

## Access to Records Procedure

<b>Code:</b>	QP-ARP
<b>Version:</b>	4
<b>Created by:</b>	Quality Assurance Manager
<b>Approved by:</b>	CEO
<b>Date of version:</b>	July 2019
<b>Review Date*:</b>	July 2020

\*unless otherwise indicated, this policy/procedure/work instruction will still apply beyond the review date

### Purpose

Rights Information and Advocacy Centre (RIAC) is committed to transparency in its operations and to ensuring it is open to public scrutiny. It must also balance this with upholding the rights of individuals and of the organisation to confidentiality on sensitive corporate matters.

RIAC will prevent unauthorised persons gaining access to an individual's confidential records and permit individuals' access to their own records when this is reasonable and appropriate.

Accordingly, access to some RIAC documents and records will be limited to specified individuals and not be available to others for viewing.

### Scope

This procedure applies to all eligible RIAC employees, volunteers and clients.

### Responsibilities

**All Staff** have a responsibility to operate in accordance with this work procedure.

### Procedure

#### Client records

Client records will be confidential to clients and to appropriate staff, as determined by the CEO.

Information about clients may only be made available to other parties with the consent of the client, or in the case of a legal requirement.

All client records will be kept securely and updated, archived and destroyed in accordance

with legislation.

If clients would like a copy of their client file held by the organisation a request must be made in writing to the CEO.

### **Board**

Board minutes will be open to members of the organisation once accepted by the Board, except where the Board passes a motion to make any specific content confidential.

The minutes, papers and materials from any Sub-Committee meeting will be open to Board Members and the CEO.

### **RIAC membership records**

A list of current Members will be available on request to RIAC members. Personal information about members, including address and contact details is confidential and may only be accessed by the CEO and approved staff.

### **Personnel files**

A personnel file is held for each staff member and contains:

- contact details and contact details in case of an emergency;
- a copy of the employee's contract; and
- all correspondence relating to job description changes, salary changes, leave entitlements such as long service leave, continuous service leave, unpaid and parental leave.

Access to personnel information is restricted to:

- the individual staff member accessing their own file;
- the CEO;
- the line Manager; and
- approved external Auditors.

### **Corporate records**

Corporate records are those that contain confidential or commercially sensitive information about the organisation's business. They include:

- The financial accounts and records;
- Taxation records;
- Corporate correspondence with incorporation regulator;
- Records of staff or other internal meetings;
- Funding applications;
- Financial records;
- Project management files; and
- Contracts between the organisation and other parties

Access to these records is limited to CEO, Senior Managers and the Board.

### **Requests for access – general records**

All records and materials not falling into the categories above may be released to the public at the discretion of the CEO.

Any request for access to information should be directed to the CEO, who will:

- make available to staff or Board members information that they are entitled to access; and
- refer any request from RIAC members or the public for access to the organisation's records or materials to the Board Chair.

In considering a request, the CEO will take into consideration:

- a general presumption in favour of transparency;
- the relevant provisions of the RIAC constitution regarding information to be made available to members; and
- the business, legal, and administrative interests of RIAC, including commercial confidentiality and privacy obligations.

Where an external party requests access to information that requires staff to devote time to collating, copying or otherwise making material accessible, the CEO may determine a fee to be charged.

### **Requests for access - client records**

All clients have the right to request access to their records and advise the organisation about inaccuracies.

Clients are

- Informed about their right to access records containing personal information about themselves and how they can request this when they commence with the service.

All client requests to access files are documented, including any fair and appropriate decisions about permitting or refusing access to personal information. Requests must be made in writing to the CEO.

Requests for information about clients from outside agencies or individuals will be referred to the program Manager. Before any information is released, the Manager/or their delegate, will contact the client concerned to obtain consent.

### **Appeals**

Individuals who are refused access to their own records or information files may appeal by contacting the CEO who will review the decision with the Board Chair in the context of this procedure.

## Documentation

RIAC Consent to share information form.

## Related Documents

RIAC Information Privacy and Data Protection Policy.

RIAC Privacy Brochure

## Resources

Public Records Office Victoria Standards

Australian Privacy Principles

Office of the Australian Information Commissioner

Freedom of Information Act 1982

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Privacy Act 1988 (Commonwealth)

Privacy and Data Protection Act 2014 (Vic)