## Privacy and Confidentiality policy



**Overview**

…metaphorically speaking is committed to complying with the [Privacy Act 1988](http://www.comlaw.gov.au/Series/C2004A03712) [and the Australian Privacy Principles 2014](http://www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles) and the privacy provisions of all applicable legislation.

This privacy policy covers all personal information we hold, that is, information, or an opinion about an individual, whose identity is apparent, or can be reasonably ascertained, from that information or opinion. This includes information we have collected from people through over the phone or internet.

**Collecting information**

When we collect personal information or artworks from an individual, we will ensure that we do so in a fair manner and that we let the individual know where and how to contact our organisation. We will only collect information that is necessary for the purpose of providing therapeutic services.

We will advise individuals or the purpose for which their personal information is collected.

If we collect sensitive information or artworks (as defined under the Act), we will treat it with the utmost security and confidentiality. We will ensure that it is not collected for any purposes, other than those for which we have obtained the individual’s consent, unless the law requires otherwise, or other exceptional circumstances prevail as described under the Act.

Where an individual chooses not to provide requested information, we will advise that individual of what consequences this non-disclosure may have. For example, withholding certain information may limit our ability to provide relevant services to individuals.

**Disclosing information**

We will only disclose personal information in accordance with the Privacy Act.

This means that personal information may be disclosed:

* For the purposes for which we have advised that we are collecting it, and for related purposes that the individual would reasonably expect,
* Where we have the consent of the individual to do so,
* As required by law, or
* Under other circumstances where permitted under the Act.

In the course of our business activities, we may need to disclose some of your personal information to relevant staff of the agency who has contracted our services.

There may be instances where we believe that by disclosing your confidential information, an actual identifiable risk of harm to you or another person can be prevented. For example, where a person threatens to take their own life or that of another person, we may have an ethical obligation to advise an appropriate emergency or mental health service. Where it is safe to do so, we will advise you of our need to disclose your information.

There are some other limitations to confidentiality outlined in the section on Mandatory Reporting.

**Mandatory Reporting**

Social workers are required by law under the NSW [Children and Young Persons (Care and Protection) Act 1998](https://www.legislation.nsw.gov.au/) to report concerns about child abuse and neglect for children aged 0-15 years. These concerns include:

* the basic physical or psychological needs of the child or young person are not being met (neglect)
* the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
* the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the [Education Act 1990](https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report) (unwilling or unable to do so)
* risk of physical or sexual abuse or ill-treatment
* parent or caregiver’s behaviour towards the child causes or risks serious psychological harm (emotional abuse)
* incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
* the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.

Chapter 16A of the [NSW Children and Young Person (Care and Protection) Act 1998](https://www.legislation.nsw.gov.au/) also provides for the exchange of information and cooperation between all agencies working with a child, if the information relates to the safety, welfare or wellbeing of a child.

Where the client lives in another state or Territory of Australia, different laws may apply.

**Unauthorised disclosure or access**

As …metaphorically speaking is committed to protecting the privacy of individuals, we will view unauthorised disclosure of, or access to, personal information by our employees or contractors, as a serious breach of this policy. Appropriate action (which may include disciplinary or legal action) will be taken in such cases.

**Access to personal information**

Individuals are able to access their personal information upon request in writing at the provided address below. However, …metaphorically speaking may occasionally need to deny access to information in accordance with the exemptions contained in the Act or if it is in the best interests of the client.

**Storage and Security**

Our goal is to protect the personal information and artwork collected by …metaphorically speaking and its associations. Personal information and artworks will be managed confidentially and securely in a locked filing cabinet. These records are destroyed after 7 years, as required by the AASW Practice Standards 2013. If video taping of sessions occurs at the request of clients, these are erased within 7 days.

We will continually monitor and implement appropriate technical advances or management processes, to safeguard personal information.

**Data Quality**

We will take all reasonable steps to ensure that the data we collect, use or disclose is accurate, complete and up to date, and has been obtained directly from individuals or other reputable sources.

**In the Event of Death of Incapacity of Service Provider**

In the event of the provider of the service at …metaphorically Speaking unexpectedly passing away or becoming incapacitated, their External Supervisor will be responsible for the appropriate storage and security of client information for the required period, and the subsequent destroying of this information once this time has lapsed.

**Privacy Inquiries**

Privacy related enquiries or concerns can be directed to Lucy Van Sambeek at …metaphorically speaking.

**Availability and review of Policy**

We will make our privacy policy available upon request and will provide a link to this policy from our website.

This policy will be reviewed from time to time and any amendments will be incorporated into the updated policy.

Lucy Van Sambeek

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