

# Privacy and Confidentiality

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Northern Support Services (NSS) aspires to be an organisation that is physically, culturally and emotionally safe; where there is no assault on, challenge to or denial of people's identity, understandings, needs or person. Everyone involved in NSS has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure the wellbeing and safety of our clients, our employees, and other key stakeholders. This is particularly so for the most vulnerable persons including Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and children with a disability. NSS is resolutely committed to ensuring that all those engaged in providing services through NSS promote the inherent dignity and fundamental right of all our clients to be respected and nurtured in a safe environment. This commitment is reflected in our mission and vision and put into practice through our policies and procedures.

## Policy

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Northern Support Services (NSS) requires that all clients provide the organisation with the relevant information required to provide them with a quality service that meets their individual needs. NSS recognises that to do this it must comply with legislative requirements that ensure all private and confidential information is treated in a respectful and professional manner.

NSS creates a culture that respects the right to privacy for individuals and the safeguarding of information according to established privacy principles.

## Purpose

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NSS's privacy and confidentiality policy and procedure establishes the set of principles that the organisation expects all employees and clients to follow. People with a disability are entitled to the same level of privacy and confidentiality as other people in the community.

## Scope

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This policy applies to all employees, volunteers, clients, families, carers, and nominees in NSS services.

## References/Legislation

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- Disability Services Act 2006
- Privacy Policy 2002 Amended 2005
- Records Act 2001
- Privacy Act 2000 (VIC)
- The Privacy Act 1988

## Procedures

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The right to privacy includes the right to be alone, the right not to be watched, listened to, reported upon or be the focus of public attention against the person's wishes. Employees should respect the right of privacy for clients and through modelling and skills development; encourage clients to respect the privacy of employees and fellow service users.

## Practice Issues

- Clients have the right to toilet, shower and dress themselves in private
- Ensure the dignity and privacy of clients is protected, as far as reasonably possible, when assistance in personal hygiene and other personal tasks is required
- Provide clients with a secure space to store their personal belongings
- Encourage employees and clients to respect other people's privacy, such as not handling another person's property without permission
- Ensure that discussions on personal issues with a client are conducted in a private office
- Ensure that all employee conversations or meetings about a client's personal matters are conducted in a room away from public areas
- Ensure that personal mail is given to clients unopened and promptly wherever possible
- Ensure that clients can make or take telephone calls in a private area
- Advise and consult with clients about the presence and/or involvement of visitors in program activities
- Recognise the right of clients to form friendships and relationships of their own choosing
- No articles are to be written, or pictures taken of clients for the purpose of publishing without their consent. Even with a client's consent due care must be exercised by employees to ensure the client will not receive undue public attention (especially if it may be negative) or ridicule

## Consideration of Personal Information Privacy

NSS recognises that when collecting information:

- It can only request relevant information necessary to perform the functions of the services provided
- Clients are informed of how this information is used
- Where clients do not have the ability to give consent an advocate or guardian or nominee is used
- That information is used for the sole purpose of the services provided
- The information is responsibly collected and handled
- Information, private in nature, is stored and handled in a secure manner
- Clients have access to said information
- This information is regularly reviewed and updated so as to ensure data quality
- That any information no longer relevant is disposed of in a concise and responsible manner
- Any information requested of by other professionals will be only given out with permission of the client/nominee/primary carer or advocate. NSS also endeavours to ensure the client understands the purpose and intent of the information being shared and the potential outcomes of this process
- No information collected from clients is sent to a foreign country

## Advice to Client

When requesting information from a client, nominee, guardian or primary carer, the employee must inform them:

- Why the information is being collected.
- That only information relevant to NSS providing services will be kept on a file.
- That the client can access his or her own file.

## Collection of Personal Information

### Relevant information

- Only information related to planning for a client's service needs should be collected and recorded. Unlawful or unfair means must not be used to gain information. If any unsolicited information is received, it will be afforded the same privacy protection as solicited information.

### No unreasonable personal intrusion

- When collecting personal information, employees must ensure the collection does not intrude, to an unreasonable extent, on the personal affairs of the client, nominee, parents, guardian or primary carer.

### Client control over recorded details

- The client, nominee, guardian or primary guardians have the right to control what information is divulged and recorded.

### Advice to Client

- If information is required from another agency, that the client is informed and consent to that information being released is obtained. If information is requested from NSS by another agency the client is informed and consent to that information being released is obtained.
- That information given by the client or any other source may, under certain limited circumstances, be released without the client or nominee's consent, i.e. to the Department of Health and Human Services, Guardianship and Administration Board, if required or authorised by or under an Australian law or a court/tribunal order, police, etc., or the information may also be disclosed because the file has been subpoenaed, or because the information relates to abuse, neglect, exploitation, victimisation or an alleged criminal offence, a client's health situation applies, or where a client has gone missing.
- The process for making complaints if any of these conditions have been breached (See Complaints and Compliments Policy)

## Dealing with Personal Information

The following safeguards are to be used when storing service user information on computers:

- Computer files containing confidential information are to be protected by a password and any disks containing client information are to be kept in a locked storage area container that can be locked when not in use or overnight e.g. filing cabinets.
- When aggregated data is collected for planning or other public purposes, coded numbers are to be used to identify individuals rather than their names.

## Integrity of Personal Information

### Advice to Client

- That the information will be stored securely.
- That it will be necessary to update some of this information on a regular basis i.e. health status, medication, consent.

### Storing information

- All personal information must be stored securely in a locked cabinet unless in use and files must not be removed from the building/s unless with the prior consent of the CEO. A register of client files is maintained by the Administration area of NSS and on W:\11. REGISTERS\Service Delivery Registers\Client Files Register File Location and staff member responsible for the file is marked on the register. Key employees such as the General Managers or Coordinators must be aware that client's files can contain sensitive information and should be treated in a matter accordingly. Client records must not leave the area in which they are securely stored.
- Particular care must be taken that this information cannot be accessed and it is not to be identified as an alert on a client's file or program documentation.

### **Access to, and correction of, Personal Information**

#### Access to client files

- The only other people who should have access to service user files are the designated Coordinators and General Managers for the agency and those employees who have explicit responsibility for providing service to the service user. Employees should only have access to information relevant to service provision.
- Access to the client files will not be provided to any other person within the agency who is not identified in the above paragraph or to any outside agency or person, except in circumstances outlined in paragraph "Advice to Client".
- Access to information will not be given if: NSS reasonably believes that giving access would pose a serious threat to life, health and safety of any individual or to public health or public safety; that giving access would impact unreasonably on the privacy of others, the request is frivolous or vexatious, information relates to legal proceedings between NSS and the individual and may be prejudicial, giving access would be unlawful, and denying access is authorised by law or by a tribunal order.

#### Requests for release of information

When a request for release of information is received and it does not fall into the Exception to Consent Requirements the following principles must be followed:

- That the request is in writing from the person or agency, which states the reason for the request.
- If the request is from the client, then a copy of the information should be provided to the client and/or nominee and the request and information copied noted on the file. If necessary, the client and/or nominee may request to have this information corrected.
- For external agencies and people, the request should be passed onto the General Managers or Coordinators who will need to discuss the request with the client. The service user's consent or refusal is to be recorded on the file.

## Responsibilities

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Title	Responsibility
General Managers	Ensures that information relating to NSS service users is secured
Coordinators	File documents relating to clients files in locked area
All employees	Maintain as far as practical, privacy and security of client information

## Definitions

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Word	Definition
	None noted.