

## Related Policies

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Complaints

Computer Facilities and External Networks – Acceptable Use

Grievance and Dispute Handling

Legal Responsibilities and Authority

Family Law

Suspension

Exclusion

Privacy

Privacy and School Counsellors

Operational Guidelines for School Boards, and P&Fs and School Community Councils

Record Keeping

## Purpose

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This policy provides direction for establishing and maintaining the confidentiality of information.

## Policy

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Maintaining confidentiality is a fundamental responsibility for all Catholic Education, Archdiocese of Canberra and Goulburn (Catholic Education or CECG) staff members. All staff members are expected to demonstrate the highest standards of professional behaviour, exercise professional judgement and act in a respectful and sensitive manner when gathering, using and storing information in the course of their employment.

There is no one law which sets out all confidentiality obligations. Confidentiality may originate from the law, an agreement (such as a contract) between parties, or by agreed best practice. There are limitations to confidentiality and confidentiality can never be guaranteed.

Circumstances may necessitate the revealing of confidential information, for example when:

- there are concerns about the health and well-being of a person
- procedural fairness requires information being revealed to the person about whom the complaint is being made
- a person has concerns about misconduct or wrong-doing by an individual or an organisation
- under the mandatory reporting frameworks for children and young people at risk (Children and Young Persons (Care and Protection) Act 1998 (NSW) and Children and Young People Act 2008 (ACT))
- when required by order of a court, legitimate legal process, or subpoena
- when exchange of otherwise confidential information with certain agencies is required or allowed by legislation, (Children and Young Persons (Care and Protection) Act 1998 (NSW) Chapter 16A, Education Act 1990 (NSW) Part 5A)
- where necessary during a police investigation where a serious crime has been committed and you have information about it which could assist in the apprehension of the offender (Crimes Act 1900 (NSW) section 316).

## Definitions

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Confidentiality

Maintaining the integrity and avoiding inappropriate disclosure of sensitive information.

## Procedures

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### 1. **Catholic Education Office:**

- establishes and maintains secure record keeping systems for the storage of information at the Catholic Education Office
- establishes and maintains systems to protect data from theft, corruption and interference
- limits access to confidential information to those with required authority and demonstrated need
- provides advice to its employees about when, how and to whom information can be shared
- ensures that employees who work with confidential information sign a confidentiality agreement
- investigates breaches of confidentiality.

### 2. **School Principals:**

- establish and maintain secure record keeping systems for the storage of information at the school
- limit access to confidential information to those with required authority and demonstrated need
- provide training and information to school staff about when, how and to whom information can be shared
- provide training and information to members of School Boards/Councils and P&Fs about confidentiality
- provide training and information to volunteers and contractors about confidentiality
- investigate breaches of confidentiality and refer ongoing concerns to the CEO
- anticipate and gain appropriate permission for anticipated disclosure of potentially confidential information (such as notification of awards, publication of photographs).

### 3. **All staff:**

- value and maintain the confidentiality of information gained in the course of employment
- seek advice, where possible, before breaching the confidentiality of an individual or an organisation
- report to School Principals or the Head of Human Resource Services any concerns about suspected breaches of confidentiality.

### 4. **Breaches of confidentiality:**

- staff who knowingly breach their confidentiality obligations may be subject to disciplinary proceedings
- some staff may be under particular professional obligations in relation to confidentiality (such as School Counsellors)
  - in some situations, breach of confidentiality may be in breach of a legal obligation or a criminal offence.

**5. General Practices:**

There is no exhaustive list of practices that apply in every situation. The following are guidelines to assist in the everyday maintenance of confidentiality in schools.

- In matters regarding Duty of Care, the interest of any child takes precedence over considerations of confidentiality.
- Information is used for the purpose for which it was collected, or other lawful purpose as indicated.
- Sensitive information is stored in a secure place and with appropriate provision for permitted access.
- Staff do not discuss child or parent/carer details in the presence of non-authorised personnel.
- Staff do not discuss details of a family's arrangements with other parents, or other parties. Circumstances may require discussion with other staff, but this is objective and limited to specific issues.
- Sensitive information which comes into the possession of School Principals is shared with staff members as necessary.
- In some circumstances, e.g. staff meetings, training sessions or personal development, it is appropriate to discuss certain matters which may otherwise be confidential. In these circumstances, every effort is made to avoid identifying the staff, students or families concerned.
- Information regarding children, parents, guardians, care providers or staff is not left in areas accessible to or in view of the general public.

## References

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Children and Young Persons (Care and Protection) Act 1998 (NSW)  
 Children and Young People Act 2008 (ACT)  
 Education Act 1990 (NSW)  
 Crimes Act 1900 (NSW)  
 Privacy Act 1988 (Cth)

## Forms

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Nil

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