

Privacy and Confidentiality Policy

Professional Disability and Development Supports & Services PTY LTD (PoDDSS)

Policy: Privacy and Confidentiality Policy

Policy number: PC v4

Date adopted: 19/02/2018

Authorised by: PoDDSS Director

Date last reviewed: 16/01/2025

Reviewed by: PoDDSS
Management

Date of next review: Jan 2028

Major changes since last review:

08/11/2017 according to the 1.19_privacy_policy_guideline and 1.20_confidentiality_policy_guideline and 4.3_access_to_confidential_information_policy_guideline and 4.1_client_records_policy_guideline and converted to PoDDSS stationery

19/02/2018 Formally adopted after HSQF assessment

May 2023 4.1 Page 6 Support Coordination & Specialised Support Coordination removed

Policy context: This policy relates to:

NDIS Quality and Safeguards Framework	This Policy relates to all principles of the NDIS Quality and Safeguards Framework
Human Service Quality Framework	Standard 1 — Governance and management Sound governance and management systems that maximise outcomes for stakeholders Indicator 4: The organisation's management systems are clearly defined, documented and monitored and, where appropriate, communicated including finance, assets and risk Indicator 7: The organisation has effective information management systems that maintain appropriate controls of privacy and confidentiality for stakeholders. Standard 4 - Safety, Wellbeing and Rights The safety, wellbeing and human and legal rights of people using services are protected and promoted. Indicator 1: The organisation provides services in a manner that upholds people's human and legal rights.
Other standards	Australian Privacy Principles NDIA Guidelines
Legislation or other requirements	Queensland Information Privacy Act 2009 Freedom of Information Act 1982 Disability Services Act Qld 2006 Commonwealth Disability Discrimination Act 1992 Commonwealth Disability Services Act 1986 Equal Employment in Public Employment Act 1992 Guardianship and Administration Act 2000 Mental Health Regulation 2002 Power of Attorney Act 1998 Home and Community Care Act 1985 Racial Discrimination Act 1975 Sex Discrimination Act 1984 Commonwealth Privacy Act 1988

1. Purpose: Why do we have a privacy policy?

PoDDSS is committed to providing an effective and high-quality service that maintains appropriate accountability and transparency. As part of our services, we must collect, store and sometimes share relevant personal information about our primary persons and their stakeholders. It is important that we are consistent and careful in the way we manage what is written and said about a primary person and their stakeholders and how we decide who can see or hear this information.

Our primary persons, their stakeholders and staff have legislated rights to confidentiality and privacy, and to accessing their own records. It is essential that we protect and uphold these rights, and that we act correctly in those circumstances where the right to confidentiality or privacy may be overridden by other considerations.

2. Scope

This policy will apply to all written, verbal and electronic personal or sensitive information relating to primary persons, stakeholders, all staff including contractors and volunteers unless or in special circumstances where the law allows or dictates an exception.

To uphold the rights of primary persons, stakeholders, staff and volunteers to confidentiality and privacy, each staff and management member needs an appropriate level of understanding about how we meet our legal obligations:

- confidentiality, limits to confidentiality and obtaining primary persons', stakeholders', and staff consent to share information about them
- our processes for providing information to people accessing, or working in, our services.

2.1 Definitions

Personal information (as defined by the Privacy Act 1988)

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, and whether the information or opinion is recorded in a material form or not.

Sensitive information (As defined by the Privacy Act 1988)

Is information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record or health, genetic or biometric templates, that is also personal information.

Confidentiality

Implies the relationship of confidence between the organisation and individuals.

3. Policy statement: Our commitment

PoDDSS recognises the essential right of individuals to have their information collected, protected and administered in ways which they would reasonably expect. This means that we make sure no personal information about a primary person, stakeholders, staff, contractor or volunteer is shared with anyone, on purpose or by omission, unless we have informed consent from the primary person or guardian or, in special circumstances where the law allows or dictates an exception. On the other hand, PoDDSS will make accessible to the primary persons any information that relates to them and processes by which to provide informed consent on information release and to correct information held. These privacy and confidentiality values are reflected in and supported by our core values and philosophies and also reflected in this Policy, which is compliant with the Privacy Act 1988 (C) and meets relevant principles of the *Queensland Information Privacy Act 2009*.

PoDDSS has adopted the following principles contained as minimum standards in relation to handling personal information according to the principles of privacy and confidentiality. PoDDSS will:

- meet legal and ethical obligations as staff, contractors, and volunteers in relation to protecting the privacy and confidentiality of primary persons and their stakeholders
- providing primary persons and their stakeholders with information about their rights regarding privacy and confidentiality
- take account of any relevant cultural or religious requirements of primary persons and their stakeholders and make reasonable consideration and adjustments where indicated or requested
- ensuring privacy and confidentiality for primary persons and their stakeholders when collecting, storing, using or disclosing personal information or discussing matters of a personal or sensitive nature with staff, contractors or volunteers.
- collect only information which the organisation requires for its primary function
- ensure that the primary person and their stakeholders are informed as to why we collect information and how we administer the information gathered.
- use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person's informed consent
- store personal information securely, protecting it from unauthorised access
- provide stakeholders with access to their own information, and the right to seek its correction.

To uphold the above, each staff member, contractor and volunteer needs an appropriate level of understanding of:

- confidentiality, limits to confidentiality and obtaining clients', staff, contractor and volunteer consent to share information about them
- our processes for providing information to people using, or working in, our services.

4. Procedures

PoDDSS recognises its responsibility to uphold the principles of privacy and confidentiality for primary persons and their stakeholders in a manner which agrees with our code of conduct and complies with current legislation.

The Privacy Act 1988 provides protection of personal information and outlines privacy principles which set the basic rules for handling peoples information. The principles provide the information-handling standards for things such as collecting, using and disclosing personal information as well as keeping information secure, paying attention to data quality and accuracy, being open about the collection and information handling practices, providing access to personal information, providing anonymity where possible and providing protection when transferring personal information overseas.

We manage our obligations in relation to protecting the privacy of our primary persons and their stakeholders by being open with people about how we handle their information and to develop trust relationships with primary persons and their support network.

4.1 Primary Persons

PoDDSS collects personal or sensitive information for the purpose of delivering direct services, administering processes associated with service delivery e.g. referrals, meeting any requirements for government funding, monitoring or evaluating the services we provide, to comply with legal obligations or to produce annual reports or for research purposes. The nature and extent of the information collected by PoDDSS varies depending on the individual's interaction with us. This information may be collected by PoDDSS using in-person interviews, service entry processes, online or electronic communications, questionnaires or over the telephone.

Such information may include:

- contact details (name, address, email, etc.)
- personal details (date of birth, gender, income, emergency contacts, etc.)
- information on personal issues and experiences, areas of interest or relationships
- family background or supports that participants may have in the community
- cultural or religious requirements and adjustments that account for these sensitivities
- health information and/or medical history
- Service history
- Family and support network
- Personal history, behaviour, care plans and assessment reports and plans.
- Criminal and legal history
- credit card or bank account details
- server address and online visit information

In protecting the privacy and confidentiality of primary persons and their stakeholders, we ensure they are well informed about their rights and that we take our responsibilities seriously. PoDDSS staff will:

- be aware of the Privacy and Confidentiality policy and how this policy relates to service provision at PoDDSS.
- inform the primary person, or guardian, what information they are collecting, why the information is needed as part of their service delivery, and how long this information will be kept for
- provide the primary person and their stakeholders with a Privacy Statement that outlines how PoDDSS exercises its responsibilities under the Australian Privacy Principles (see section 4.5)
- only record information in a primary person's file if it is necessary for the person's service provision, now or in the future
- any other information, photographs or films will only be retained or used if the primary person or guardian provides informed consent. Photographs or films will be used with consideration for the best interests of the primary person and their stakeholders and will not be provided or sold to any third party
- PoDDSS may keep case notes including observations about people's progress, activity participation and enjoyment, any changes in behaviour, any incidents, feedback or requests, as well as file correspondence or reports
- all information recorded will be accurate and factual, opinion or hearsay will be avoided or clearly indicated. Information will be clear, brief, legible and easy to understand and will be traceable through signature and date on a person's file
- primary persons, or their guardians, will know where their file is kept and can see and review their personal information upon request. PoDDSS will support primary persons or guardians in accessing their stored information and will explain the information written if requested
- primary persons, or their guardians, can request to correct information on their files through written request to the Clinic Director and this request cannot be unreasonably denied
- only the Clinic Director have the authority to reasonably deny a request to access or correct file information. In this instance, written notification of the denial to access or correct information must be given to the individual who requested such information with reasons why access or corrections have been denied and rights of the individual to appeal their decision and how this might be carried out.
- appeal reviews will be carried out by a mutually agreeable independent reviewer who is suitably qualified to review the request, the decision and the circumstances around the decision and provide both the individual and PoDDSS with an outcome.
- PoDDSS will not allow any third party to access a person's file unless the primary person or guardian provides informed consent. Third party access must also have the approval of the Clinic Director.
- PoDDSS will retain primary person files as required by current Queensland legislation. If a person is transferring to another service, a copy of the file may be provided with informed consent from the primary person or their guardian
- sharing of private information about a primary person or their stakeholders to a third party will require the approval of the Clinic Director. The Clinic Director will ensure a record of the shared information including what information was shared, why the information was requested and record of informed consent from the primary person or their guardian is stored in the client file.

When talking to primary persons or their guardians about information of a private or personal nature, staff will:

- ensure they are the most appropriate staff member to be interviewing or discussing information of a private or personal nature
- provide options for physically separated spaces such as private offices or interview rooms or at the primary persons' home if requested
- provide options for private telephone calls to ensure personal information cannot be overheard
- explain to the individual that they may request a support person or advocate in attendance, especially if there are cultural or religious requirements that have been identified on file, requests for a support person or cultural and religious adjustments will not be unreasonably denied
- primary persons or their guardians will have access to any notes from the meeting, during or after the meeting or after the notes are placed on their file in line with the Australian Privacy Principles. A primary person or guardian may request access to their file through written request to the Clinic Director and this request will not be unreasonably denied.

4.2 Staff and PoDDSS stakeholders

PoDDSS collects personal information from applicants, employees, volunteers and contractors (collectively known as staff) for the purpose of recruitment or administering their employment conditions. PoDDSS recognises its responsibilities to uphold the principles of privacy and confidentiality for staff in a manner which complies with relevant legislation. We manage our obligations in relation to protecting the privacy of staff by being open with people about how we handle their information.

The employee is to be informed of what information is collected and why it is being collected. This information may be collected by PoDDSS using in-person interviews, service entry processes, online or electronic communications, questionnaires or over the telephone. The nature and extent of the information collected by PoDDSS varies but may include:

- contact details (name, address, email, etc.)
- personal details (date of birth, gender, income, emergency contacts, etc.)
- information on personal skills, professional registrations, work experiences or academic qualifications such as provided by the employee in their resume or covering letter or gained throughout their employment
- Insurance documents required of their role
- interview or reference check records as part of the recruitment process
- records on performance development or management of performance
- Correspondence between the employee and PoDDSS or employee and a third party where this may relate to a performance or conduct concern.
- health screening information, Police Checks, Positive Notice Cards
- bank account details and superannuation details
- taxation details including but not limited to TFN and ABN

All personal information recorded will be accurate, factual, complete and up to date. Records and notes will be clear, brief, legible and easy to understand and will be identifiable back to the person entering information onto the file

PoDDSS will retain employee files as required by current Queensland legislation, however we will not allow any third party to access an employee's file or information contained within these files unless the employee provides informed consent. For example: If a person is transferring to another service, a copy of the file may be provided with informed consent from the employee. A legal requirement to disclose personal information may override the Privacy Principles on which this policy is based, these exemptions to disclosure are outlined in section 4.4

Employees have the right to know where their personal information is kept and can request to view their own information held by PoDDSS related to their employment. Employees have the right to review and correct information in their files through written request to the Privacy Officer

Separate work mobile phone numbers are recommended for contractors. Work mobile numbers may be given out in the course of service delivery but personal phone numbers are considered private information and are not to be disclosed without the express consent of the employee. Work phones are expected to be on, charged and available to call and text during work hours, including on call hours, and at other times at the discretion of the employee

When talking to employees about information of a private or personal nature related to their employment, performance or contracts, management will:

- ensure they are the most appropriate staff member to be interviewing or discussing information of a private or personal nature
- provide options for physically separated spaces such as a private office or room
- provide options for private telephone calls to ensure personal information cannot be overheard
- explain to the employee that they may have a support person or advocate in attendance, or adjustments may be made for cultural or religious reasons, requests for a support person or cultural and religious adjustments will not be unreasonably denied
- employees will have access to any notes from the meeting, during or after the meeting or after the notes are placed on their file in line with Australian Privacy Principles

4.3 Overall measures

PoDDSS ensures that safeguards are in place to protect the personal information it administers against loss, interference, unauthorised access or disclosure, modification, or other misuse. These safeguards include reasonable physical and technical steps for both electronic and hard copy records. Some of these include, but are not limited to:

- PoDDSS will keep hardcopy primary person and employee files secure in a locked cabinet, away from public areas, and will make sure only staff who require file access in the course of their expected duties are able to see them

- positioning electronic equipment so that they cannot be seen or accessed by unauthorised persons, including being aware of telephone conversations that may be overheard by other staff or participant stakeholders
- electronic files will be secured using password protection on all computers and mobile devices, electronic encryption of files stored within the cloud as well as anti-viral software, malware protection and firewalls to restrict unauthorised use through internet security software such as ESET Internet Security
- traceability of records including attributing author and date to handwritten documents
- disposing of records securely, when they are no longer required and transferring them to a more appropriate agency
- Staff are also responsible for maintaining appropriate security measures such as 'locking' their computer when away from their desk to prevent unauthorised viewing or access to the computer.

4.4 Exemptions for disclosure

A legal requirement to disclose personal information may override the Privacy Principles on which this policy is based; this is known as a 'duty of care'.

Situations where this may occur include the following:

- where there is serious risk of abuse or physical harm to the primary person or other person, including stakeholders, the general public and employees
- where the disclosure is required under Australian law
- where the individual would reasonably expect us to use or give that information, e.g. referral processes
- when the disclosure is necessary by or for a law enforcement agency (e.g. prevention, investigation, prosecution or punishment of criminal offences, preparation or implementation of a court or tribunal order.)

If a legal need for disclosure arises, the employee will refer the matter to the Clinic Director, who will assess the request and approve the disclosure of information. This approval will also be communicated to the individual unless such advice to the individual is not allowed by legislation and placed on the individuals' file.

5. Other related policies and procedures

Documents related to this policy	
Related policies	Code of Conduct Service Charter Staff recruitment and training policy Service Delivery Policy
Forms or other organisational documents	Information Consent form Induction checklist Health & Safety Handbook, Checklist & Acknowledgement Form Individual time Supply of Service Agreements Employee or Contractor Details form

6. Review processes

Policy review frequency: Annually	Responsibility for review: PoDDSS Management
Review process: Review will be carried out by the Director in consultation with staff associated with hazard and incident reporting during the year. It is expected that the review process will take one month and changes will be recorded using a dated version system <i>filename_DDMMYY</i>. Clinic Director will provide approval and outlines of major changes will be noted at the beginning of the new version before dissemination to staff.	
Documentation and communication: A reviewed approved version of the policy will be communicated through email to each staff member after being stored in the electronic policy and procedures system using the <i>filename_DDMMYY</i> format.	
Key Questions for Review: Is the policy being implemented? Are procedures being followed? Is the policy clear? What has changed that may prompt a change to the policy? Have stakeholders had difficulty with any aspect of the policy? Can their concerns be resolved? How does the policy compare with that of similar organisations?	