organisation, this may be as simple as noting the changes at a staff meeting. In a larger organisation, an email memo may be needed.
- **key questions for the review:** Is the policy being implemented? Are procedures being followed? Is the policy clear? What has changed that may prompt a change to the policy (for example, changes to the Privacy Act, or new record-keeping systems)? Have particular stakeholders had difficulty with any aspect of the policy? Can their concerns be resolved? How does the policy compare with that of similar organisations?