

# Privacy and Confidentiality

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## Background

In order to treat a consumer with dignity and respect, we must respect their privacy. We ensure the behaviour and interactions of the workforce and others do not compromise consumer privacy. We respect each consumer's right to privacy in how we collect, use and communicate the consumer's personal information.

Health information is one of the most sensitive types of personal information. It is essential that we respect a consumer's right to privacy in how we collect, use and communicate health information.

We manage all personal information according to law and best practice.

## Applicability

- all categories of employees
- board
- all volunteers
- students on placement
- contractors and consultants, whether or not they are employees
- all other service providers

## Consumer outcome

I am treated with dignity and respect, and can maintain my identity. I can make informed choices about my care and services, and live the life I choose.

## Organisation statement

The organisation:

- has a culture of inclusion and respect for consumers; and
- supports consumers to exercise choice and independence; and
- respects consumers' privacy.

Regulations relevant to this policy



Standard 1 (3)(f) Privacy is respected



Privacy Act 1988 (Cth)

## Policy Commitment

We commit to privacy and confidentiality of the consumer's personal information (including health information). Privacy for consumers may relate to physical environment, possessions, physical needs, personal relationships and personal information.

To achieve this:

- consent to collect and hold consumer information must be obtained when service starts
- information on records we hold must be provided to the consumer or their representative as well as the process access their own personal information if they wish
- any consumer files held manually or electronically are securely stored and access is restricted to those staff required to do so as part of their usual duties
- all staff sign a confidentiality agreement when first employed which commits them to respecting the privacy and confidentiality of each consumer when we:
  - provide care to them
  - discuss a consumer's care and service requirements
  - store a consumer's personal information whether this relates to medical needs or general information.

## Process Guidance

### Outcome

The process below demonstrates we respect the consumer's privacy and keep their personal information confidential.

#### 1 Respect privacy and confidentiality

- Ask permission from consumers before entering their home, room or private areas.
- Respect the consumer's personal property e.g. do not use it unless invited to do so or open/read consumer mail unless they request this or need assistance.
- Provide privacy to each consumer for personal care activities e.g. bathing, toileting, dressing and personal/intimate relationships and other personal activities e.g. when speaking with visitors and during phone conversations if the consumer or their representative chooses.
- Treat all information relating to consumers confidentially and when required to share it, do so in a way that maintains their privacy and confidentiality e.g. conduct handovers between shifts in areas where information cannot be overheard by those who should not have access to it. This also applies to information given to health care professionals or representatives involved in the consumer's care or services. Any health care professionals who require access to the consumer's electronic records or personal information must provide request in writing and be approved by the consumer or their representative.

#### 2 Collection and use of client information

- The consumer's agreement includes obtaining consent to collect and share information with relevant professionals for the purposes of their care.
- The consumer receives a Collection Statement which outlines the types of personal information collected, how it is collected and used, how it may be disclosed, the importance of complete and accurate information.
- We collect personal information from the consumer only, unless they consent to collection from someone other than them, or it is unreasonable or impractical to do so.
- Staff must not seek more information about the consumer than is necessary to provide care and services.
- Staff will not release consumer information to any third party without consumer consent. Any consumer information is released and/or accessible only to those with a legitimate interest or need as part of their care or service role.
- Sometimes other personal information must be collected about the consumer's families and social relationships, personal interests, skills, behaviour patterns and financial affairs, to provide services. We will explain clearly the purpose of this collection to the consumer or representative.
- Staff will not proceed with client assessment, care coordination or planning processes without consumer consent. If the consumer cannot provide consent, staff seek consent from their representative.
- Documentation on all consumer file notes is written objectively, observing:
  - respect for the consumer's feelings and dignity
  - the consumer's right to request and have access to their own records
  - freedom of information and court requirements that may subpoena consumer files.

#### 3 Advise consumer of rights to access records

- We will inform consumers of their right to access their information in their Agreement and Collection Statement, and will remind them from time to time through service reviews and agreement renewal.
- Once created, consumer files cannot be deleted. A consumer may request an amendment to their record if they believe the information is incorrect and to ensure it is accurate, up to date, complete, relevant, and not misleading. If the consumer refuses to correct the information, it must provide written notice to the consumer with reasons and how to submit a complaint about the refusal.
- Consumers must request access to their information in writing, and we must respond within 14 days of receipt and provide a reason if access is denied.

#### 4 Seek consent to use consumer images and audio/visual recordings

- If an image or audio/visual recording is required for any purpose, we will seek consent from the consumer or representative using the Consent to Use Information and Images form.
- We will keep and update a register of consents. On receipt of any written notice of withdrawal of consent, we will check the register before using any image.
- If we intend to use consumer images in communication brochures or similar activities, we must obtain written informed consent from the consumer or representative for that situation only. The image cannot be retained for some possible future use.

#### 5 Advise consumers of right to complain of privacy breach

- We will inform consumers about their right to complain about a privacy breach and the process for making a complaint. This information sets out the way that we manage the complaint.
- Alternatively, the consumer may complain to the Office of the Australian Privacy Commissioner within 6 months of the breach.

#### 6 Disclosure of personal information to overseas recipients

- When disclosing consumer information to people overseas who are not bound by Australian Privacy Principles, we will inform the consumer or representative that privacy / confidentiality cannot be assured, and they must provide specific consent for that disclosure.

#### 7 Exclusions

- If a significant threat to consumer or staff safety affects the consumer's right to privacy and confidentiality, staff safety will prevail.
- We will provide access to consumer records without obtaining consent if:
  - there is a serious threat to the life, health or safety of any individual or public health and safety
  - it would unreasonably infringe the privacy of other individuals
  - the information relates to legal proceedings or is in some way illegal or unlawful.

## Suggested Evidence

- Tools and resources used
- Results of consumer feedback

## References

Name	Source
Privacy for Health Service Providers	Office of the Australian Information Commissioner

Notifiable Data Breaches Scheme	Office of the Australian Information Commissioner
Australian Privacy Principles	Office of the Australian Information Commissioner