

1.2 Privacy and Confidentiality policy and procedure

1. Purpose

The purpose of this policy is to ensure that the confidentiality of information about all people who use and work at DVCS is protected. The policy also provides guidelines on the instances in which information may be disclosed and the need to inform service users about the limits that apply to the confidentiality DVCS provides.

2. Scope

This policy covers the DVCS Board and all staff.

3. Policy Statement

DVCS respects and upholds a client's rights to privacy protection in regulating how DVCS collect, use, disclose and hold personal information, and is compliant with and addresses the Thirteen Principles listed in the ACT *Information Privacy Act 2014*. (These Principles can also be provided upon request).

DVCS has a detailed policy and set of procedures to ensure that only authorised staff have access to a client's personal information and that all information remains confidential and is only used for appropriate purposes and in accordance with the law and this policy. To ensure compliance with legislation, the principles in this policy apply to all files and databases containing personal/sensitive information held by DVCS.

Limits to confidentiality

Any information or documentation referring to any individual who has accessed DVCS, is held in confidence and not disclosed to another person, agency or government organisation except in situations where one or more of the following applies:

- A DVCS client gives prior consent, either verbal or written to the release of information and such consent is acceptable to DVCS.
- There is risk of injury or harm to any person. In these circumstances DVCS may have a duty of care responsibility and therefore disclosure of information may be considered necessary to prevent that injury or harm. This is allowed for and consistent with provisions in the ACT Information Privacy Act.
- A DVCS worker believes a child or children have been abused or at risk of injury, harm or abuse. This may include children who have witnessed domestic violence. In this case DVCS may provide the police and/or child protection services with client details and the DVCS staff member's concerns regarding the child or children. This is allowed for and consistent with provisions in the ACT Information Privacy Act.
- DVCS is legally obliged to respond to a subpoena or other legal request (such as care and protection act provisions) for client information.

NOTE: Legal duty of care obligations to disclose personal information for safety reasons override the provisions of the Privacy Act (1988) and the National Privacy Principles and are not considered as breaches of privacy.

This policy is regularly reviewed in the light of legislation and DVCS organisational changes.

4. Policy Principles

- DVCS' commitment to maintaining the confidentiality and privacy of clients and staff is set within the limits of duty of care obligations. Staff will ensure all clients are aware of the confidentiality limitations of the service as early as possible. Particular care will always be taken to explain DVCS' duty of care responsibilities to clients in relation to DVCS taking action that may include disclosing information in order to protect children or others at risk.
- Where DVCS is required to release information for duty of care reasons, ONLY the information required to protect safety will be disclosed.
- In all other situations where any person, agency or government organisation requests client information DVCS will only release that information subject to the limits to confidentiality requirements specified in this policy.
- Where DVCS shares information (either as a duty of care measure or where legally obligated to provide information), DVCS will always attempt to inform the client unless it is unsafe to do so.
- When providing information about DVCS in public talks, workshops and meetings, DVCS staff will outline the limits to confidentiality.

5. Procedures

DVCS Staff will work within the following procedures:

5.1 Collection of Information:

Client personal and sensitive information is only collected as is necessary to enable DVCS to carry out its work and deliver services to the community.

DVCS participates in two key information sharing initiatives in the ACT, designed to enhance safety to high-risk DFV clients and improve whole of system responses to DFV. DVCS may acquire information about a client through those initiatives rather than directly from a client and the same principles and procedures in this policy apply to that information.

5.2 Use and Disclosure of Information:

Personal information about an individual is not used or disclosed unless:

- A DVCS client gives prior consent, either verbal or written to the release of information.
- DVCS has a duty of care responsibility and therefore disclosure of information may be considered necessary to prevent injury or harm.
- A DVCS worker believes a child or children have been abused or at risk of injury, harm or abuse. This may include children who have witnessed domestic violence.
- DVCS is legally obliged to provide information (via a court order or CYF legal request).

5.3 Quality of Information:

Reasonable steps are taken by DVCS to ensure that all personal information collected and used is accurate, complete and up to date.

5.4 Security of Information:

Reasonable steps are taken by DVCS to protect personal information from misuse, loss, unauthorised use, modification or disclosure. Information is destroyed or permanently de-identified when it is no longer needed for any purpose for which it was originally collected.

5.5 Openness of Information:

Reasonable steps are taken by DVCS to inform any person, on request, generally what type of personal information is held, how it is collected and stored.

Procedures- continued

5.6 Accessibility of Information:

Information held about an individual is accessible (at no charge) to that individual on request and reasonable steps taken to ensure the information is accurate and up to date. DVCS Policy 1.4 outlines the procedures related to such a client request.

Access to information may be denied if DVCS has reason to believe that:

- The request is frivolous or vexatious.
- The release of such information may place individuals (the person requested the information or any other person) at risk of harm. In these circumstances DVCS duty of care obligations may override the individual's right to access the information.

5.7 Anonymity:

Individuals have the choice to not identify themselves or to use a pseudonym when dealing with DVCS. (This right is supported in the information privacy act).

Where any matter arises where information or disclosure of identity breaches anonymity in a way unsolicited by DVCS, the organisation is bound to:

- notify the individual of the information or
- otherwise ensure that the individual is aware of those matters.

Where any matter arises that requires DVCS to take action to prevent harm or support duty of care for a client using anonymity or pseudonymity AND the worker actually knows the identity of the person- the need to protect from harm overrides the right to anonymity and the procedures for notification or disclosure are then as per any notification or disclosure (including the need to inform the person of the need to disclose information).

5.8 Confidentiality:

- Staff will not use any confidential information which they have acquired in relation to the activities of DVCS for their own interests or the interests or purposes of others not associated with DVCS.
- Staff will not make copies of any confidential information for any other reason other than those essential to and directly related to their position and responsibilities with DVCS.
- Staff, upon request, and in any event upon the cessation of their engagement or employment with DVCS will return materials containing any confidential information which are in their possession.
- Any breaches of confidentiality must be immediately reported to the Chief Executive Officer and Board and appropriate action taken.

Client support for people employed by DVCS

DVCS staff can access the support of the organisation as any other community member can. Noting the complexity of confidentiality in these circumstances staff can seek support which is documented by the CEO in a client file kept off the main system, accessible by the CEO, the Deputy CEO in the absence of the CEO and the member of staff providing director support to the staff member.

Procedures- continued

5.9 Making a complaint relating to a breach of the Information Privacy Act:

Complaints about breaches of privacy in the ACT can be made to the Australian Information Commissioner. Under an arrangement between the ACT Government and the Australian Government, the Office of the Australian Information Commissioner (OAIC) is exercising some of the functions of the ACT Privacy Commissioner, including handling privacy complaints.

The OAIC requires you to have made a complaint to the organisation or agency first and if not satisfied with the outcome to then lodge a complaint with them in writing. Information about how to lodge a complaint with DVCS as well as the provision of a complaints form can be found on the DVCS website [Home - DVCS | Domestic Violence Crisis Service in Canberra](#)

Information on how to lodge a complaint with the Information Commissioner can be found at [Privacy complaints | OAIC](#)

5.10 Artificial intelligence

DVCS recognises that artificial intelligence (AI) is becoming more common and present in computer and communications systems (often already built-in). To ensure the privacy and confidentiality of DVCS clients, no client data or information (even if de-identified) is to be put into any AI function including AI recording or transcript functions. Any recording of meetings or training must only be done with the express permission of those whose image, words of participation or presence is to be captured and with prior approval of DVCS. Recording of meetings with external participants to DVCS should be provided and a timeframe in which the recording will be deleted, i.e. after meetings notes are finalised. If a worker has any concerns or questions about whether a particular tool or function is AI, they should talk with their team leader or any member of the management team.

6. Related documents

External

- *ACT Information Privacy Act (2014)* and associated amendments (including the Territory Privacy Principles).
- *ACT Children and Young People Act (2008)*.
- *ACT Crimes Act (1900)* and associated amendments.
- *ACT Family Violence Act (2016)* and associated amendments.

Internal

- 6.2 Privacy and confidentiality requirements and obligations
- 6.3 Duty of care policy and procedure
- 6.10 Child protection and notification policy and procedure

7. Policy Information

Date policy approved: 7 March 2024	Approved by: Sue Webeck
Date amended/reviewed:	
<ul style="list-style-type: none"> • Reviewed and updated November 2025- as part of the full policy review process. Added section on Artificial Intelligence and workers utilising service as clients. 	
Next review date: November 2028	