

# PRIVACY AND CONFIDENTIALITY POLICY

## COMMUNITY SERVICES (ACQS 1 – DIGNITY AND CHOICE)



### 1. Purpose

The purpose of this policy is to ensure staff, individuals and community members engaged in or employed by Northside's services and programs have their privacy maintained and confidentiality upheld.

This policy serves to provide clear guidelines in which personal information imparted by an individual to a Northside staff member or as part of their employment with Northside, is secured and protected.

### 2. Scope

This policy applies to all clients accessing programs across Community Services (excluding Children's Services).

This policy relates to all programs, service and activities undertaken by Community Service staff.

This policy applies to all persons employed (paid and unpaid) within Northside's Community Service Division.

This policy applies to Northside management, Executive and Board as defined in the Approved Provider of Age Care Accreditation.

### 3. Policy

Staff are only permitted to have access to information about individuals for professional or administrative purposes. Staff do not have access to client files from Northside services other than their own, without the permission of the client and the relevant Manager.

Confidential professional information, including information about individual clients must never be discussed outside the appropriate work situation.

Individual client information must not be given to another agency without the informed written consent of the client.

Employees have access to personal information held by Northside about themselves. They may also make corrections and additions to personal information to make sure that the information is accurate, up to date and complete. To access your personal information contact the relevant Manager. Personal information concerning employees is confidential and will only be used for the purpose for which the information is relevant.

#### Exceptions

Personal information may be used for purposes other than that for which it was originally collected:

- with the consent of the person concerned;
- to prevent a serious threat to a person's health or life;
- as required or authorised by law; and
- where reasonably necessary for the enforcement of criminal or revenue law.

#### Confidentiality of Complaints and Disputes

As far as possible, the fact that an individual has lodged a complaint and the details of that complaint, are kept confidential amongst staff directly concerned with its resolution. Similarly, information on disputes between a client and a staff member or a consumer and a carer is kept confidential. The individual's permission is obtained prior to

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any information being given to other parties whom it may be desirable to involve in the resolution of the complaint or dispute.

### 4. Procedure

In collecting and handling clients' information, Northside staff will:

- obtain informed consent from individuals at the point of assessment, or when appropriate before collecting or disclosing information;
- Limit the collection of sensitive information only to program needs and information relevant to service delivery;
- Ensure collection of sensitive information will undertake in a lawful and fair manner, and at all times adhere to the Australian Privacy Principles of the Privacy Amendment Act 2012 and the Privacy Regulation 2013 of the Privacy Act 1988.
- Ensure use and disclosure of sensitive information is made only as required by law and contractual obligation, and upon receiving valid and informed consent by the concerned person and/or business;
- ensure information is kept confidential and will take all reasonable steps to keep sensitive information from misuse, loss, inappropriate modification or disclosure;

Individuals will at all times be able to access his/her information upon request and expect to receive this information in the appropriate format, free of charge.

#### The following steps are to be adhered to at all times:

- Clients are provided with information on our privacy policy and our privacy statement is read to consumers during the consent collection process
- Client files and other information are securely stored
- Steps are taken to correct information where appropriate and regularly review of client information takes place to ensure it is accurate and up to date
- Staff only collect information about consumers that is relevant to the provision of support and staff explain to consumers why it is collected and what it will be used for
- Staff do not discuss clients or their support with people not directly involved in supporting them
- Office spaces in which phone conversations with individuals, client or employee records and or other client or employee information is held will be restricted in access to Northside staff and volunteers who have the required police clearances, Working with Vulnerable People Checks and who have received program specific induction.
- Off site meetings and discussions with clients, individuals or Northside staff will be held in a location as nominated by the individual or employee and, where possible, are suitable for upholding privacy and confidentiality during the discussion.
- When onsite at Northside offices, meetings and discussions about clients, individual or Northside staff will be held in appropriate and secure premises and meeting rooms.
- Staff will ensure identifying material and documentation is secured and not left on desks or tables when not in use.
- All Northside staff will be given access to the Privacy Act 1988 (amendment) 2012, and the Australian Privacy Principles 2014 prior to working with or in relation to Clients.
- All Staff interacting directly with clients will receive training on the types of relevant information needed, by way of collecting, recording, keeping and destroying information.
- Staff will be made aware of what information is necessary for client or employee files.

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- If staff members are unsure of whether a specific piece of information is necessary, the staff member will consult with their direct Supervisor.
- Staff will be made aware of how to properly destroy unnecessary sensitive information.

From time to time staff members may need to share information with other service providers;

- Informed consent will be obtained prior to the sharing of any personal information
- Sharing of information will be limited to information which is strictly relevant to the provision of service by the external agency. Staff members are to document what information has been shared.
- Staff will not share or reveal sensitive information without written authorisation from the Client, obtained at the time of assessment.
- Electronic records will be secured by password protection, and only staff with delegation and need to access the information will be provided with access. Staff members must lock their computers when away from their desks for extended periods of time.

Personal information may only be used for purposes other than that for which it was originally collected **if:**

- with the consent of the person concerned;
- to prevent a serious threat to a person’s health or life;
- as required or authorised by law; and
- where reasonably necessary for the enforcement of criminal or revenue law.

Any misuse or mismanagement of an individual’s information will be treated as an infringement of privacy and confidentiality and formal proceedings commenced.

### Client’s Right to Access Information

Individuals engaged in Northside’s services have a right to read any personal information kept about them. A request from a client (or their advocate) to access information is referred to the manager who confirms the request with the Coordinator and then arranges for the client to view their information within 30 days of the request.

Information is provided in a format accessible by the client. The client can nominate a representative to access their records held by Northside

The Manager or nominated representative is made available to assist the individual in understanding the information and to explain terminology or other assistance.

On advice from our legal representative, access to an individual’s record may be denied. This is discussed with the consumer/advocate should this situation arise

## 5. Definitions

**Northside** Northside Community Service Limited

**Client** An individual, also known as a consumer, service user or care recipient

**Northside Staff** Paid or unpaid individuals conducting business on behalf of Northside Community Services.

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**Client Information** All client information (including identifying information) is deemed sensitive by Northside, including information such as name, age, location and contact information.

**Employee Information** All employee information gathered in the course of employment with the organisation (including identifying information) is deemed sensitive by Northside, including information such as name, age, location and contact information.

**Informed consent** Permission from an individual that is given voluntarily, after the individual has received full and clear information about the consequences of providing consent or withholding consent.

### 6. Responsibilities – Key roles & responsibilities

**Approved Provider Key Personnel** ensure regular monitoring and review of systems and processes through internal auditing and regular reporting.

**Management** ensures processes and practices are in accord with confidentiality principles and privacy legislation and provide the resources to support staff and clients including staff development and supervision

**Staff** follow policies and procedures, participate in development opportunities, treat consumers with dignity and respect at all times, work to maintain an environment that is culturally safe, support consumers to make informed choices about their care and ensure the privacy and confidentiality of consumers

**Clients and/or their representatives** make their choices and relevant information known to staff with the expectation that their private information will not be shared or discussed with external providers without their informed prior consent. Information provided to staff will be accurate and directly related to ensuring a safe and productive working environment and a beneficial service experience.

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### 7. Related Documents & References

- National Standards for Mental Health Services
- National Standards for Disability Services
- National Quality Standards for Age Care
- Commonwealth Privacy Act 1988 – amended in Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Australian Privacy Principles 2014
- Commonwealth Freedom of Information Act 1982•
- Freedom of Information Act (ACT) 1989

#### Related documents

- Access & Equity Policy
- Confidentiality & Records Policy
- Compliments, Suggestions, Complaints & Feedback Policy
- Client Rights & Responsibilities Policy
- Privacy Policy
- Informed Consent Policy
- Dignity and Choice Policy

### 8. Document Control & Version History

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#### Version History

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