Privacy, Confidentiality & Information Access Policy

Applies to: All staff, Board members	**Version:** 8
Specific responsibility: CEO and Principal Solicitor	**Date approved:** 18 September 2026
To be uploaded to website:	**Next review date:** August 2029

Context of Policy:	
Standards or other external requirements:	• Risk Management Guide • National Accreditation Scheme • Data Breach Preparation & Response: A guide to managing data breaches in accordance with the Privacy Act 1988 (Cth)
Legislation or other requirements:	• Legal Profession Uniform Law (NSW) • Legal Profession Uniform Regulations 2015 • Legal Profession Uniform General Rules 2015 • Legal Profession Uniform Law Australian Solicitors' Conduct Rules • Privacy Act 1988 (Cth) • Australian Privacy Principles • Children and Young Persons (Care and Protection) Act 1998 (NSW)
Contractual obligations:	• NAJP Service Agreement

Policy Statement

Welfare Rights Centre (WRC) recognises the importance of protecting individuals' privacy and personal information. WRC is committed to protecting and upholding the privacy of its clients, staff, volunteers and Board members, including through the way it collects, stores and uses information about clients, their needs and the services WRC provides to them.

WRC is also committed to transparency in its operations and to being open to public scrutiny. This must be balanced with individuals' right to privacy and the organisation's need to maintain confidentiality in sensitive corporate matters.

WRC requires staff, volunteers and Board members to manage what is written and said about individuals consistently and carefully, including decisions about who may see or hear that information.
This document sets out WRC's policy on privacy, including how WRC collects and manages personal information. It applies to WRC's records, whether hard copy or electronic, that contain personal information about individuals, and to interviews or discussions of a sensitive or personal nature.

Through this policy, WRC ensures that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients, staff and volunteers;
- clients are provided with information about their rights regarding privacy and access to their records;
- clients, staff and volunteers are provided with privacy when they are being interviewed or discussing matters of a personal, confidential or otherwise sensitive nature; and
- all staff, volunteers and Board members understand what is required.

This Policy conforms to the *Privacy Act 1988* (Cth) ("Privacy Act") and the Australian Privacy Principles, which govern the collection, use and storage of personal information. It also conforms to WRC's obligations under the NAJP Service Agreement.

WRC and its staff, particularly its solicitors and caseworkers, are also subject to obligations attached to their roles as legal practitioners under relevant statutory provisions and the common law. Generally, these laws reinforce WRC's obligation to uphold client privacy. However, where these laws require WRC and its staff to act contrary to this policy, they take precedence. For example, WRC cannot provide legal advice to a client anonymously and, in very limited circumstances, may be prevented from disclosing certain information to clients.

Where WRC employs a social worker or community worker, they will be subject to the Mandatory Reporting provisions for children at risk of significant harm. WRC's Mandatory Reporting procedures have been developed to protect the privacy of clients and allow them to make an informed decision about whether to speak to the Domestic Violence Community Worker.

Definitions

What is personal information?

This Policy adopts the definition of "personal information" as set out in the Privacy Act. Generally, personal information is any information that could be used to personally identify an individual (e.g. a telephone number). WRC considers any information it collects which could reasonably be used to identify a client as personal information.

What is sensitive information?

Sensitive information is personal information of a particularly sensitive nature. The definition is set out in the Privacy Act and is adopted in this Policy. Sensitive information must be given a higher level of protection.

What is a data breach?

A data breach is unauthorised access to, unauthorised disclosure of, or loss of personal information. Examples include:

- loss or theft of physical devices or paper records that contain personal information;
- unauthorised access to personal information by an employee; and
- inadvertent disclosure of personal information due to human error, e.g. an email sent to the wrong person.

What are client documents?

"Client documents" has the same meaning as in the Legal Profession Uniform Law Australian Solicitors' Conduct Rules ("Solicitors' Conduct Rules"). These are documents to which a client is entitled to access, such as

correspondence with the client and third parties, evidence relating to their matter, and Tribunal submissions. Not all records relating to a client are "client documents"; for example, file notes made by a staff member about a client.

What personal information does WRC typically collect and hold?

WRC typically collects the following categories of personal information:

- Identification and contact details (e.g. name, address, phone number, date of birth);
- Other statistical information (e.g. country of birth, language spoken at home, family type, financial status, income source, housing type);
- Sensitive information (e.g. ethnic or cultural background, health status, criminal history); and
- Other personal or sensitive information that may be necessary in order to provide a client with legal services.

WRC must collect identifying information in order to provide clients with legal services, in accordance with its obligations at common law and under the relevant legal professional legislation.

WRC also collects some information that is not personal information, such as information about users of its website.

Why does WRC collect, hold, use and disclose personal information?

WRC collects personal information primarily to provide clients with legal advice, ongoing casework assistance, information and referral services, and to assess eligibility for its services. In most cases, this is the only purpose for which WRC obtains personal information.

WRC may also collect personal information for the purpose of:

- complying with its reporting requirements to funding and accreditation bodies;
- assessing and/or monitoring WRC's website and other online services or social media profiles;
- administrative, planning, quality control or research purposes;
- responding to any client complaints; and
- complying with the law.

Dealing with personal information

In dealing with personal information, WRC staff will:

- ensure privacy for clients, staff, volunteers or Board members when they are being interviewed or discussing matters of a personal or sensitive nature;
- only collect and store personal information that is necessary for the functioning of WRC and its activities;
- use fair and lawful ways to collect personal information;
- collect personal information only by consent from an individual;

- ensure people know what personal information is held, why it is held, how it is collected, used and disclosed, and who will have access to it;
- provide access to any individual to review information or correct wrong information about themselves; and
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure.

Legal Professional Privilege

Legal Professional Privilege is the right that enables individuals to obtain confidential advice about their legal circumstances. It protects advice given by a lawyer to their client and communications relating to actual or contemplated litigation or court proceedings.

The advice and communications must have been provided confidentially in order to attract Legal Professional Privilege. Where a communication is made in front of a third party, privilege may not apply.

WRC recognises that many clients require support during and after their appointments to access its services. This support may be provided by a professional service, friend or family member. The presence of a third party may lead to inadvertent waiver or breach of privilege.

WRC has a duty to help ensure clients do not inadvertently waive or breach their Legal Professional Privilege and understand the consequences of having a third party attend client appointments or receive confidential advice documents.

WRC is also committed to providing an accessible service and recognises that a blanket approach to informing clients of their rights under Legal Professional Privilege may create barriers to legal assistance, particularly for vulnerable and disadvantaged clients. WRC therefore takes a targeted approach to minimise the risk of inadvertent waiver or breach where a higher-risk case has been identified.

Each lawyer and caseworker is responsible for assessing whether there may be a risk that a client will need to rely on Legal Professional Privilege to protect confidential legal information where the client has indicated they intend to have a third party present in the advice appointment.

Where a lawyer assesses that there is an elevated risk of a client inadvertently waiving or breaching their Legal Professional Privilege, or that the client's confidential information may be subpoenaed, the lawyer or caseworker should discuss the concept of Legal Professional Privilege with the client and may ask whether the client wishes the third party to sign a confidentiality agreement.

Privacy Contact Officer

The Centre Manager (or a WRC staff member delegated the role by the CEO) will be the Privacy Contact Officer under this policy. The Privacy Contact Officer will be responsible for:

- ensuring that all staff are familiar with this policy and administrative procedures for handling personal information;
- ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy; and
- handling any queries or complaints about privacy issues.

Responsibilities for managing privacy

All WRC staff and volunteers are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.

The CEO is responsible for content in WRC publications, communications and online content and must ensure the following:

- appropriate consent is obtained for the inclusion of any personal information about any individual including WRC personnel;
- information being provided by other agencies or external individuals conforms to privacy principles; and
- ensuring that WRC's website contains a privacy statement that clearly explains the conditions applying to the collection of personal information from the public through website visits.

The Centre Manager is responsible for safeguarding personal information relating to WRC staff, Board members, volunteers, contractors and WRC members.

Collection of personal information

WRC generally collects personal information directly from its clients. In some cases, where this is unreasonable or impracticable, WRC may collect personal information from other people, including third parties, on a client's behalf. Where information is sought from someone other than the client, this is done with the consent of the person whose information is being sought.

Personal information is typically collected over the phone or in person but is frequently also collected via email or through receipt of physical documents.

To support privacy for clients or staff when discussing sensitive or personal matters, WRC and its staff will use their best endeavours to provide a physical environment conducive to maintaining that privacy.

What if WRC is unable to collect a client's personal information?

If WRC is unable to collect the requisite or sufficient information about a person, it may be unable to provide that person with any legal services and may also be unable to provide that person with information or referrals.

Provision and disclosure of client and personal information

WRC will generally disclose an individual's personal information to third parties only with that person's express prior consent, or as required by law and for lawful purposes. WRC will generally use or disclose information for purposes other than legal services only in anonymised or aggregate form, such as for reporting. Any disclosure will usually be for the purpose of providing legal services to the client, for example to Centrelink or a doctor.

In limited circumstances, WRC may disclose personal information where it is compelled to do so by law or for lawful purposes (e.g. for the sole purpose of avoiding the probable commission of a serious crime).

Personal information may be used when managing WRC's services, for example when contracting with an IT provider to service its website. WRC will require service providers of this kind to keep any information they collect or view confidential and, where possible, delete it from their records.

WRC does not directly market or provide personal information to others for marketing purposes. However, WRC may wish to use a client's story, such as the story of a successful tribunal outcome, to highlight a favourable decision and WRC's work. WRC's client agreement will refer to the collection and use of case studies and their possible publication. WRC will seek prior consent from any client who does not have a client agreement before using their story. WRC will always seek written consent before using or publishing a client's story in any way. Subject to the client's views, any publication will protect the client's privacy by anonymising the story and, as far as possible, omitting personal information.

Security

WRC takes reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure. WRC may hold a client's information in electronic or hard copy form and generally destroys it after seven years.

Where WRC communicates via email or any other online platform, WRC makes no representations or assurances regarding the security of those online communications.

Data breaches

Where a data breach has been identified, WRC will take the following action:

- Contain the data breach to prevent any further compromise of personal information;
- Assess the data breach by gathering the facts and evaluating the risks, including potential harm to affected individuals and, where possible, taking action to remediate the risk of harm;
- Notify individuals affected by the data breach; and
- Review the incident and consider what actions may be taken to prevent future breaches.

Requests for access – general records

All records and materials may be released to the public at the discretion of the CEO, except for:

- Corporate records which contain confidential or commercially sensitive information about the organisation's business;
- Personnel files (with the exception of requests by the relevant employee);
- Personal information and contact details of WRC's membership and Directors of the Board; and
- Client records.

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

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

In considering a request, the Centre Manager will take into consideration:

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

If 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 documents

WRC complies with the Solicitors' Conduct Rules regarding the creation and handling of client documents, as well as requests from clients for documents held and created by WRC.

All clients have the right to access their client documents and advise the organisation about inaccuracies. However, clients do not generally have a right to access records made by WRC in relation to a particular client, for example, file notes of meetings with the client or regarding their matter.

WRC will:

- inform clients about their right to access client documents containing personal information about themselves and how they can request this;
- record client requests to access files;
- make fair and appropriate decisions about permitting or refusing access to personal information;
- provide access for clients or former clients to their own confidential information in accordance with the Solicitors' Conduct Rules;
- advise clients refused access to personal information how to appeal (if appropriate); and
- enable clients to change records they believe to be inaccurate or misrepresentative, as appropriate, in accordance with the Solicitors' Conduct Rules.

Requests for information about clients from outside agencies or individuals will be referred to the Principal Solicitor. Before any information is released, the Principal Solicitor will contact the client and will not release any information without client consent or as required by law.

In limited cases, WRC may be unable to provide an individual with some of their personal information (e.g. where WRC and its solicitors' overriding professional obligations as legal practitioners prevent them from doing so).

Complaints

If an individual thinks their privacy has been breached and wishes to make a complaint, that complaint is to be made in accordance with WRC's *Client Complaints Policy*.

Documents relating to this Policy

Related policies & procedures	Conflict of Interest Policy Feedback & Complaints Policy & Procedures Personnel File Record Keeping Policy Filing and Records Management Policy Code of Ethics & Conduct Policy Advice & Casework Procedures
Forms, record keeping or other organisational documents	N/A

Reviewing and approving this policy/procedure		
Frequency	**Person responsible**	**Approval**
Every 3 years	CEO	Board

Policy review and version tracking			
Review	**Date Approved**	**Approved by**	**Next Review Due**
1	February 2013	Board	February 2018
2	20 March 2013	Access to Confidential Information policy approved	February 2018
3	6 February 2018	GRACE	n/a
4	22 February 2018	Board	February 2021
5	18 September 2019	GRACE – Access to Confidential Information Policy partially incorporated into Privacy Policy	n/a
6	26 September 2019	Board	September 2022
7	21 December 2022	CEO (reviewed to incorporate Centre Manager)	December 2025
8	12 June 2023	Principal Solicitor reviewed to reference Mandatory reporting procedures	June 2026
9	18 September 2026	CEO & Principal Solicitor Review to incorporate Legal Professional Privilege & National Data Repository compliance	September 2029