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# PRIVACY AND CONFIDENTIALITY OF INFORMATION POLICY

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Cosmic Strands





Policy Revision History:

<b>SI No</b>	<b>Description</b>	<b>Date</b>	<b>Author</b>
1	Policy Draft	7-Apr-2013	Dr. Ashrant Malhotra
2	PII included in the policy	15-Mar-2016	Mamtha Mallesh
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## 1. Purpose and Scope

Cosmic Strands is committed to protecting the privacy and confidentiality of clients, staff, Board members and stakeholders in the way information is collected, stored and used.

This policy provides guidance on Cosmic Strands' legal obligations and ethical expectations in relation to privacy and confidentiality.

Cosmic Strands holds two types of information which are covered by this policy, personal and organisational information.

## 2. Definitions

Privacy provisions of the Privacy Act 1988 govern the collection, protection and disclosure of personal information provided to Cosmic Strands by clients, Board members, staff and stakeholders.

Confidentiality applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access, and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain.

Consent means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.

Individual means any person such as a client, staff member, Board member, contractor or a member of the public.

Organizational information includes publicly available, and some confidential, information about organizations.

Personal information means information or an opinion (including information or an opinion forming part of a database) about an individual. It may include information such as names, addresses, bank account details and health conditions.



The public domain in relation to confidentiality is “common knowledge,” i.e. information that can be accessed by the general public.

### 3. Principles

Cosmic Strands is committed to ensuring that information is used in an ethical and responsible manner.

Cosmic Strands recognizes the need to be consistent, cautious and thorough in the way that information about clients, stakeholders, staff and Board members is recorded, stored and managed.

All individuals including clients, stakeholders, staff and Board members have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations, staff acts in accordance with the relevant policy and/or legal framework.

All staff and Board members are to have an appropriate level of understanding about how to meet the organisation’s legal and ethical obligations to ensure privacy and confidentiality.

### 4. Outcomes

Cosmic Strands provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative requirements and ethical obligations.

All staff and Board Directors understand their privacy and confidentiality responsibilities in relation to personal information and organisational information about Cosmic Strands, its clients, staff and stakeholders. This understanding is demonstrated in all work practices.



## 5. Functions and Delegations

Position	Delegation/Task
Board of Directors	<p>Endorse Privacy and Confidentiality Policy.</p> <p>Be familiar with the organisation's legislative requirements regarding privacy and the collection, storage and use of personal information.</p> <p>Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to Cosmic Strands, its clients, staff and stakeholders.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>
Management	<p>Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information.</p> <p>Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to Cosmic Strands, its clients, staff and stakeholders.</p> <p>Ensure systems are in place across the organisation to adequately protect the privacy of personal information and confidentiality of other sensitive information.</p> <p>Act in accordance with organisational systems in place to protect privacy and confidentiality.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>



Staff	<p>Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information</p> <p>Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to Cosmic Strands, its clients, staff and stakeholders.</p> <p>Act in accordance with organisational systems in place to protect privacy and confidentiality.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>
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## 6. Risk Management

Cosmic Strands ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

All staff and Board members are made aware of this policy during orientation.

All staffs are provided with ongoing support and information to assist them to establish and maintain privacy and confidentiality.

## 7. Policy Implementation

This policy is developed in consultation with all staff and approved by the Board of Directors. This policy is to be part of all staff orientation processes and all employees are responsible for understanding and adhering to this policy.

This policy should be referenced in relevant policies, procedures and other supporting documents to ensure that it is familiar to all staff and actively used.

This policy will be reviewed in line with Cosmic Strands 'quality improvement program and/or relevant legislative changes.

## 8. Policy Detail

The privacy of personal information is defined by legislation (Privacy Act 1988). At all times, Cosmic Strands acts in accordance with these legal requirements which are underpinned by the policy statements 8.1- 8.6 outlined below. Cosmic Strands also strives to respect the



confidentiality of other sensitive information. However, in the spirit of partnership, we share information with clients and other involved individuals and organisations (subject to consent), where it would be in the best interest of the client, or other individual, to do so.

### **8.1 Collection of Information**

Personal information collected by Cosmic Strands is only for purposes which are directly related to the functions or activities of the organisation.

### **8.2 Use and Disclosure**

Cosmic Strands only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organization. It may be provided to government agencies, other organizations or individuals if:

- The individual has consented
- It is required or authorised by law
- It will prevent or lessen a serious and imminent threat to somebody's life or health.

### **8.3 Data Quality**

Cosmic Strands takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

### **8.4 Data Security**

Cosmic Strands takes steps to protect the personal information held against loss, unauthorized access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas
- Physically securing the areas in which the personal information is stored





- Not storing personal information in public areas
- Positioning computer terminals and fax machines so that they cannot be seen or accessed by unauthorised people or members of the public.

Reasonable technical safeguards include:

- Using passwords to restrict computer access, and requiring regular changes to passwords
- Establishing different access levels so that not all staff can view all information
- Ensuring information is transferred securely
- Using electronic audit trails
- Installing virus protections and firewalls.

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance but also training to ensure staff and Board members are competent in this area.

### **8.5 Access and Correction**

Individuals may request access to personal information held about them. Access will be provided unless there is a sound reason under the Privacy Act or other relevant law. Other situations in which access to information may be withheld include:

- Access to information creates an unreasonable impact on the privacy of others
- The request is clearly frivolous or vexatious or access to the information has been granted previously
- There are existing or anticipated legal dispute resolution proceedings
- Denial of access is required by legislation or law enforcement agencies.

Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete and not misleading, taking into account the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, Cosmic Strands may refuse the request.

If the requested changes to personal information is not made, the individual may make a statement about the requested changes which will be attached to the record.

HR is responsible for responding to queries and requests for access/amendment to personal information.



## 8.6 Anonymity and Identifiers

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves or requesting that Cosmic Strands does not store any of their personal information.

## 8.7 Collection use and disclosure of confidential information

Other information held by Cosmic Strands may be regarded as confidential, pertaining either to an individual or an organization. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the general public.

Staff members are to refer to the CEO/Manager before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to Cosmic Strands or its clients, staff and stakeholders.

### Organizational Information

All staff, Board members, students and volunteers agree to adhere to the Cosmic Strands Code of Conduct when commencing employment, involvement or a placement. The Code of Conduct outlines the responsibilities to the organization related to the use of information obtained through their employment/ involvement/ placement.

The Code of Conduct states that individuals will:

*“Use information obtained through their involvement, employment or placement only for the purposes of carrying out their duties, and not for financial or other benefit, or to take advantage of another person or organization.”*

### Staff Information

The Human Resources Management Policy details how the organization handles staff records to manage privacy and confidentiality responsibilities, including the storage of and access to staff personnel files and the storage of unsuccessful position applicants' information.

### Stakeholder Information

Cosmic Strands works with a variety of stakeholders including private consultants. The organization may collect confidential or sensitive information about its stakeholders as part of a working relationship. Staff at Cosmic Strands will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.



The manner in which staff members manage stakeholder information will be clearly articulated in any contractual agreements that the organization enters into with a third party.

### **8.8 Protection of Personal Identifiable Information (PII)**

Any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This information can be maintained in either paper, electronic or other media.

#### **CS specifies the following security policies for the protection of PII and other sensitive data:**

- It is the responsibility of the individual user to protect data to which they have access. Users must adhere to the rules of privacy policy.
- Users having access to personal information shall respect the confidentiality of such information, and refrain from any conduct that would indicate a careless or negligent attitude toward such information. Employees/freelancers also shall avoid office gossip and should not permit any unauthorized viewing of records. Only individuals who have a "need to know" in their official capacity shall have access to such systems of records.

The loss of PII can result in substantial harm to individuals, including identity theft or other fraudulent use of the information. Because users may have access to personal identifiable information concerning individuals and other sensitive data, we have a special responsibility to protect that information from loss and misuse.

CS fully ensures their employees are aware of their responsibilities regarding the protection of PII as per the privacy policy. In addition to the forgoing, if employees become aware of a theft or loss of PII, they are required to immediately report to Human Resource Management at [hr@cosmicstrands.com](mailto:hr@cosmicstrands.com). In the event their HRM is not available, they are to immediately report the theft or loss to the Information Technology-Support at [itsupport@cosmicstrands.com](mailto:itsupport@cosmicstrands.com)



## **8.9 Breach of Privacy or Confidentiality**

If employees are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

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