

PGOV07 – Director Confidentiality

1. Purpose

To ensure that the legal and ethical right to privacy and confidentiality of all participants, staff and St Michael's Association Inc (St Michael's) is upheld and respected at all times.

2. Policy Type and Owner

Governance / (Board/CEO)

3. Scope

This policy applies to all Office Bearers, Ordinary Committee Members and special advisors of the Board of St Michael's Association Inc, collectively referred to in this policy as 'Directors'.

4. Definitions:

St Michael's	St Michael's Association Inc.
CEO	Chief Executive Officer
Subsidiary	Organisation that is wholly or partly owned and controlled by a parent company
Imminent	Refers to something that is about to happen or is likely to occur very soon

5. Policy

Maintaining the privacy and security of information held by St Michael's is a legal obligation.

Information is given in confidence to St Michael's and its Directors by various people including participants and staff, community members, key stakeholders and business associates. St Michael's is therefore, entrusted or placed in a position of confidence, to hold this information and to deal with it in a manner that is respectful of the trust which has been placed in the person to whom the private information was given and St Michael's generally.

The information is private information and must be dealt with in a way that is consistent with the Commonwealth Privacy Act 1988. Given the important position of trust that St Michael's holds, its obligations under the Privacy Act are to be of the highest importance. St Michael's has a number of security and privacy measures in place.

Privacy matters which this policy covers includes:

- Personal Health Information**
 St Michael's collects personal health information for the primary purpose of providing supports and services to participants.
- Personal Information other than personal health information**
 Personal information or opinion, whether true or not, acquired directly or indirectly about an individual whose identity is apparent, or can reasonably be ascertained from the opinion or information.
- Financial Information**
 Any financial information whatsoever that is not published and accessible to the general public. It includes but is not limited to the financial information of St Michael's, current or former Directors, Officers, related bodies corporate, business associates, participants, employees, contractors, volunteers, students and trainees.
- Commercial and Business Information**
 Any information which is the information of St Michael's and which has not been published for access by the general public. It includes but is not limited to third party arrangements such as contractual arrangements and negotiations, operational matters and strategic and policy matters.

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- **Confidential information does not include information that:**

- was known by the recipient before it was given to the recipient as a result of their relationship with St Michael's or any of its associated bodies, subsidiaries, agents, employees or any other person who owes a duty of confidentiality and privacy to St Michael's. Evidence will be required to demonstrate that the recipient knew the information and the evidence will have to be written evidence; or
- information that was or enters the public domain by some other way other than by a breach of confidentiality; or
- information that is general public knowledge and available in the public domain; or
- becomes known to the recipient because of a disclosure by a third party NOT IN BREACH of any obligation of confidentiality to St Michael's.

Other Relevant Documents

- The *Privacy Act 1988* (Cth)
- The National Privacy Principles
- The St Michael's Multi-Enterprise Agreement
- NDIS Legislation and Rules

6. Procedure

6.1. Signing the Confidentiality Agreement

All Directors must sign a Confidentiality Agreement upon appointment to the Board.

6.2. Privacy of confidential client information

All information provided to St Michael's that relates to a participant is given to St Michael's in confidence and must be kept private.

6.3. Disclosure of confidential health information to third parties

Disclosure of personal information is not permitted unless the person provides their consent, or an exception applies under the National Privacy Principles.

6.4. Directors shall not disclose personal information to any third party unless:

- the person has given their consent; or
- the disclosure is required by law;
- the disclosure is directly related to the primary purpose of collection. This means that the disclosure is for administrative purposes, for example, for the purpose of billing Medicare; or for another directly related primary or secondary purpose such as to a manager for the purpose of enabling the manager to effectively monitor, plan, evaluate and investigate matters; or
- there is a serious and imminent threat to an individual's life, health or safety; or
- the disclosure is necessary as part of an investigation, for example, pursuant to a medico-legal claim.

6.5. Directors' Records and Privacy

All Director's records of St Michael's will contain only information that is relevant in order to meet various legislative requirements and to ensure efficient personnel administration. They will be managed to protect the Director's privacy.

6.6. Access to Director Records

Access to a Director's record may only be gained by the Public Officer.

7. Additional Information

Policy:

- [PGOV08 Board Grievance and Dispute Management Policy](#)
- [PGOV09 Board Induction Policy](#)
- [PGOV10 Board Conflict of Interest and Related Party Transaction Policy](#)
- [PGOV11 Board Code of Conduct Policy](#)

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Forms:

- [Board Governance Charter](#)
- [FGEN15 Nomination for Office Bearer or Ordinary Committee Persons](#)
- [FGEN17 Board Member Confidentiality and Consent](#)
- [FGEN18 Board Member Information Kit](#)
- [FGEN19 Board Member New Member Letter](#)
- [FGEN20 Board Member Orientation Program](#)

Review

Board will review the policy when required.

Policy Update

Version	Details
1.0	New Policy

Uncontrolled when Printed

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