



CONFIDENTIALITY AND PRIVACY POLICY AND PROCEDURE

1. PURPOSE

This Policy establishes the mandatory framework for the collection, use, storage, disclosure and protection of Personal Information and Confidential Information obtained in the delivery of WorkWell EAP services.

The purpose of this Policy is to:

- (a) protect the privacy and confidentiality of EAP Participants
- (b) ensure compliance with applicable legislation, including the Privacy Act 1988 (Cth)
- (c) align with professional ethical standards including PACFA, AHPRA and ACA
- (d) define clear boundaries regarding information sharing with employers
- (e) reduce legal, ethical and reputational risk to WorkWell EAP

2. SCOPE

This Policy applies to:

- (a) all contractors engaged by WorkWell EAP
- (b) all services delivered under WorkWell EAP
- (c) all Personal Information and Confidential Information collected in connection with those services

3. POLICY STATEMENT

WorkWell EAP is committed to maintaining the highest standards of confidentiality and privacy.

All Personal Information and Confidential Information must be:

- collected lawfully and ethically
- used only for legitimate purposes
- stored securely
- disclosed only in accordance with this Policy

Contractors must not disclose any identifying or personal information without the **prior written and informed consent of the EAP Participant**, unless disclosure is required or authorised by law.

4. LEGAL AND PROFESSIONAL FRAMEWORK

This Policy is informed by and must be applied in accordance with:

- Privacy Act 1988 (Cth)
- Australian Privacy Principles (APPs)
- PACFA Code of Ethics
- AHPRA standards, including mandatory reporting and confidentiality obligations (where applicable)
- ACA Code of Ethics

To the extent of any inconsistency:

(a) applicable legislation prevails to the extent of the inconsistency; and

(b) subject to compliance with applicable legislation, contractors must comply with the relevant professional codes and standards applicable to their registration or membership.

5. DEFINITIONS

Personal Information

Information or opinion about an identified or reasonably identifiable individual

Sensitive Information

Includes health information, mental health information and other sensitive personal data

Confidential Information

All information disclosed in the course of providing services, whether written, verbal or electronic

6. CORE PRINCIPLES

Contractors must:

- (a) prioritise client confidentiality at all times
- (b) obtain **written and informed consent** prior to disclosure
- (c) limit disclosure to what is necessary
- (d) act in accordance with professional ethical obligations
- (e) protect information from unauthorised access
- (f) maintain accurate and secure records

PROCEDURE

7. COLLECTION OF INFORMATION

Personal and Sensitive Information may only be collected where:

- (a) it is necessary for the provision of services
- (b) the EAP Participant has been informed of:
 - the purpose of collection
 - how the information will be used
 - their rights

(c) consent has been obtained

8. USE OF INFORMATION

Information may only be used:

- (a) for the provision of EAP services
- (b) for administrative purposes related to those services
- (c) as otherwise authorised by the EAP Participant

Information must not be used for unrelated purposes without consent.

9. DISCLOSURE OF INFORMATION

9.1 General rule

No Personal Information may be disclosed without **prior written and informed consent** of the EAP Participant.

9.2 Requirements for consent

Consent must be:

- (a) voluntary
- (b) informed
- (c) specific
- (d) documented in writing

Consent must clearly state:

- what information may be shared
- with whom
- for what purpose

9.3 Exceptions to confidentiality

Disclosure may occur without consent only where:

- (a) required by law
- (b) there is a serious and imminent risk of harm
- (c) mandatory reporting obligations apply
- (d) there is a duty to warn or protect

In such cases:

- disclosure must be limited
- reasoning must be documented

10. DISCLOSURE TO EMPLOYERS

10.1 General rule

No identifying or clinical information may be disclosed to an employer without **written and informed consent**.

10.2 Permitted information

The following may be disclosed without consent only where fully de-identified:

- aggregate usage data
- general themes
- organisational trends

10.3 Prohibited information

The following must never be disclosed without consent:

- session content
- personal disclosures
- mental health information
- clinical assessments

11. STORAGE AND SECURITY

All information must be:

- (a) stored securely (electronic or physical)
- (b) protected from unauthorised access
- (c) retained in accordance with legal requirements
- (d) disposed of securely when no longer required

12. ACCESS AND CORRECTION

EAP Participants may request access to their information in accordance with law.

Requests must:

- be handled in a timely manner
- comply with legal requirements
- be documented

13. DATA BREACHES

In the event of a data breach:

- (a) immediate steps must be taken to contain the breach
- (b) WorkWell EAP must be notified
- (c) affected individuals must be notified where required
- (d) legal reporting obligations must be followed

14. MANDATORY REPORTING

Contractors must comply with all mandatory reporting obligations.

Where required:

- reporting must occur without delay
- confidentiality may be overridden
- actions must be documented

15. DOCUMENTATION

Contractors must document:

- (a) consent obtained
- (b) disclosures made
- (c) reasons for disclosure
- (d) any breaches or concerns

16. LIABILITY AND RESPONSIBILITY

- (a) Contractors are solely responsible for ensuring compliance with this Policy
- (b) WorkWell EAP is not liable for unauthorised disclosure by a contractor
- (c) All indemnity provisions in the Services Agreement apply

17. NON COMPLIANCE

Failure to comply may result in:

- termination of contract

Confidentiality and Privacy Policy/Procedure

- reporting to professional bodies
- legal consequences

18. REVIEW

This Policy will be reviewed periodically.

19. ACKNOWLEDGEMENT

Contractors must confirm they have read, understood and agree to comply with this Policy prior to delivering services.