

GUIDE TO ACCESS TO CONFIDENTIAL INFORMATION POLICY TEMPLATE

ABOUT THIS POLICY AREA

This policy guides how the organisation manages access to confidential information held about clients.

A written access to confidential information policy is required as part of meeting Standard 4 (Confidentiality and privacy).

Standard 4 – confidentiality and privacy

The organisation develops, implements and reviews policies and procedures for how clients may access their confidential information, and how they are informed of their right to access this information.

Policy checklist

The following checklist will help you check that an existing policy covers this area adequately:

The policy should:

- say how access to client files is determined and what the procedures are for restricting access by unauthorised persons
- describe the process for clients or former clients to access their own confidential information, and say how clients are informed about their rights to do this
- describe how clients can seek to have records about them changed
- explain how decisions regarding refusal to provide access to personal information are made
- explain how an appeal against a decision to refuse is handled and how clients are informed of their rights in this regard
- describe how records are kept of requests from clients for access to information, evidence of how requests have been considered, and how access was provided
- contain clear procedures and actions
- indicate the timing of any actions
- show when it was approved
- show when it was last reviewed.

COMPLETING YOUR ACCESS TO CONFIDENTIAL INFORMATION POLICY

Using the policy template

The template provides some example statements. You can adapt these statements and include them in your policy or write your own statements to better suit the operations and services of your organisation.

To customise the policy template, click on the shaded sections **<<Insert text>>** and insert the information that is specific to your organisation.

When you have completed the policy template, delete the shaded instruction sections such as: [Refer to the access to confidential information policy template guide for questions and/to examples to consider when customising this section.](#)

For further information on using the policy guides, refer to the information in *Using the policy templates and guides*.

Guidelines for each section of your policy

1. Purpose

When identifying the purpose of the policy, consider how it might apply to your client group/s, other agencies you work with, and to your staff, volunteers and others acting on behalf of the organisation in contact with client information. Why is it important to your clients and to your organisation that you control access to confidential client information? Do you need to make specific statements to ensure you are inclusive of particular groups, such as Aboriginal and Torres Strait Islander peoples, Australian South Sea Islanders, people from culturally and linguistically diverse backgrounds and people with a disability?

2. Scope

To determine the scope of the policy, consider the following questions:

- Does this policy apply to all your organisation's services and to all clients, agencies and stakeholders?
- Are there some roles within the organisation, whether staff, volunteer or board or management committee member, which are never allowed access to confidential client information?
- Are there any circumstances when people external to the organisation are allowed to access confidential client information without the informed consent of the client?

3. Policy statement

If you are adopting the policy statement in the template, consider whether there are any additional commitments your organisation wants to make.

In identifying the actions your organisation will take to implement this policy, you should include the following:

- determining who has authorised access to client information
- restricting access to client information to unauthorised persons
- informing clients about their right to access records containing personal information about themselves and how they can request this
- recording client requests to access files
- making fair and appropriate decisions about permitting or refusing access to personal information
- providing for clients or former clients to access their own confidential information
- advising clients refused access to personal information how to appeal (if appropriate)
- enabling clients to change records they believe to be inaccurate or misrepresenting, when appropriate.

4. Procedures

The procedures describe how your organisation achieves the aims and goals you have outlined in your purpose, scope and policy statement.

4.1 Access to confidential records

Describe your procedures for determining who has authorised access to client information.

Describe how you:

- restrict access to client information to unauthorised persons
- enable clients to gain access to their personal records when they want to do so.

Consider:

- What record storage and retrieval procedures are in place to prevent unauthorised persons gaining access to a client's records? How do these work for paper records and electronic records?
- What process must clients (or former clients) follow if they wish to access their personal records? How and when is a client informed about their right to ask to see their records and the process they must follow?
- How are requests to view records recorded?
- What guidelines are there for staff and volunteers about when they can reasonably refuse a client access to all or part of their records? Who is delegated with this responsibility? How are the decision and reasons for the decision recorded? Can a refusal be appealed?
- If a client is granted permission to see all or part of records or files about them, how is this managed? Where and when is access provided? Are copies provided? Is the viewing supervised?
- What can a client do if they believe a record kept about them is wrong or misleading? When and how can a record be changed? Who is delegated to do this?

5. Other related policies and documents

List the other policies related to the access to confidential information policy. The policy should be linked to:

- privacy policy
- client records policy
- confidentiality policy.

6. Review processes

Consider how often the policy should be reviewed and the process for doing this:

- **frequency of review:** Most policies benefit from an annual review. The experience of implementing the policy is used to decide which changes are necessary. Consider reviewing your access to confidential information policy as part of an annual review of your organisation's policies or, if your organisation is small, perhaps over a three-year period. Critical incidents may prompt you to review the policy ahead of schedule.
- **responsibility for the review:** In most organisations, the person accountable for client service would be responsible for reviewing this policy. In small organisations, this may be the coordinator or manager. In larger organisations, this may be a client service manager or an administration manager.
- **process for the review:** Decide which particular staff, volunteers, external people and organisations will provide input to the policy review, and whether clients will be involved.

- **decision-making process:** Who will review draft changes to the policy and approve changes? What will be the timeframe for the review process?
- **documentation and communication:** What records of the policy review process are needed? How will changes to the policy be communicated to staff implementing the policy? In a small organisation, this may be as simple as noting the changes at a staff meeting. In a larger organisation, an email memo may be needed.
- **key questions for the review:** Is the policy being implemented? Are procedures being followed? Is the policy clear? What has changed that may prompt a change to the policy (for example, changes to the Privacy Act, the organisation's record-keeping systems or protocols for cooperative working with other agencies)? Have particular stakeholders had difficulty with any aspect of the policy? Can their concerns be resolved? How does the policy compare with that of similar organisations?