

<b>GEN0046</b>	<b>PRIVACY</b>
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Applies to: All Staff and Volunteers	Version: 8
Specific responsibility: Executive Leadership Team, All Staff	Date approved: 17/06/2024
	Next review date:17/06/2026

<b>Policy context:</b> This policy relates to the protection of privacy for all clients and carers	
Standards or other external requirements	The Australian Privacy Principles and the NDIS Code of Conduct
Legislation or other requirements	The Freedom of Information Act 1982 The Federal Privacy Act 1988 The Personal Information Protection Act 2004
Contractual obligations	DECYP, Alliance, MOU's

**POLICY STATEMENT**

Glenhaven Family Care is committed to protecting and upholding the right to privacy of participants, clients, staff, volunteers, board members, and representatives of agencies that we work with. Glenhaven Care is committed to protecting and upholding the rights of our participants privacy in the way we collect, store and use information about them, their needs and the services we provide them.

Glenhaven family care requires staff, volunteers, and board members to be consistent and ethical in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

Glenhaven Family Care is subject to the Federal Privacy Act (1988), the Australian Privacy Principles and the NDIS Code of Conduct, which govern the collection, use and storage of personal information. Participant/carer information can only be given to other persons that the participant/carer has agreed to, or where disclosure is allowed by Commonwealth legislation. Some programs within Glenhaven funded by Tasmanian State Government are also subject to the Personal Information Protection Act 2004 where a contract, law or legislation stipulates in relationship to the safety of children.

Glenhaven Family Care will protect and upholding the participants/client's right to privacy and dignity when collecting, storing and handling information about them, their needs and the services provided to them.

There is full commitment to implementing the NDIS (Quality and Safeguards) Commission rules and regulations and the Australian Privacy Principles in its information management practices.

To ensure participants have privacy and dignity, The organisation will;

- Meet its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of participants, staff and stakeholders.
- Provide participants with information about their rights regarding privacy and confidentiality.
- Support staff, volunteers and stakeholders to understand what is required in meeting these obligations.
- Use language, modes of communication and terms that are most likely to be understood.

**Conform to the Federal Privacy Act (1988) and the Australian Privacy Principles, which governs the collection, use and storage of personal information.**

Information is collected for the purposes of making an informed assessment of needs and support required by our participants and the personal information collected during the assessment of carers.

Glenhaven Family Care have adopted the following practices that relate to privacy:

- That we meet legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel
- Participants/clients are provided with information about their rights regarding privacy.
- That we will only collect information that is necessary for making an assessment or referral
- To be respectful and fair in the way we collect information about the participant/carer and their situation.
- To be open with the participant/carer about the information we hold and what we do with it.
- To treat all information provided with confidentiality in accordance with "The Federal Privacy Act 1988". This information may be obtained under "The FOI Act".
- That information from the participant/carers file will be shared only with their consent for the purposes of case planning and management or carer assessment.
- To meet all legal and ethical obligations as an employer and service provider in relation to protecting the privacy of participants and organisational personnel
- Participants and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
- Information will only be shared between staff, carers and any program partners of GFC for the above purpose.
- All staff and board members understand what is required in meeting these obligations.
- That we will adhere to all requirements imposed under the Privacy Act 1988, including the requirements imposed by the Privacy Amendment (Notifiable

Data Breaches) Act 2017, to strengthen the protection of personal information.

The participant/client/carer has the right of access to, and alteration of, personal information concerning themselves in accordance with "The Federal Privacy Act 1988".

Glenhaven Family Care will record information internally. This information (minus any personal details) will also be used to meet our external reporting requirements.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

### **PROCEDURES**

#### **Dealing with personal information**

In dealing with personal information, Glenhaven Family Care will:

- Ensure privacy for participants, staff or board members when they are being interviewed or discussing matters of a personal or sensitive nature.
- Only collect and store personal information that is necessary for the functioning of the organisation and its activities.
- Use fair and lawful ways to collect personal information.
- Collect personal information only by consent from an individual.
- Ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used and disclosed and who will have access to it
- Ensure that personal information collected or disclosed is accurate, complete and up to date, and provide access to any individual to review information or correct wrong information about themselves.
- Take reasonable steps to protect all personal information from misuse and loss from unauthorised access, modification or disclosure.
- Destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.
- Notify individuals and the Office of the Australian Information Commissioner (OAIC) when there has been a data breach (or suspected breach) of personal information, if it is likely to result in serious harm to individuals whose privacy has been breached.

#### **Responsibilities for managing privacy**

- All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- The Executive Leadership Team, is responsible for content in Glenhaven Family Care publications, communications and website and must ensure the following:

- Appropriate consent is obtained for the inclusion of any personal information about any individual including Glenhaven Family Care personnel.
- Information being provided by other agencies or external individuals conforms to privacy principles.
- That the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website
- The Executive Leadership Team, is responsible for safeguarding personal information relating to Glenhaven Family Care staff, board members and participants

### **The Privacy Contact Officer**

The Privacy Contact Officers will be the Executive Leadership. The Executive Leadership COO will be responsible for:

- Ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information.
- Ensuring that participants and other relevant individuals are provided with information about their rights regarding privacy.
- Handling any queries or complaint about a privacy issue

### **Privacy Information for Clients**

At the initial assessment the manager will inform participants of what information is being collected, how their privacy will be protected and their rights in relation to this information.

### **Clients Records**

- Clients' records will be kept confidential and only handled by staff directly engaged in the delivery of service to the participant.
- Information about clients may only be made available to other parties with the consent of the participant, or their advocate, guardian or legal representative.
- All hard copy files of participants'/clients' records will be kept securely in a locked filing cabinet or on a secure server.

### **Privacy for interviews and personal discussions**

To ensure privacy for participants/Clients or staff when discussing sensitive or personal matters, the organisation will:

- Provide private interview spaces.
- Conduct home visits.
- Conduct appointments after hours if required.
- Ensure private places for phone calls to occur when discussing participants.

To ensure privacy for participants/Clients or staff when discussing sensitive or personal matters, the organisation will only collect personal information which is necessary for the provision of supports and services and which:

- Is given voluntarily; and
- Will be stored securely on the organisation database.

When in possession or control of a record containing personal information, the organisation will ensure that the record is protected against loss, unauthorised access, modification or disclosure, by such steps as it is reasonable in the circumstances to take. If it is necessary for that the record be given to a person in connection with the provision of a service to the organisation, everything reasonable will be done to prevent unauthorised use or disclosure of that record the organisation will not disclose any personal information to a third party without the individual's consent unless that disclosure is required or authorised by or under law.

## DOCUMENTATION

<b>Documents related to this policy</b>	
Related policies	Client Rights and Service Charter
Forms, record keeping or other organisational documents	Participant Case Notes Access to Confidential Information Procedure

<b>Reviewing and approving this policy</b>		
<b>Frequency</b>	<b>Person responsible</b>	<b>Approval</b>
Bi-Annually	Executive Management Team	CEO

<b>Policy review and version tracking</b>			
<b>Review</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Next Review Due</b>
1	30/6/14	CEO	30/6/15
2	30/6/15	CEO	30/6/16
3	30/6/16	CEO	30/6/17
4	30/6/17	CEO	30/6/18
5	22/02/19	CEO	22/02/21
6	10/4/21	CEO	10/04/22
7	24/11/22	Executive Leadership	24/11/24
8	17/06/2024	Executive Leadership	17/06/2026