



## ACCESS TO CONFIDENTIAL INFORMATION

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**Contact: General Manager**

### **POLICY STATEMENT**

Kennerley Children's Homes is committed to transparency in its operations and to ensuring it is open to public scrutiny. It must also balance this with upholding the rights of individuals to privacy and of the organisation to confidentiality on sensitive corporate matters.

Kennerley Children's Homes will prevent unauthorised persons gaining access to an individual's confidential records and permit individuals access to their own records when this is reasonable and appropriate.

Accordingly, access to some Kennerley Children's Homes documents and records will be limited to specified individuals and not be available to others for viewing.

This policy applies to the internal records, client records and unpublished materials of Kennerley Children's Homes

### **PROCEDURES**

#### **Client records**

Client records will be confidential to clients and to designated staff members.

Information about clients may only be made available to other parties with the consent of the client, or in the case of children and Young People on Care and Protection Orders, the Department of Health and Human Services Child & Family Services.

All client records will be kept within the alarmed Office and Administration building and securely locked in filing cabinets and pass word protected computer systems. The information will be updated, archived according to the organisation's client records policy.

#### **Carer records**

Information held regarding Kennerley carers is shared with the Department of Child and Family Service as part of the carer assessment approval process and in the case of Quality of Care complaints. Carers are required to sign a permission to share information form during their initial assessment.

#### **Board/Management Committee**

Board minutes will be open to the public once accepted by the Board, except where the Board passes a motion to make any specific content confidential.

All papers and materials considered by the Board will be open to the public following the meeting at which they are considered, except where the Board passes a motion to make any specific paper or material confidential.

The minutes, papers and materials from any Sub-Committee meeting will be open to Board members and staff, but not to the public, with the exception of information relating to any matter the Sub-Committee deems confidential.

### **Kennerley Children's Homes membership records**

A list of current Kennerley Children's Homes Board members and staff will be available on request to Kennerley Children's Homes . Personal information about Board members and staff (including address and contact details) is confidential and may only be accessed by approved designated staff.

### **Personnel files**

A personnel file is held for each staff member and contains:

- contact details and contact details in case of an emergency
- a copy of the employee's contract
- all correspondence relating to job description changes, salary changes, leave entitlements such as long service leave, continuous service leave, unpaid and parental leave.

Access to personnel information is restricted to:

- the individual staff member accessing their own file
- the General Manager and Business Manager

### **Corporate records**

Corporate records are those that contain confidential or commercially sensitive information about the organisation's business. They include:

- The financial accounts and records
- Taxation records
- Corporate correspondence with [incorporation regulator]
- The corporate key and other access or user name information
- Records of staff or other internal meetings
- Project management files
- Contracts between the organisation and other parties

Access to these records is limited to Business Manager, Independent Auditor (re Financials) General Manager and nominated Board members.

### **Requests for access – general records**

All records and materials not falling into the categories above may be released to the public at the discretion of the General Manager

Any request for access to information should be directed to the General Manager who will:

- make available to staff or Board members information that they are entitled to access
- refer any request from Kennerley Children's Homes members or the public for access to the organisation's records or materials to the approved designated staff member

In considering a request, the General Manager and designated staff member will take into consideration:

- a general presumption in favour of transparency
- the relevant provisions of the Kennerley Children's Homes constitution regarding information to be made available to Kennerley Children's Homes members
- the business, legal, and administrative interests of Kennerley Children's Homes including commercial confidentiality and privacy obligations.

Where an external party requests access to information that requires staff to devote time to collating, copying or otherwise making material accessible, the general manager may determine a fee to be charged.

### **Requests for access - client records**

All clients have the right to access their records and advise the organisation about inaccuracies.

Kennerley will:

- Inform clients about their right to access records containing personal information about themselves and how they can request this.
- Record client requests to access files.
- Make fair and appropriate decisions about permitting or refusing access to personal information.
- Provide access for clients or former clients to access their own confidential information.
- Advise clients refused access to personal information how to appeal (if appropriate).
- Enable clients to change records they believe to be inaccurate or misrepresenting, when appropriate.

Requests for information about clients from outside agencies or individuals will be referred to the general manager. Before any information is released, Kennerley will contact the client concerned to obtain consent.

In the case of young people residing within Kennerley Children's Homes to ensure high quality care and solid case planning it is necessary to share some client information as relevant. Additionally information will be shared in regard to Mandatory reporting, Concerns in Care processes and any risk to a child's health or wellbeing.

### **Third Party Requests for access of Kennerley Clients Records**

At times third parties i.e. a family member may wish to access past clients personal files. This is particularly pertinent for investigation into family history etc.

A written application must first be submitted to request access of personal information of a Kennerley client. Accompanying this should be:

- Identification equivalent to 100 points;

- written consent from the person whose file is being requested for access OR an original death certificate;
- proof of connection to the person; and
- the reason for accessing the file

The request will then be referred to the General Manager where a final decision will be made on a case by case basis. If your application is approved, a fee may apply if staff is required to devote time to collating, copying or otherwise making material accessible.

### Appeals

Individuals or Third Parties who are refused access to their own or others records or information files may appeal by contacting the Board Chair who will review the decision in the context of this policy.

### DOCUMENTATION

Documents related to this policy	
Related policies	Privacy Policy on Client Information
Forms, record keeping or other organisational documents	Confidentiality Agreement Permission to Share Information Form.

Reviewing and approving this policy		
Frequency	Person responsible	Approval
2 yearly	Operations Manager	General Manager

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	27 <sup>th</sup> August 2013	Operations Manager	August 2015
2			
3			