

GOV 01.02 Privacy and Confidentiality Policy

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Background

Respecting a person's personal information is protected under the Australian Privacy Act 1988 and is a key element in meeting the obligations of aged care providers to treat older people with dignity and respect.

Personal information is 'Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not
- whether the information or opinion is recorded in a material form or not (Office of the Australian Information Commissioner).

Health information is one of the most sensitive types of personal information, so it is essential practices for collecting, storing and using this protect the privacy of the individual it relates to.

Personal information also includes sensitive information which is information or an opinion about an individual's:

- health information
- racial or ethnic origin
- political opinions, religious beliefs or affiliations
- philosophical beliefs
- membership of a political, professional or trade association or union
- sexual orientation or practices
- criminal record
- genetic or biometric information.

Applicability

All Aged Care providers:

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

Standard 2 expectation statement for older people:

The organisation is well run. I can contribute to improvements to funded aged care services. My provider and aged care workers listen and respond to my feedback and concerns. I receive funded aged care services from aged care workers who are knowledgeable, competent, capable and caring.

Outcome 2.7: Information management

The provider must ensure that information recorded about an individual is accurate and current, is able to be accessed and understood by the individual, supporters of the individual, aged care workers, registered health practitioners, allied health professionals, allied health assistants and others involved in the individual's care.

The provider must ensure that the information of individuals is kept confidential and is managed appropriately, in line with their informed consent.

Governing regulations for this policy

-  Aged Care Act 2024
-  Outcome 1.2 - Dignity, respect and privacy
-  Outcome 2.7 - Information management
-  Privacy Act 1988 (Cth)
-  User Rights Principles 2014

Documents relevant to this policy

-  Adm 03.06 Consent to use Information
-  Clin 04.01 Person Centred App- End User
-  HR 03.25 Marketing And Digital Media Release- Staff Consent
-  IT 03.01 Employee Acknowledgement of IT Systems Use, Privacy, and Confidentiality
-  Res 01.02 Strengthened Aged Care Quality Standards Guide

Policy Commitment

Our organisation commits to the safety and security of personal information by:

Governance and Oversight

- nominating a Privacy Officer to ensure the organisation complies with its legislative and regulatory responsibilities and responds to all requests for information and complaints related to privacy.
- maintaining a publicly available Privacy Policy that is available free of charge on request.
- regularly monitoring and evaluating practices to protect personal information and improve their effectiveness.

Collection of Personal Information

- collecting personal information directly from the individual or substitute decision maker or, unless they consent to collection from someone else (eg: support person).
- collecting only the information about the individual necessary for the activity e.g. to provide care and services
- obtaining informed consent:
 - prior to undertaking assessment, care coordination and planning processes
 - prior to taking and at each instance of using an image or making a recording of a person
 - prior to releasing their information to any third party (refer to Adm 01.06 Informed Consent Policy)

Communication and Transparency

- Provide individuals with clear, understandable information about:
 - The types of personal information collected.
 - How it is collected and used.
 - The importance of complete and accurate information. (*Refer to Adm 03.06 Consent to use Information*)
- Inform Individuals about:

- of their right to access their information and correct it if required, by requesting this in writing. A response will be provided within 14 days of receipt or a reason given if access is denied
- of their right to withdraw their consent to share information
- the process and contact details to advise about a privacy breach (refer to IT 02.01 Data Breach Response Process)
- Notifying individuals if:
 - if there is a serious threat to the life, health or safety of any individual or public health and safety, including locating a missing person
 - the information relates to legal proceedings or is in some way illegal
 - that if a significant threat to older people's or staff safety affects the older person's right to privacy and confidentiality, staff safety will prevail
 - access to personal information will be granted without consent under specific circumstances
 - if their information will be disclosed to people overseas who are not bound by Australian Privacy Principles their privacy cannot be assured and seeking their specific consent for that disclosure
 - it would unreasonably infringe the privacy of other individuals

Use and Disclosure of Information

- restricting access to sensitive information to those for whom it is required to perform their duties and
- ensure staff understand their responsibilities in protecting information and reporting disclosures (refer to IT 01.01 Acceptable use of Information Technology Policy and IT 02.01 Data Breach Response Process)
- Authorise collection, use and disclosure of personal information in accordance with aged care legislation for purpose such as:
 - protecting and enhancing the safety, health, wellbeing and quality of life of aged care consumers
 - promoting the provision of quality care and services
 - developing and promoting best practice models for engagement between aged care service providers and the older people they support
 - managing complaints relating to aged care service providers
 - regulating and monitoring the provision of aged care services. Information to provide older people is available on the Notice of Collection page on the Aged Care Quality and Safety Commission website

Information Accuracy and Record Management

- Implementing practices to ensure personal information is accurate, up to date, and complete, including:
 - staff training
 - collecting and recording information consistently
 - verification with the person concerned on an annual basis and
 - conducting regular file audits (refer to Clin 01.02 Clinical Documentation Policy)
- ensure that records of private and sensitive information are managed in a way that ensures confidentiality, including when archiving or destroying records that are no longer required (refer to Gov 02.02 Records Management Process)
- documenting all file notes objectively, observing:
 - respect for the individual's feelings and dignity
 - the individual's right to request and have access to their own records
 - freedom of information and court requirements that may subpoena resident files

Staff and Resident Education

- providing initial and ongoing training and support to staff on protecting sensitive and confidential information, that includes but is not limited to:
 - older peoples' health needs and care history

- employees' work conditions and health needs
- corporate information of commercial valuable
- offering education and support to individuals (including older people receiving care) on cyber safety as appropriate

Information Collection, Use and Management

Type of Personal information collected:

- **Resident details:** name, date of birth, contact information.
- **Health information:** medical history, current conditions, medications, care plans.
- **Legal and financial information:** powers of attorney, billing details.
- **Individual Choice/ Preferences:** Cultural and personal preferences.
- **Visual recordings from CCTV** in common areas (not in private rooms or bathrooms).

How personal information is collected and held

- Collected directly from residents, family members, or legal representatives during admission and care planning.
- Obtained from healthcare providers, government agencies (e.g., My Aged Care, My Health Record), or other relevant third parties. (Refer to IT 01.02 My Health Record System Security and Access Policy)
- Stored securely in electronic health record systems and/or locked physical files.
- Access is restricted to authorised staff only, with regular audits and password protections in place.
- CCTV footage is stored digitally on secure servers or local devices with restricted access.

The purposes for which personal information is collected and used

- To deliver safe, appropriate, and personalised care to residents.
- To meet legal and regulatory obligations under aged care legislation.
- For communication with family members and healthcare providers.
- To manage billing, funding, and government reporting requirements.
- CCTV is used for safety, security, and incident investigation (e.g., falls, unauthorised access).
- For quality improvement, staff training, and service planning.

How an individual may access their personal information and seek its correction

- Residents or their legal representatives can request access through the facility's privacy officer or delegatee.
- Requests are usually processed within a reasonable timeframe, often in writing.
- Corrections can be made if information is inaccurate, incomplete, or outdated, following verification procedures.
- Requests to view CCTV footage involving a resident may be considered if it relates to their care or safety, subject to privacy and legal constraints.

How an individual may complain if they believe the organisation has breached the Australian Privacy Principles

- Complaints can be submitted verbally or in writing to the facility's privacy officer or delegatee
- The facility will investigate and respond within a set timeframe (e.g., 30 days).
- Concerns about CCTV use (e.g., placement, access, misuse) can also be raised through this process.
- If unsatisfied, individuals can escalate the complaint to the Office of the Australian Information Commissioner (OAIC).

Making a complaint

If you wish to make a complaint about the way we have managed your personal information you may make that complaint verbally or in writing by setting out the details of your complaint to any of the following:

(i) The Chief Executive Officer on:

- **Phone:** 07 4619 8422

- Fax: 07 4619 8400
- Email: CEO@beuarabaliving.org.au

(ii) Aged Care Quality and Safety Commission

- Online: <https://www.agedcarequality.gov.au>
- Phone: 1800 951 822

(iii) Office of Australian Information Commissioner

- via: <https://www.oaic.gov.au>

Overseas disclosure

We will not disclose personal information overseas except with consent or where we reasonably believe that the overseas recipient is subject to arrangements substantially similar to Australian privacy laws.

Suggested evidence

- Staff induction and training records
- Signed consent forms
- Older person's care records
- Records of data validation and corrections
- Publicly available Privacy Policy

Roles and responsibilities

The Board of Directors

The **Board of Directors** is responsible for ensuring effective systems and processes for managing personal information are in place. It is their responsibility to know and understand the legal and regulatory obligations applicable in the State/s and/or Territory/ies in which they operate including protecting health information. The Governing Body will identify appropriate systems and processes to monitor, review and continuously improve this policy.

Executive Team

The **Executive Team** - with the inclusion of the **Privacy Officer**, is responsible for ensuring the workforce (whether employed or contracted) follow this policy and related processes and respect the privacy and confidentiality of all individuals. The Executive Team is also responsible for monitoring implementation and compliance with this policy including ensuring completion of education and training and providing feedback and performance review where required.

All staff including volunteers and contractors

All staff, contractors, students and volunteers are responsible for understanding and following this policy, related processes and directions and completing all education and training as directed.

References

Name	Source

Australian Privacy Principles	Office of the Australian Information Commissioner
Documentation of information	Australian Commission on Safety and Quality in Health Care
Notifiable Data Breaches Scheme	Office of the Australian Information Commissioner
Privacy for Health Service Providers	Office of the Australian Information Commissioner
State and Territory Privacy Legislation	Office of the Australian Information Commissioner
Surveillance and Privacy	Office of the Australian Information Commissioner