

# AmeCare

*Working with you on the canvas of your life*




# **Privacy and Confidentiality**

## **Policy and Procedure**

Version 1.7

<b>Document Control</b>
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1.7	Keeping records	14.04.2018	07.08.2024	07.08.2025
1.6	No changes	14.04.2018	14.04.2024	14.04.2025
1.5	Changed email wo website	14.04.2018	14.04.2023	14.04.2024
1.4	Added OAIC complaints	14.04.2018	14.04.2022	14.04.2023
1.3	Added all legislation	14.04.2018	14.04.2021	14.04.2022
1.2	Re format whole doc	14.04.2018	14.04.2020	14.04.2021
1.1	Added AmeCare email complaints	14.04.2018	14.04.2019	14.04.2020
1.0	Initial Policy	14.04.2018	N/A	14.04.2019
<b>Issue</b>	<b>Description of changes</b>	<b>Created</b>	<b>Updated</b>	<b>Review</b>

ROLE	NAME AND POSITION	SIGNATURE	DATE
Document Author:	Yanie Drysdale – General Manager		14.04.2018
Document Review:	Yanie Drysdale – General Manager		14.04.2022
Document Approval:	Yanie Drysdale – General Manager		14.04.2022

# Privacy, Dignity and Confidentiality

## **Policy**

AmeCare treats all participants with dignity and ensures that their privacy is recognised, respected and protected in all aspects of their contact with AmeCare. AmeCare will only collect personal information about participants and families that is necessary for us to provide a safe and responsive service. We recognise that some participant related information is of a highly sensitive nature.

## **Statement of Purpose**

- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Code of Conduct) Rules 2018
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- National Disability Insurance Scheme (Practice Standards-Worker Screening) Rules 2018
- National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018
- National Disability Insurance Scheme (Quality Indicators) Guidelines 2018
- The Victorian Privacy Act 1998;
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992;
- The Guardianship Act (1987) and Guardianship Regulations (2005);
- The National Disability Insurance Scheme Terms of Business;

## **Scope**

This policy applies to all staff, contractors, volunteers or students/trainees. It includes confidentiality of information about the people AmeCare support and the people who work with AmeCare.

## **Principles**

- Personal information is collected with consent and is used where the information is needed to provide services and meet compliance requirements.
- Information is protected from misuse, loss and unauthorised access.
- Information not needed by AmeCare is destroyed as soon as practicable in a way that complies with all legal and compliance requirements
- Reasonable steps are taken to ensure information is complete, current and accurate.
- Personal information is only ever released if required by law, agreed to through the informed consent of the individual or if a person requests to see their own personal file.
- Personal information will not be disclosed to other parties or used for direct marketing without permission

## Procedure

1. As part of coming into our service, all new participants will be advised of:
  - a. AmeCare's commitment to maintaining their privacy and confidentiality and the occasions when legal requirements or our duty of care to ensure the safety and well-being of all of our participants could mean that we might not be able to keep our commitment;
  - b. The reasons why we ask for the information we request from them, and what we do with that information;
  - c. How they can access the personal information about them that we hold, and any limitations to that access.
  - d. Be given a booklet or website link about how AmeCare handles their private information and how we use it.
2. Participants will be asked to give informed consent before personal information is communicated to a third party, except in situations where not informing the third party could:
  - a. Constitute a breach of our duty of care;
  - b. Place the participant or others at risk;
  - c. Place AmeCare in breach of legal or regulatory requirements
3. As part of their induction/orientation all staff, students and volunteers will be made aware of:
  - a. The requirements of privacy and confidentiality in line with the *National Disability Insurance Agency 2013* and the *NDIS Code of Conduct 2019*
  - b. What is required of them in obtaining informed consent from a participant.
4. Interviews and meetings with participants will be conducted in a place where:
  - a. Privacy can be assured
  - b. The participant feels the most comfortable
5. Staff must ensure that Participant files are not left on phones, tablets or laptops or otherwise unsecured, while the files are not in use.
6. If a staff member is in a situation where they believe that they might have to divulge information about a participant that they ordinarily would not disclose, they should seek the advice of the AmeCare Manager before making the disclosure.
7. Organisational arrangements for maintaining participant privacy and confidentiality will be reviewed at least every three years as part of a privacy audit.

## Accessing participants Information

- participants have the right to ask for access to personal information that we hold about participants and ask that we correct that personal information.
- Participants can ask for access from support staff on a shift
- Participants can contact the AmeCare manager who will give participants access to any information or files participants may want within 30 days
- If participants ask, we must give participants access to their personal information, and take reasonable steps to correct it if we consider it is incorrect.
- We must do so unless there is a valid reason not to.

## External reporting

If an AmeCare participant is concerned their personal information has been mishandled, they can complain directly to Office of the Australian Information Commission (OAIC).

A complaint can be sent by:

You can send your complaint to us either by:

- email, send it to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) (be aware that email isn't encrypted, if you're concerned about this use our online form which is secure)
- mail, send it to GPO Box 5218, Sydney NSW 2001 (send it by registered mail if you're concerned about sending it by standard post)
- fax, send it to 02 9284 9666

## Exceptional Circumstances

We expect that information we receive from participants and families will remain confidential, however, there are occasions where confidentiality might have to be broken. This is known as mandatory reporting.

### These include:

1. The exercise of duty of care occasionally, there might be conflicts between duty of care to the participant and the duty to maintain privacy and respect confidentiality. If there are concerns that a participant might hurt himself / herself, or pose a threat to another individual or group, or that someone else poses a threat to a participant, confidentiality might need to be broken to ensure the safety of the individuals or group concerned.
2. Fulfilling legal obligations. Confidentiality might need to be broken for AmeCare to comply with its regulatory and legal obligations.
3. We may collect personal information (including sensitive information) about participants indirectly from publicly available sources or from third parties such as:
  - a. participants authorised representative, if participants have one
  - b. applicants, complainants, respondents to a complaint or a third parties' employees and witnesses
  - c. parents, families, friends and next of kin
4. We may disclose personal information to another review body if a complainant seeks an external review of the AmeCare decision or makes a complaint to the NQSC or other regulatory body. Disclosure of sensitive information to other service providers We only disclose participants sensitive information for the purposes for which participants gave it to us or for directly related purposes participants would reasonably expect or if participants agree.

## Keeping Records

AmeCare is committed to protecting an individual's right to privacy. All personal information considered or recorded will be handled in accordance with AmeCare's Privacy Policy. AmeCare will retain all documentation of a young person until the age of 25 years of age.

### How to make a complaint:

- If participants wish to complain to us about how we have handled their personal information, participants should complain in writing.
- If participants need help lodging a complaint, participants can contact us or get help from our friendly support staff.
- Participants can contact us at:
  - [www.amecare.com.au](http://www.amecare.com.au)
  - (03) 84183307
- Participants can visit us at our Head Office, located:
  - 301,12 Ormond Boulevard, Bundoora 3083

### Related Documents

- NDIS Code of Conduct 2019
- NDIS Act 2013
- National Disability Standards
- Disability Act 2006
- Mental Health Act 2014
- Service Agreements

