

RC/HC Privacy and confidentiality

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Background

We commit to privacy and confidentiality of the consumer's personal information (including health information). Privacy for consumers may relate to physical environment, possessions, physical needs, personal relationships and personal information.

Staff must at the outset obtain consent to collect and hold consumer information.

- staff must provide to the consumer, or representative, information on records we hold. Information provided must include the consumer's ability to access their own personal information if they wish.
- staff must not access consumer files unless required to do so as part of their usual duties working with consumers.
- any consumer files held manually or electronically have restricted access to appropriate staff. Client records are not held in areas or on drives shared with staff or others who are not involved in providing service to the consumer.
- all staff, when first employed, must sign a confidentiality agreement.
- all staff commit to privacy and confidentiality for each consumer when we:

a. provide care to a consumer

b. provide privacy for the consumer within their home, room or private areas

c. discuss a consumer's care and service requirements

d. store a consumer's personal information, whether this relates to medical needs or general information.

Applicability

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

Consumer outcome

I am treated with dignity and respect, and can maintain my identity. I can make informed choices about my care and services, and live the life I choose.

Organisation statement

The organisation:

- has a culture of inclusion and respect for consumers; and
- supports consumers to exercise choice and independence; and
- respects consumers' privacy.

Applicable processes for this policy



Policy commitment

We commit to privacy and confidentiality of the consumer's personal information (including health information). Privacy for consumers may relate to physical environment, possessions, physical needs, personal relationships and personal information.

- staff must at the outset obtain consent to collect and hold consumer information.
- staff must provide to the consumer, or representative, information on records we hold. Information provided must include the consumer's ability to access their own personal information if they wish.
- staff must not access consumer files unless required to do so as part of their usual duties working with consumers.
- Any consumer files held manually or electronically have restricted access to appropriate staff. Client records are not held in areas or on drives shared with staff or others who are not involved in providing service to the consumer.
- All staff, when first employed, must sign an information confidentiality statement about client information staff may be exposed to during their tenure.
- All staff commit to privacy and confidentiality for each consumer when we:
 - a. provide care to a consumer
 - b. provide privacy for the consumer within their home, room or private areas
 - c. discuss a consumer's care and service requirements
 - d. store a consumer's personal information, whether this relates to medical needs or general information.

Process Guidance

Outcome

The process below demonstrates that we respect the consumer's privacy and keep their personal information confidential.

1. Seek consumer permission

- Ask permission from consumers before entering their home, room or private areas.
- Provide privacy to each consumer for personal care activities e.g. bathing, toileting, dressing and personal/intimate relationships.
- Make sure consumers have privacy when speaking with visitors and during phone conversations, if the consumer or representative chooses.
- Do not open or read consumer mail unless the consumer requests this or needs assistance.
- Treat all information relating to consumers confidentially.
- The consumers' personal property is their own and staff and other consumers cannot use it unless invited to do so.
- Share confidential information about the consumer, including their records, in a way that maintains the consumer's privacy and confidentiality.
- Conduct handovers between shifts in areas where information cannot be overheard by those who should not have access to it. This also applies to information given to health care professionals or representatives involved in the consumer's care or services.
- Any health care professionals who requires access to the consumer's electronic records or personal information must provide request in writing and be approved by the consumer or their representative.

- Staff are educated about privacy and dignity

2.Collection and use of client information

- The consumer's agreement shall ask for consent to collect and share information with relevant professionals for the purposes of their care.
- We collect personal information from the consumer only, unless they consent to collection from someone other than them, or it is unreasonable or impractical to do so.
- Staff must not seek more information about the consumer than is necessary to provide care and services.
- Staff will not release consumer information to any third party without consumer consent. Any consumer information is released and/or accessible only to those with a legitimate interest or need as part of their care or service role.
- Sometimes other personal information must be collected about the consumer's families and social relationships, personal interests, skills, behaviour patterns and financial affairs, to provide services. We will explain clearly the purpose of this collection to the consumer or representative.
- Staff will not proceed with client assessment, care coordination or planning processes without consumer consent. If the consumer cannot provide consent, they seek consent from their representative.
- Documentation on all consumer file notes is written objectively, observing:
 - respect for the consumer's feelings and dignity
 - the consumer's right to request and have access to their own records
 - freedom of information and court requirements that may subpoena consumer files.

3. Advise consumer of rights to access records

- We will inform consumers of their right to access their information in their Client Agreement.
- Once created, consumer files cannot be deleted. A consumer may request an amendment to their record if they believe the information is incorrect and to ensure it is accurate, up to date, complete, relevant, and not misleading. If the consumer refuses to correct the information, it must provide written notice to the consumer with reasons and how to submit a complaint about the refusal.
- Consumers must request access to their information in writing, and we must respond within 14 days of receipt.

4.Seek consent to use consumer images and audio/visual recordings

- If an image or audio/visual recording is required for any purpose, we will seek consent from the consumer or representative.
- We will keep and update a register of consents. On receipt of any written notice of withdrawal of consent, we will check the register before using any image.
- If we intend to use consumer images in communication brochures or similar activities, we must obtain written informed consent from the consumer or representative for that situation only. The image cannot be retained for some possible future use.

5.Advise consumers of right to complain of privacy breach

- We will inform consumers about their right to complain about a privacy breach and the process for making a complaint. This information sets out the way that we manage the complaint.
- Alternatively, the consumer may complain to the:

NSW Privacy Commissioner

ipcinfo@ipc.nsw.gov.au Phone: 1800 472 679

OR (not both) the Office of the Australian Privacy Commissioner within 6 months of the breach

<https://www.oaic.gov.au/about-us/contact-us> Phone: 1300 363 992

6. Disclosure of personal information to overseas recipients

• When disclosing consumer information to people overseas who are not bound by Australian Privacy Principles, we will inform the consumer or representative that privacy / confidentiality cannot be assured, and they must provide specific consent for that disclosure.

7. Exclusions

- If a significant threat to consumer or staff safety affects the consumer's right to privacy and confidentiality, staff safety will prevail.
- We will not provide access to consumer records if:
 - there is a serious threat to the life, health or safety of any individual or public health and safety
 - it would unreasonably infringe the privacy of other individuals
 - the information relates to legal proceedings or is in some way illegal or unlawful.

Related Documents

RC/HC/NDIS/RL Incident Management and Mandatory Reporting policy

A015 Consent Form- Residential Aged Care

HC014 Consent Form- Community Services

RL001 Consent Form- Retirement Living

Garden Village Confidentiality Agreement

References

NDIS Practice Standards

Aged Care Quality Standards

ARVAS Standards

Name	Source
Resources for health service providers	Office of the Australian Information Commissioner

Relevant Legislation

Privacy Act 1988 - Part III, Division 2 Australian Privacy Principles

Notifiable Data Breaches scheme