



MLC Client Privacy and Confidentiality Policy (v02.07.2021)

Privacy

Macarthur Legal Centre (MLC) endeavours to protect and uphold the rights of our clients in the collection, storage and use of any information about them, their needs and any assistance we may provide to them. MLC has adopted the National Privacy Principles (NPPs) contained in Schedule 1 of the *(Cth) Privacy Act 1988*. Accordingly, the NPPs govern the way we collect, use, disclose, store, secure and dispose of data. Please refer to the *NPPs* for detailed information.

Confidentiality

Staff across MLC are bound by the confidentiality requirements outlined in the CLC's *Australia Risk Management Guide (RMG)*, which require us to keep client information confidential, unless otherwise authorised or required to release information pursuant to the law. For example, reporting of child safety concerns may, in some cases, outweigh client confidentiality (refer to the *MLC Child Protection Policy* for further information).

Solicitors in the legal practice have additional confidentiality requirements, relevant to their professional practice. These requirements are primarily contained in the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 (NSW)* (for example, see Rule 9).

Staff may also be subject to specific confidentiality requirements contained in funding agreements, or in accordance with other professional membership requirements.

All MLC staff, volunteers and students on placement, are bound to uphold these principles and must be constantly careful when using client personal information.

MLC Information Barriers

Where MLC has internal information barriers in place, confidential client information can only be shared between teams with client consent (See the *MLC Information Barrier Manual* for further information).

Format of this Document

This policy has been drafted for distribution to clients, and for publication on our website.

Use of Personal Information

Personal information collected by MLC will primarily be used to assist with the provision of services you've requested. Personal information will only be collected with the consent of the client, however if you do not consent, we may not be able to assist you. This is because we also have obligations to avoid conflicts of interest. **Accordingly, if you chose not to supply your details at intake, we cannot provide advice and/or ongoing assistance to you.**

What is Personal Information?

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

The types of personal information we collect may include your name, address, date of birth, gender, income, housing type etc.

Providing your personal information is voluntary but, in some cases, if you do not provide us with the personal information requested, we may not be able to provide you with the services you require.

How We Collect Your Personal Information?

Where possible, all personal information will be collected directly from the client or their legal representative and will be collected in private.

We may obtain personal information from third parties. Should we do so, where it is unclear whether you have consented to the disclosure of your personal information to us, we will take all reasonable steps to contact you and ensure that you are aware of the circumstances surrounding the collection and the purpose of collecting the information.

Personal information is collected when you call us to ask for our assistance or when you attend a meeting with one of our staff to discuss your needs.

Why We Collect Your Personal Information?

We collect your personal information for the following purposes:

- to assist with the provision of services.
- to assist in planning future service delivery and monitoring past performance.
- to prevent the risk of conflict of interest.
- to meet the accountability requirements of funding bodies.
- to assist in endeavours to secure additional or special funding.

We also gather information for statistical purposes to help in monitoring and assessing the services the centre provides e.g., your ethnic origin. In these cases, this information may be given to third parties but only after it is depersonalised.

Who Has Access to Your Personal Information?

Only authorised staff of MLC who need to have access to client information to do their job will be able to access client personal information. MLC will not disclose your personal information to a third party without your consent unless required by law.

How We Store Your Personal Information?

We take all reasonable steps to protect all personal information we hold from misuse, interference and loss, and from unauthorised access, modification or disclosure. Your personal information will be stored on a password protected electronic database/s. Only recognised employees, students and volunteers have the capacity to view data from the databases.

Other client records, such as advice sheets, case files etc. may be stored as hardcopy or electronic files, dependent on the service/s you receive. Regardless of the format of records, internal processes and procedures have been developed to ensure safe storage of these client records. Furthermore, these processes and procedures are routinely reviewed and updated (e.g., routine monitoring and upgrading of electronic security measures which protect our electronic files and databases). Generally, client records are kept for a period of 7 years, after which time they may be destroyed (unless a longer retention period is indicated). As a rule, however, all original records will be returned to clients, before file closure. Please refer to the *MLC Client Record Management Procedure*, for further information about the storage and retention of client records held by the legal practice of MLC.

Where personal information is stored with a third party (e.g., off-site archive storage of physical files), we have arrangements which require those third parties to maintain the security of the information. We take reasonable steps to protect the privacy and security of that information, but we are not liable for any unauthorised access or use of that information. Your personal information will stay on our database/s indefinitely, or until you advise that you would like it removed, unless we depersonalise it or destroy it earlier in accordance with privacy law requirements.

Right to Access Your Personal Information

We will, upon request, and subject to applicable privacy laws, provide the client with access to their personal information that is held by us. However, we request that you identify, as clearly as possible, the type(s) of information requested.

Where a request has been made to access the file, the matter will be brought to the attention of the worker with carriage of the file and such arrangements will be made by that worker (or their manager) to provide the client with all relevant documentation. Client records are the property of the organisation, but clients may have access to their own records following a written request to the Principal Solicitor, or service coordinator.

There may be other times when access or production of your documents is required by law - for example, where we receive a Summons or Subpoena from a court, requiring production of documents or other client-related information.

Maintaining the Quality of Your Personal Information

It is important to us that your personal information is up to date. We will take reasonable steps to make sure that your Personal Information is accurate, complete and up-to-date. If you find that the information we have is not up to date or is inaccurate, please advise us as soon as practicable so we can update our records and ensure we can continue to provide quality services to you.

Policy Updates

This policy will be updated from time to time and a current version is available on our website.

Privacy Policy Complaints and Enquiries

If you have any queries or complaints about our Privacy & Confidentiality Policy, please contact us at:

Macarthur Legal Centre: PO Box 798, Campbelltown, NSW 2560

Email: macarthur_admin@maclegal.net.au

Phone: (02) 4628 2042