

Policy	Privacy & Confidentiality Policy
Document Status:	Version 2018 - 1
Policy Owner:	Machele Kerzinger - Director
Approved by:	Catherine Conaghan - Director
Scheduled review date:	April 2020
Familiarisation Frequency:	Annual

### Record of Review

Review Date	Lead by	People consulted
October 2019	Machele Kerzinger	Catherine Conaghan

### Legislation & Reference Documents

- NSW Disability Services Act 1993
- Disability Discrimination Act 1992 (Commonwealth)
- Privacy and Personal Information Protection Act 1988
- Privacy Act 1988 (Commonwealth)
- Privacy Amendment (Private Sector) Act 2000
- Privacy Amendment (Enhancing privacy Protection) 2012
- Australian Human Rights Commission Act 1986 (Commonwealth)

### Reference Documents

- <https://www.humanrights.gov.au/know-your-rights-disability-discrimination>

### Linked Documents

- Records Management Policy
- Information Management Policy
- Human Resources Policies
- Feedback and Complaints Policy

### Supporting Forms and Documents

- Consent Form
- Publication Consent Form
- Service User Information Pack

### POLICY STATEMENT

The privacy of personal information is defined by legislation and at all-time Professional Care Supports acts in accordance with these legal requirements. We also strive to respect the confidentiality of other sensitive information. However, in the spirit of partnership, we share



information with service users and other involved individuals and organisations (subject to consent), where it would be in the best interest of the service user, or where otherwise required by legislation.

## DEFINITIONS

**Confidentiality** - confidentiality ensures that information is accessible only to those authorised to have access, and is protected throughout its lifecycle.

**Consent** - refers to consent that is clearly and unmistakably stated and can be obtained either in writing, orally or in other form where the consent is clearly communicated.

**Personal information** – any information that can be used to personally identify a person. This may include their name, address, telephone number, email address and profession or occupation. Personal information also includes sensitive information about a person, such as health information

**Sensitive information** - information on race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership, health information or sexual activities is classified as sensitive information under legislation

## DELEGATIONS

Roles	Responsibilities
Catherine Conaghan	<ul style="list-style-type: none"> <li>• Endorse and ensures compliance with the Privacy and Confidentiality Policy and Procedure</li> <li>• Be familiar with the organisation’s legislative requirements regarding privacy and the collection, storage and use of personal information</li> </ul>
	<ul style="list-style-type: none"> <li>• Lead the development of quality service culture that supports privacy and confidentiality and human rights of service users</li> <li>• Manage and monitor compliance with this policy</li> <li>• Support staff competence and compliance with this policy and procedure</li> <li>• Develop, disseminate and maintain program and service materials, including service user and promotional materials</li> </ul>
Staff	<ul style="list-style-type: none"> <li>• Comply with the Privacy and Confidentiality Policy and Procedure</li> </ul>



- Act in accordance with legislation and organisation's systems in place to protect privacy and personal information

## PROCEDURES

### Collection of Information

Professional Care Supports collects personal information (name, contact details as well as other information including health information) in order to carry out its functions. The information is used to:

- Assess what services are required
- Assess eligibility for our services
- Evaluating services
- Assessing applications to become volunteer, contractor or employee
- Research and analysis
- Fundraising
- Complaint handling

The function will determine the type and amount of information required in each situation. See Human Resources Policies, Information Management Policies, Feedback and Complaint Policy for more detailed information about information handling in these contexts.

### De-identification of individuals

Where it is not necessary to identify who information relates to, such as surveys, personal information should be collected in a way so that an individual cannot be identified from the information.

### Source of personal information collected

Personal information is only collected from the individual it relates to unless collection from another party is authorised through expressed consent from the individual concerned. If the individual is under 16 years of age, information can be collected from a parent or legal guardian.

### Privacy Statements

Professional Care Supports provides information to service users at the time they first make enquiries of the legal, practical or other contractual limits of personal information collection and confidentiality. This information is provided in the privacy statement available on our website, in the Information Pack that is provided to prospective service users and in an open conversation at the point of first contact with service.



The information provided includes:

- Purpose of collecting information
- How information will be used
- Who (if anyone) information may be transferred to and under what circumstances information will be transferred
- Limits to privacy of personal information
- How a client can access or amend their health information?
- How a client can make a complaint about the use of their personal information

See also Client Rights and Responsibilities Charter

### **Use and Disclose**

Professional Care Supports only uses personal information for the purpose for which it was given. It may be provided to government agencies, other organisations and individuals if:

- The individual has consented. See Consent Form
- It is required or authorised by law
- It will prevent or lessen an imminent threat to somebody's life or health

Professional Care Supports may use the information for internal reviews and analysis and may also use certain consolidated statistics about services. However, Professional Care Supports will not disclose individual information, nor sell, trade or rent information under any circumstances.

Where Professional Care Supports submits copies of client records, files and other documents for accreditation or quality assurance checks, consent will be obtained from the client before doing so. Further assurances will be sought from the reviewers in relation to confidentiality and privacy and no personal and sensitive information may be taken, used to identify an individual as part of this process.

If Professional Care Supports needs to disclose any information to conform to any laws or legal processes, staff will advise the individuals impacted what information has been disclosed and to whom (unless informing them is precluded by legislation). The Manager's approval is also required before the information can be released.



### **Data Flows**

Some government departments that Professional Care Supports receives funding from require regular reports about the types of services provided and to whom they are provided. They may also need information to conduct program evaluations. The information provided is aggregated data from our records and no individual can be identified.

Professional Care Supports sends this information under secure conditions.

### **Data Quality**

Professional Care Supports takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintain and updating personal information when we are advised by individuals that it has changed (and at other times as necessary) and checking that information provided about an individual by another is correct.

### **Data Security**

Professional Care Supports takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas
- Physically securing the areas in which the personal information is stored
- Not storing personal information in public areas
- Positioning computer terminals and fax machines so that they cannot be seen or accessed by unauthorised people or members of the public

Reasonable technical safeguards include:

- Using passwords to restrict computer access, and requiring regular changes to passwords
- Establishing different access levels so that not all staff can view all information
- Ensuring information is transferred securely (for example, not transmitting health information via non-secure email)
- Using electronic audit trails
- Installing virus protections and firewalls

Reasonable administration safeguards include not only the existence of policies and processes for guidance but also training to ensure staff, students and volunteers are competent in this area.

Information is not kept any longer than is necessary and is disposed of and archived appropriately in line with Records Management Policy

### **Access and Correction**

Individuals may request access to personal information held about them. Access will be provided unless there is a sound reason under the Privacy Act or other relevant law. Other situations in which access to information may be withheld include:

- There is a threat to the life or health of an individual
- Access to information creates unreasonable impact on the privacy of others
- There are existing or anticipated legal dispute resolution proceedings
- Denial of access is required by legislation or law enforcement agencies.

Professional Care Supports is required to respond to a request to access or amend information within 30 days of receiving the request.

Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete and not misleading, taking into account the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, Professional Care Supports may refuse the request.

If the requested changes to personal information is not granted, the individual may make a statement about the requested change, which will be attached to the record.

Supervisors are responsible for responding to queries and requests for access/amendment to personal information.

### **Anonymity and Identifiers**

Individuals are entitled to receive services anonymously where it is lawful and practicable, for example Professional Care Supports will accept anonymous donations but is unable to issue tax-deductible receipt to the donor.

It may not be possible to provide a full service if consent to collect personal information and/or create a record (or part thereof) is declined. The reason for this would be explained in full to the individual at the time.



## **Donors**

Professional Care Supports records the names, addresses, contact details and the donor history of people who make gifts to the Association. Data files can only be accessed by staff that have a need to know.

Service providers (such as mail houses) who help Professional Care Supports with its fundraising also maintain security over Professional Care Supports' data at the same level as the organisation.

If donors would like to see the information Professional Care Supports holds, contact should be made with the Support Officer.

Individuals can instruct us to remove consent they provided to receive marketing or other communications from us. This can be done via an email to the Support Officer.

## **Publication Consent**

The 'Publications Consent Form' is to be explained to all service users, staff and volunteers at their commencement with Professional Care Supports. The agreement section is to be completed for all instances where photographs, film footage, audio material, electronic images, correspondence and/or quotations are used, in material using the Professional Care Supports' name or logo or collected/taken in the name of the organisation, or in services or activities organised by Professional Care Supports.

Material would always seek to display the individual and Professional Care Supports in the most positive and appropriate manner.

The permission contained in the Publications Consent Form maybe withdrawn, at any time by notifying Professional Care Supports in writing. The notification will be attached to the form by the relevant supervisor.

Additionally, those taking part in one off events will be required to give their consent through the 'Event Registration' process.

## **Other Organisational information**

The Human Resources Management policies detail how the organisation handles staff records to manage privacy and confidentiality responsibilities, including the storage of and access to staff personnel files and the storage of unsuccessful position applicants' information.



Professional Care Supports works with a variety of stakeholders including private consultants. The organisation may collect confidential or sensitive information about its stakeholders as part of a working relationship. Staff at Professional Care Supports will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.

The manner in which staff members manage stakeholder information will be clearly articulated in any contractual agreements that the organisation enters into with a third party.

### **Breaches of Privacy and Confidentiality**

If staff are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor. If this is not possible or appropriate, follow delegations indicated in the Grievance and Dispute Settling Policy. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

If a service user or stakeholder is dissatisfied with the conduct of Professional Care Supports' staff or Catherine Conaghan member, a complaint should be raised as per the Feedback and Complaints Policy. Information on making a complaint will be made available to service users and stakeholders or obtained by contacting the Professional Care Supports office directly.