

UMSU Legal Service

Confidentiality Policy

Policy number: 012	Date adopted: 10.11.2016	
Authorised by: Phoebe Churches, Manager, Advocacy & Legal		
Date last reviewed: 10.11.2016	Reviewed by: A & L SAG	Date of next review: 10.11.2017
Policy context: This policy relates to:		
Standards or other external requirements	NACLC Mandatory Standards 12, 20.8 Risk Management Guide for CLCs	
UMSU standards	Complaints Policy Email Policy	
Legislation or other requirements	<u>Legal Profession Uniform Law Application Act 2014 (Vic)</u> <u>Legal Profession Uniform General Rules 2015</u> <u>Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</u> <u>Legal Profession Uniform Legal Practice (Solicitors) Rules 2015</u> <u>Privacy and Data Protection Act 2014 (Vic)</u> <u>Health Records Act 2001 (Vic)</u> <u>Privacy Act 1988 (Cth)</u>	

Background

Much of the information contained within the Legal Service is of a highly personal and confidential nature. Not only could there be legal implications involved in communicating this information but it would be a breach of the trust clients should have in Legal Service.

The Legal Service acknowledges that its clients have the right to have their personal and confidential information kept in the most private and professional manner possible.

Personal and confidential information includes:

- client files and any information relating to clients;
- personnel files;
- information obtained from government and other confidential sources which the Legal Service is not authorised to release;
- any information provided by the client or third parties verbally or in written form relating to the matter about which the client has contacted the Legal Service.

The Legal Service will only collect and record HIV/AIDS related information where it is:

- relevant and necessary and it affects the direct professional relationship between the Legal Service and the client;
- deemed necessary to collect and record such information, it will be done in such a fashion so that information is respected and protected under the Legal Service's Confidentiality Policy.

HIV related information will only be disclosed to another person or agency after written authorisation has been received from the person directly affected by that information providing it may only be disclosed after discussion with and the written authority of the Principal Solicitor of the Legal Service.

Procedures

- a. All information (including HIV/AIDS data) will only be collected and recorded where it is necessary to enable this Service to provide an effective and efficient service to its clients.
- b. The benefits of collecting HIV/AIDS data and information must outweigh the potential harm of collecting such information. The collection of HIV/AIDS information must be relevant to a matter of law.
- c. This Service will take all reasonable steps to ensure that no unauthorised persons will have access to any confidential information.
- d. All personal information (telephone, facsimile, hard copy file or computer data base) will be handled and stored in a confidential manner.
- e. Hard copy files or any written information relating to personal information will be kept in a safe manner. When files/notes are in use, care will be taken that they are not left unattended for indiscriminate reading.
- f. All access to personal information on computer data bases is through a pass word system for authorised persons only.
- g. Information that is collected for a single purpose will only be used for that purpose unless informed consent is received from the person directly involved to use it for some other purpose and then only for that other authorised purpose.
- h. All persons entering into a professional relationship with the Service will be informed of the confidentiality policy and all workers employed or otherwise will be asked to sign a confidentiality agreement in the terms of the copy attached hereto.
- i. No information of a personal or confidential nature is to be given out to third parties whether upon request or otherwise without the written authorisation of the person or client affected. This includes addresses or phone numbers of staff, volunteers, or clients.
- j. Volunteers and students may not access files except those they are authorised by their supervisor to access in the course of their work.
- k. Clients may be provided with the information on their own files.
- l. The disclosure of information of a personal and confidential nature pertaining to any person to any other person may only be performed under the following guidelines:-
 - i. with written authorisation from the Principal Solicitor or appropriate staff member; and
 - ii. with written consent of the person directly affected by that personal and confidential information; and
 - iii. where it is believed that the information in question is directly relevant to the duties of other staff/volunteers and the proper precautions are undertaken (as stated above) in disclosing this information and only that information which is necessary for such persons to do their job effectively and efficiently.
- m. A breach of confidentiality on a legal matter may result in summary dismissal and civil proceedings could be brought against the employee by the service.

DOCUMENTS

Documents related to this policy	
Related policies	Code of Conduct Policy
Forms or other organisational documents	Legal Service Charter Complaints Register Feedback Form Complaints Form
Policy review frequency: Annually	Responsibility for review: A & L SAG
<p>Review process: The Advocacy & Legal Student Advisory Group in conjunction with the Principal Solicitor has responsibility for leading the review of this policy. The process for reviewing the policy includes:</p> <ul style="list-style-type: none"> • Assessment of policy implementation to date; • Those covered by the policy are provided with the opportunity to give feedback; • All feedback and suggestions will be considered by the review of the policy; • Proposed changes will be presented to UMSU staff to achieve consensus; • A & L SAG will endorse the finalised policy; and • The policy will be available on the Legal Services web page. 	