

Policy – A-07

Privacy and Confidentiality

Just Support Services respects the right of all clients and their representatives to privacy and confidentiality in all aspects of their life.

Just Support Services also ensures the confidentiality and security of the personal information of all customers, employees and contractors.

The company acts in accordance with the Australian Privacy Principles contained in Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012 to protect privacy and ensure that the collection, storage, use and disclosure of any personal information collected complies with the law.

1. Purpose

- a) This policy determines the principles of privacy that Just Support Services adheres to and the measures that are taken to protect participants and other affiliated parties' privacy, to maintain their dignity and to keep information confidential to those who have a right and need to know.

2. Responsibilities

- a) All staff and workers with Just Support Services have the responsibility of keeping confidential any private information regarding clients, participants and other team members (including management, employees and contractors). Only information required by management for service provision is collected and access restricted to authorized persons, except in the case of urgent medical treatment being required. All team members have further general responsibility to uphold the physical privacy of clients and other parties in ways that supports their dignity.
- b) Management is responsible to ensure workers and other parties are trained and aware of these requirements.
- c) Management is responsible for ensuring consent and approval for disclosure of information when required is in place, and that all service provision information is kept secure.

3. Definitions

- a) **Confidentiality:** the act of keeping private and secure information available to you, and restricting access to that information to authorized persons only.
- b) **Dignity:** the right to respect and honourable treatment
- c) **Disclosure:** the transfer of information to another party
- d) **Eligible Data Breach:** the release of personal information that is likely to result in serious harm to any person impacted
- e) **Privacy:** the ability of an individual to seclude themselves or information and express themselves selectively
- f) **Physical Privacy:** the restricted access others have to our bodies, relationships or living spaces and may be a matter of cultural sensitivity, personal dignity and/or shyness.



- g) **Security and Integrity of Information:** the physical measures to restrict access to information and keeping that information free from unauthorized alteration or corruption.
- h) **Use of Information:** the handling and application of information within a company in relation to the primary purpose for which it was collected.

4. Policy Statement and Procedures

Commitment to Privacy:

- a) Just Support Services commitment to privacy is outlined for participants and potential clients in the factsheet Client Rights and Responsibilities, which is provided at the engagement of services as part of the service agreement process.
- b) An Easy Read Version is also available, and on request, Just Support Services will work with any individual to communicate their right to privacy in their preferred communication method.
- c) The Privacy and Confidentiality Policy is available to interested parties engaged with Just Support Services at their request.

Collecting Personal and Service Requirement Information:

- a) Just Support Services collects information relevant only to the services engaged by the client and all information is collected with the informed consent of the participant or their authorized representative (including guardian/nominee/person responsible). This information may be personal information, or information associated with their support needs or lifestyle.
- b) Only the minimum necessary information required for the purpose of service delivery will be collected and used.
- c) Where possible this information is collected from the individual directly, or with them in attendance if they are being supported by an authorized representative (including guardian/nominee/person responsible) due to cognition or communication challenges. The individual is informed of who is collecting the information, how it is stored and how it will be applied.
- d) Personal and service information is collected through various intake, assessment and planning documents. Only documents relevant to the service type being agreed to will require completion. At a minimum, all persons engaging Just Support Services will provide basic personal information and participate in an assessment to determine any risks associated with the provision of requested services that will require managing.
- e) Information may be collected and updated via face-to-face meetings, phone calls or email. Information is regularly reviewed, or on identification of a change to circumstance relevant to service delivery.
- f) An individual may be refused service if they refuse to disclose information required for the safety of workers or other community members. B-02 Service Intake and Exit

Collecting and Maintaining Personal Information of Others:

- a) Personal information of other individuals may also be collected, and may include:
 - Personal information of job seekers, employees and volunteers
 - Personal information of contractors brokered to the company for the provision of services

- b) Only information necessary for these functions is collected, and generally to ensure they are appropriately supervised, developed, trained and supported to mitigate any identified risk. When the information is no longer required it is destroyed in line with privacy requirements.
- c) All information is collected by lawful means with the informed consent of the individual, from the individual where possible. Consent must be informed, voluntary, current and documented where required. In some situations, information may be from a third party, for example a reference check or criminal record check. The individual is informed of who is collecting the information, how it is stored and how it is applied.
- d) All information is kept secured in locked cabinets or maintained on restricted databases or on-line files.

Disclosure of Information to External Parties:

- a) Personal information is not disclosed to any external party unless:
 - It is for the primary purpose it was collected – eg, distributing resumes for a person supported to seek employment
 - The individual or their authorized representative (including guardian/nominee/person responsible) has provided consent for the disclosure
 - It is required under law
 - Non-disclosure has the risk of resulting in high level harm for the individual or another person
- b) Clients are provided with an outline of the company responsibilities upon agreement of services, and can be provided with an Easy Read version if required. However, there may be limitations to this right:
 - Court subpoena of client information
 - Requirement of Just Support Services team member to testify under oath
 - Prevent or lessen a serious threat of harm to the individual or another person
 - Prevent or lessen a serious threat of harm to public health or safety
 - Where authorized by law
 - It is reasonably likely to expect that information of the kind is usually passed onto that other party
- c) At times information may be shared where it is in the best interests of the individual, to an outside party verbally or in writing. This occurs in accordance with the following procedures:
 - Permission of the client, authorized representative (including guardian/nominee/person responsible), if necessary in writing
 - The purpose is lawful and relevant to those receiving it and no extraneous information is forwarded
 - The recipient understands the confidential nature
 - A note of disclosure is made and a record kept in the participants file outlining information shared and who received it
- d) Just Support Services will share deidentified data for statistical purposes as required for accountability with relevant government agencies. Where uncertainty exists, advice will be sought from the relevant authority (e.g. NDIS Commission or OAIC).



Information Application within the Company:

- a) Access is restricted to authorized personnel on a strict 'need-to-know' basis relevant to their role.
- b) Workers and employees are instructed to refrain from discussing personal details of participants and clients, and this is reinforced in mandatory training and the Contractor Agreement. It is accepted that client details will be discussed with co-workers, management and supervisors for the purpose of supervision, risk management and supporting the care and outcomes of the individual. Worker and Contractor Code of Conduct
- c) General service reports do not identify individual clients or participants.

Access to Personal Information by participants:

- a) Individuals engaged with Just Support Services have the right to access their personal information, except where access may present a threat, is deemed unlawful or compromises the privacy of other individuals. In these cases the company will provide written notice of the refusal and how they may appeal the decision. A-09 Feedback and Complaints
- b) Just Support Services will require confirmation of their identity prior to releasing information and can request the information be corrected if it is out of date or inaccurate.

Security of Information:

- a) Just Support Services takes reasonable steps to protect against unauthorized access, modification, loss or misuse of personal information it holds.
- b) Just Support Services holds personal information on data bases, external storage devices, laptops and mobile devices. All access is password protected and external storage devices held in locked storage cabinets.
- c) Any hard copies of personal records are secured in locked cabinets.
- d) Where third party or cloud based systems are used, Just Support Services ensures providers meet privacy and data security requirements.
- e) Personal information is transmitted or transported under secure sites, or in a secure vehicle and not exposed to public scrutiny.
- f) Suspected or actual breaches of data must be reported immediately to management. Management will assess, contain and remediate breaches in line with legislative requirements. If an eligible data breach occurs, the OAIC and affected individuals will be notified within required timeframes.

Maintaining Information:

- a) Access to client information is restricted to those providing relevant support or services, or have a legal right to access the information.
- b) Information contained is only that which is necessary to the service type/s Just Support Services has been engaged to provide, is reviewed regularly and updated to ensure the information is accurate and relevant to current supports and outcomes.
- c) Personal information will be retained only for as long as required under legal and operational requirements and securely destroyed when no longer required.

Employee and Worker Training and Compliance:

- a) All team members are trained in implementation of the Privacy Policy and that breaches may be considered a serious issue resulting in breach of brokerage or employment contract.
- b) Contracts outline the need to abide by relevant policy including privacy requirements.
- c) The Worker Code of Conduct specifically outlines the need to act in ways that preserve the privacy, confidentiality and dignity of participants and other parties engaged with Just Support Services.
- d) Unauthorised access, use, or disclosure of personal information may result in disciplinary action, including termination of employment or contract.

Maintaining Personal Privacy and Dignity during Service Delivery:

- a) All participants and clients will be free from surveillance and protection initiated by Just Support Services beyond that is clearly required to support reasonable health and safety.
- b) Consent will be obtained for recording photos, videos and audio and must have a clear purpose.
- c) On engagement with relevant participants staff are provided with training on maintaining privacy and dignity of participants while delivering personal care, including implementation of policy B-06 Providing Personal Care.
- d) Worker Code of Conduct outlines requirements for team members to ensure that privacy and confidentiality are maintained during the provision of supports, both at home and in the community.
 - Professional standards of working that demonstrate respect, courtesy and the rights of the individual
 - Announcing self and awaiting permission before entering an area
 - Ensuring rooms where personal care are provided remain closed when in use
 - Maintaining the integrity and security of personal items of participants and clients

5. Forms and Records:

Form A-02 Consent to Release Information

Form A-03 Approval to Disclose Information

Form A-04 Permission to Publish

Form B-02 Client Information

Form B-03 Client Exit Plan

6. Work Instructions and Safe Working Procedures

Nil

7. Related Policies

A-09 Feedback and Complaints

B-02 Service Intake and Exit

B-06 Providing Personal Care

E-01 Supporting Positive Behaviour

C-05 Worker and Employee Files and Records

C-01 Worker and Contractor Code of Conduct

8. Related Documents

Factsheet - Notifiable Data Breach

Easy Read – Complaints and Problems

Factsheet – Client Rights and Responsibilities

Easy Read – Private Information About You

9. References

Declaration on the Rights of the Child to Privacy and Confidentiality

NDIS (Protection and Disclosure of Information) Rules 2018

Privacy Act (Commonwealth) 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Health Records and Information Privacy Act (NSW) 2002

Disability Services Act (NSW) 1993

Disability Inclusion Act (NSW) 2014