



Client Privacy and Confidentiality Policy

The Mental Health Legal Centre (MHLC) is committed to protecting and upholding the right to privacy of our clients. In particular, we are committed to protecting and upholding your right to privacy in the way we collect, store and use information shared with us and the services we provide to you.

Our obligations

Although we are not bound by the Australian Privacy Principles (APPs) in the Privacy Act 1988 (Cth), we comply with them. The APPs regulate the manner in which personal information is handled from collection to use and disclosure, storage, accessibility and disposal.

We are also required to comply with the Victorian Health Records Act 2001 when we collect and handle health information.

MHLC is a legal practice and we have legal and ethical obligations in relation to confidentiality. A solicitor may not disclose any client information that has come into his/her possession in his/her professional capacity and in the legitimate course of their professional employment except with your consent or in very narrow circumstances defined by law. Because your instructions are given to the legal practice and not just the individual solicitor, the duty is binding on all staff and volunteers within the Centre.

What personal information does MHLC collect?

The type of information collected will depend on the nature of a person's interaction with the MHLC however MHLC may collect the following types of personal information:

- identification and contact details, such as name, mailing or street address, email address, telephone number, age or birth date
- family type, country of birth, year of arrival in Australia, language spoken at home
- financial information, such as housing, occupation, financial status and income
- sensitive information, such as racial or ethnic background, criminal history and health information, English proficiency, need for an interpreter, or disability
- other personal or sensitive information not covered above which be collected as a result of providing a client with legal advice
- details of the services a client has requested or enquired about, or services provided, together with any additional information necessary to respond or deliver those services
- any additional information relating to a client that a client provides in-person, by telephone, in writing or via email

Use & disclosure of personal information

Personal information about you is only collected with your consent. However, if you do not consent we may not be able to assist you. This is because as a legal practice we also have obligations to avoid conflicts of interest and the collection of personal information is necessary for this.

Information about you will generally only be used, or disclosed to a third party, with your consent for the purposes of providing you with advice, information, casework or representation, or, if you agree, referring you to other organisations.

MHLC may disclose your personal information to employees, volunteers, contractors or service providers for the purpose of providing legal services, fulfilling requests by clients and to otherwise provide services to individuals including IT systems administrators, process servers, couriers, electronic network administrators and professional advisors such as accountants, solicitors and barristers.

Our staff will sometimes compile anonymous case studies based on the experience of our clients to explain what our service does, and help highlight the needs of our clients and the services we provide.

We are required to provide some de-identified information to funding agencies. We do NOT provide funding agencies with identifying information such as your name or address.

We may use information you have provided us to evaluate the effectiveness of our service. We may also seek your consent for us or a third party to contact you to participate in research or other evaluation activities. You do not need to give your consent to this and this will in no way affect your ability to use our services.

We will only disclose to other third parties where we are required to by law.

Accessing and correcting personal information

An individual may request access to any personal information MHLC holds about them at any time by contact MHLC (see the details below). Where MHLC holds information that an individual is entitled to access, we will try to provide the information in the manner requested (for example, photocopies or by viewing a file) and in a timely way.

There may be instances where MHLC cannot grant access to the personal information held. For example, MHLC may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality.

If an individual believes that personal information MHLC holds about them is incorrect, incomplete or inaccurate, then they may request us to amend it. MHLC will then consider if the information requires amendment. If we agree that it requires amendment we will take reasonable steps to correct that information. If MHLC does not agree that there are grounds for amendment then the individual may request that MHLC add a note to the personal information stating that the relevant individual disagrees with the information and MHLC will take reasonable steps to do so.

Client files

In addition to the above, in circumstances where a client requests access to personal information held by MHLC, the Principal Solicitor will view the file and approve any copies of material to be given to the client prior to client access. A copy of the relevant part of the file will be made available to the client as soon as practicable after this.

Complaints

If an individual believes that their privacy has been breached, they should contact MHLC. This can be done by email using the subject line "Privacy Complaint" to mhlc@mhlc.org.au or by phone on 9629 4422.

MHLC treats all complaints confidentially. MHLC will try to resolve all complaints in a timely, fair and reasonable time. Once a complaint has been received, the Manager will conduct an investigation and provide a response within 30 days.

Security and integrity of personal information

MHLC takes reasonable steps to ensure that personal information we collect, use and disclose is accurate, up to date, complete and relevant. MHLC also takes reasonable steps to ensure personal information is protected from misuse and loss and from unauthorised access, modification or disclosure.

MHLC will close your file once the matter is completed and archive all closed files in a secure manner for specific periods of time as required by law.

Notification of Changes

If the MHLC decides to change its privacy policy, it will post changes on this page so that users are always aware of what information is collected, how it is used and the way in which information may be disclosed.

Additional Information

Questions regarding your privacy or this statement should be directed to our Manager via email at mhlc@mhlc.org.au.