

Privacy and Confidentiality Policy and Procedure

Purpose

Care for Living is committed to safeguarding the confidentiality of personal or sensitive information collected regarding participants. Care for Living respects and protects participants dignity and right to privacy. Care for Living is also committed to protecting the privacy of its team members. Each person is advised of the confidentiality policies using the language, mode of communication and terms that they are most likely to understand.

Scope

All Management, team members, contractors and volunteers of Care for Living have a responsibility to ensure that personal information is handled in accordance with this policy and that any personal and/or sensitive information accessed in the course of their duties are bound by their commitment to confidentiality.

Policy Context

This policy sets out how Care for Living complies with its obligations under the *Privacy Act 1988*, including the Australian Privacy Principles to ensure the organisation meets its legal and ethical obligations to respect the rights and privacy of participants and team members.

This policy regulates how Care for Living collects, uses, and discloses personal information. It also details how individuals may access that information and have it corrected if it is wrong.

Care for Living abides by its record-keeping obligations detailed in the *NDIS Protection and Disclosure of Information Rules 2013*.

Legislative Context:

Legislation that relates to privacy is:

- Privacy Act 1988
- Public Records Act 1988
- National Security Legislation Amendment Act (no.1) 2014
- Privacy Amendment (Private Sector) Act 2000
- National Privacy Principles (2001)
- Privacy and Personal Information Protection Act, 1988
- NDIS (Protection and Disclosure of Information) Rules 2013

Policy Statement

Care for Living has developed specific procedures to effectively manage personal information, including sensitive information, in the context of the services that are provided. This ensures that Participants are informed and understand to the best of their ability how information is collected, shared, stored and managed with the underlying principles of a commitment to privacy.

Collecting and Holding Personal Information

Care for Living will take all reasonable steps to ensure that the personal and/or sensitive information it collects, uses or discloses is accurate, complete and up to date. Personal and/or sensitive information about participants will only be collected when it is directly relevant and needed to provide support services to that person, or where Care for Living are required to collect that information.

Procedures

Care for Living has procedures to allow participants and team members to access information kept about them, update and or amend their information on file.

Information generally collected about a person includes:

- Personal information collected and held by Care for Living may include, but is not limited to name, date of birth, gender, telephone/mobile phone number, e-mail address, emergency contact details, NDIS plan, audio/visual information and cultural background. Progress notes, medical information and personal preferences will also be held by the organisation.

Health information which Care for Living collect may include:

- medical information, when this is collected or used in connection with delivering services to participants, or when it is predictive of your ongoing health
- personal details, which for participants may include admission and discharge dates; and
- information generated by a health service provider, such as notes and professional opinions about you and your health.
- Plans that include the administration of medication or plans for procedures that the Care for Living Team require to undertake on the participants behalf. This may include Enteral Feeding Plans, Complex Bowel Care, Urinary Catheter Management or other.

Information may include the form of audio and/or visual format

Care for Living may collect personal information:

- directly from the participant – verbally or in writing;
- With consent, from family members, plan nominee's or Guardians;
- With consent, from third parties, such as medical practitioners, government agencies, a participant's representatives, carer, and other health service providers; and
- from participant referrals;

Care for Living services will:

- explain what information will be collected and why, including recorded material in audio/and or visual format;
- obtain consent to collect sensitive information, such as information related to health, unless an exemption applies, e.g. the collection is required by law, court/tribunal order or is necessary to prevent or lessen a serious and imminent threat to life or health;
- collect information only necessary to support a role, functions or activities with Care for Living services;

- collect sensitive information directly from the person if it is reasonable and practicable to do so;
- use fair and lawful ways to collect sensitive information, and not in an intrusive manner; and
- provide an option of interacting anonymously, if lawful and practicable to do so.

Who Collects this Information

Personal and sensitive information (including health information) is collected by the Care for Living Management team in the course of intake and assessment to ensure that supports that are planned, are in line with the participants requirements. Care for Living generally collect personal and/or sensitive information directly from the relevant person through the use of standard forms, over the internet, via email, face to face meeting or through a telephone conversation. With the person's consent Care for Living may collect personal and/or sensitive information from third party contractors or agents and government instrumentalities who are involved in the provision of services.

Collection of personal Information – Care for Living Team

All information supplied by team members will be placed on their personal file which may be held in both electronic and hard copy format. Both formats are securely held, with access only available to the Management Team or the relevant Support Worker or for audit purposes.

Collection of personal information – participants

Participants personal and sensitive information must only be obtained by lawful and fair means from participants, or other sources, as is necessary to support services being received by the participant. Should a participant request a copy of this privacy policy, it will be provided to them in a form as is appropriate, or as requested by the participant (where reasonable).

Why is Personal Information Collected?

Participant's personal information is used to:

- assess and provide the services that are required;
- administer and manage those services;
- Develop person centred, goal-oriented plans
- contact family, carers, or other third parties as and if required; and
- Analyse Care for Living's services and participant needs with a view to developing new and/or improved services

Team Member or potential team member's information is used to:

- assess employment applications;
- process payment of salaries and meet legislative obligations such as the payment of superannuation and taxation;
- obtain relevant security clearances required to perform the role;
- provide a duty of care in employment;

- contact family, carers, or other third parties as and if required; and
- ensure personnel hold a current driver's licence and private motor vehicle registration as required to perform roles.

If Care for Living is not able to obtain personal information, it may limit their ability to provide a quality service or meet duty of care and legislative responsibilities as an employer and service provider.

Unsolicited personal information

Unsolicited information is information received about either a team member, prospective team member, or a participant that was not requested or sought.

If this occurs, Care for Living will determine if they could have collected the information themselves if solicited, by disclosing the information to the team member, participant or other parties. If it is determined that the information could not have been obtained by us then the information must be destroyed, if it is lawful and reasonable to do so. If it is determined the information could have been obtained, then it is to be placed on the team or participant file and used in the provision of employment and support functions and activities.

Disclosing personal information

Care for Living will uphold a participant's right to privacy and confidentiality, to the extent that it does not impose a serious risk to the participant or others. As above, Care for Living may disclose participants' personal information to other people or organisations with the participants with consent.

This may include disclosure to:

- medical and allied health service providers
- the participant's authorised representative/s e.g. guardian, plan nominee etc

Consent is not required for release of information to:

- government and regulatory authorities; and
- when required or authorised by law or related to a criminal issue
- The auditing process (opt out only)

Where there is uncertainty as to the direct benefit of the release of information which does not remove the names of individuals and or other identifying characteristics such as home address, or there is doubt that individuals would not consent to the release of information Care for Living will seek approval from the concerned people or the designated person responsible prior to the release of the information.

Accessing Personal Information

Team members and participants can request and be granted access to their personal information, subject to exceptions allowed by law.

Any requests for access to personal information must state what information is to be accessed and how they wish to access the information. A request to access personal information should be forwarded to the Management Team either verbally, or in writing.

Should the Management Team decide that access to personal information will not be given, they must put the reasons for the refusal and the mechanisms available to complain in writing to the team member or participant within 30 days of receipt of the request.

Should access be granted, the Management Team is to contact either the team member or participant and arrange for access to their personal information, based on the method of access requested within 30 days of receipt of the request.

Should Care for Living not be able to provide the data in the method requested, the Management Team is to discuss with the team member or participant alternative methods available to access their personal information.

Photographs and Videos

Photographs and videos are classified as personal information under privacy legislation. Upon commencement, participants and team members will be asked to complete a consent form regarding the use of photos, videos and social media which may involve them. Consent will also be sought on each individual occasion where any media is likely to be shared, ensuring that the participant understands and agrees to what will be shared in what kind of format.

Breach of Privacy

Where Care for Living Services becomes aware of a breach of privacy, the Management Team will immediately notify the relevant bodies, in accordance with legislative requirements.

Complaints

If either a team member or participant has any questions or concerns about privacy, they should discuss these with a team supervisor.

If their concerns are not able to be resolved and they wish to formalise their complaint about how their personal information is managed, they can write to or email the

Management Team at:

Email: Admin@careforliving.com

This will be investigated in compliance with the *Care for Living complaints policy*.

Related Policies and Documents

- Information Management Policy
- Risk Management Policy and Procedure
- Consent Form and Information Management Sheet
- Human Resources Policy and Procedure
- Code of Conduct

Review

This policy will be reviewed annually or as required by changes to legislation.

Endorsement Date:	Reviewed Date:	Reviewed Date:	Reviewed Date:	Reviewed Date:
August 2020				



Reviewed by/Signature:				
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