

Policy – A-07

Privacy and Confidentiality

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

Combined Health 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 Combined Health Services adheres to and the measures that are taken to protect service user 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 Combined Health Services have the responsibility of keeping confidential any private information regarding clients, services users 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 honorable 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) Combined Health Services commitment to privacy is outlined for service users 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, Combined Health 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 Combined Health Services at their request.

Collecting Personal and Service Requirement Information:

- a) Combined Health Services collects information relevant only to the services engaged by the client and all information is collected with the informed consent of the service user or their person responsible. This information may be personal information, or information associated with their support needs or lifestyle.
- b) Where possible this information is collected from the individual directly, or with them in attendance if they are being supported by a 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.
- c) 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 Combined Health 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.
- d) 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.
- e) 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. 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 data bases 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 person responsible/guardian 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 Combined Health 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 it is regarded as beneficial to the individual to share information to an outside party verbally or in writing. This occurs in accordance with the following procedures:
 - Permission of the client, person responsible or guardian is obtained, 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 service user file outlining information shared and who received it
- d) Combined Health Services will share deidentified data for statistical purposes as required for accountability with relevant government agencies. If unsure of the purpose, the NDIS Quality Safeguards Commission will be contacted for advice.



Information Application within the Company:

- a) The access of personal information regarding service users and other clients is restricted to those within the company relevant to the provision of services applicable to the information (“need to know” basis) and monitoring or outcomes.
- b) Workers and employees are instructed to refrain from discussing personal details of service users 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 service users.

Access to Personal Information by Service User:

- a) Individuals engaged with Combined Health 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) Combined Health 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) Combined Health Services takes reasonable steps to protect against unauthorized access, modification, loss or misuse of personal information it holds.
- b) Combined Health Services holds personal information on data bases, external storage devices, lap tops 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) Personal information is transmitted or transported under secure sites, or in a secure vehicle and not exposed to public scrutiny.
- e) In the event personal information is lost or stolen the impact of risk is assessed by the Operations Manager and if an Eligible Data Breach has occurred the breach is reported to the Office of Australian Information Commission (OAIC). Factsheet B-03 Notifiable Data Breach

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 Combined Health Services has been engaged to provide, is reviewed regularly and up dated to ensure the information is accurate and relevant to current supports and outcomes.

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 service users and other parties engaged with Combined Health Services.

Maintaining Personal Privacy and Dignity during Service Delivery:

- a) All service users and clients will be free from surveillance and protection initiated by Combined Health Services beyond that clearly required to support reasonable health and safety.
- b) On engagement with relevant service users staff are provided with training on maintaining privacy and dignity of service users while delivering personal care, including implementation of policy B-06 Providing Personal Care.
- c) 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 service users 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