Privacy in Practice

- Professional Standards receives a phone call from a factory saying that there is a quantity of lawyer's files in the skip in their driveway;
- A trust account regulatory officer inspecting files in a practitioner's office notices that all copy documents are on the back of other papers;
- The manager appointed to a sole practitioner's practice cannot release client files to allow another practitioner to complete a matter without photocopying the file because scrap paper has been used for file notes etc with other client's details on it.

In this era of environmental awareness no one would wish to discourage the practice of reusing paper or any other commodity. And legal practice must still be one of the more prolific users of paper even though many firms aim for a paperless office to whatever extent is practicable.

However, there are, as there have always been, practical pitfalls unless particular care is taken with the reuse of scrap paper and the disposal of unwanted or unneeded documentation.

The inappropriate disposal or reuse of paper has always been a matter of concern in relation to client confidentiality but it now takes on a particular significance in light of the Privacy Act and the heightened recognition by members of the public that they have a right to privacy.

While there is nothing to prevent a practitioner from using scrap paper for file notes and copies of documents, this may become a problem unless it is allied to other procedures in the office to ensure that no information on that paper becomes available outside the practitioner's office. Those procedures must take into account the ways in which the file may be required to leave the office – that it may have to be returned to the client, or passed to another practitioner, or that in extreme circumstances the file may end up in other hands without your control. No client file can be maintained in such a way that either client confidentiality (in case of your other clients) or privacy principles would be breached in such circumstances.

Any practitioner who is in the position of using shared photocopying facilities is at particular risk in relation to this issue. How much control does that practitioner have over the eventual disposal or reuse of spare copies of material relating to his or her clients? It is perhaps a question that should be specifically raised when deciding whether to share premises and facilities or to make use of a serviced office space.

Finally, the eventual disposal of confidential material, whether scrap paper, documents or files, must be secure. Proper document disposal is available and should be part of every firm's procedures for maintenance of files and documents and the archiving and disposing of files. There is no excuse whatsoever for files to be left in a skip or papers to be found in a rubbish dump.

practical & economical
office solutions

FROM RECEPTION TO THE BOARDROOM AND EVERY ROOM IN BETWEEN
FREE CONSULTATION AND CUSTOM DESIGN

• SA owned and operated • Specialising in custom design • Servicing the Industry for 30 years

• Boardrooms • Reception Areas • Workstations
• Desks • Chairs & Lounges • Storage & Filing
• Executive Office Suites • Open Plan Offices • Display Areas

We deliver and install in Adelaide Central, Suburbs and to all Regional areas

215 Richmond Road Richmond SA Opening Hours: Mon-Fri 8.30am - 5.00pm

8234 0032

www.resourcefurniture.com.au

RESOURCE FURNITURE