



Policy B01 Privacy, Dignity & Confidentiality

In accordance with the Australian Privacy Principles Scope Home Access affirms and respects the right of each client/carer to privacy and confidentiality in all aspects of their life. Services are delivered in ways that respect the dignity of clients/carers. Scope Home Access acts in accordance with the *Privacy Act 1988* (“Act”) and Australian Privacy Principles to protect client/carers’ privacy and ensure that the collection, storage, use and disclosure of any personal information collected comply with other applicable laws protecting privacy including State and Territory health information legislation.

1.0 PRIVACY, DIGNITY & CONFIDENTIALITY

1.1 OBJECTIVE OF THIS POLICY

- To ensure services are delivered in ways that respect the dignity of clients/carers in accordance with:
 - National Disability Insurance Scheme Practice Standards;
 - The Aged Care Quality Standards
- To ensure personal information that is collected from clients/carers in the process of delivering services is handled in accordance with
 - the Privacy Act 1988
 - the Australian Privacy Principles

2.0 COLLECTION OF PERSONAL INFORMATION FROM CLIENTS/CARERS & FAMILIES

‘Personal Information’ is information or opinion in any form, whether true or not, that identifies or enables identification of an individual. Scope Home Access collects only personal information that is necessary for one or more of its functions or services and ensures that all information is collected by fair and lawful means. A client’s continued use of our services indicates that you accept the conditions of this privacy policy, consent to the collection and use by us of any personal information you provide while using our services.

- 2.1 Only information necessary for one or more functions or services of the organisation is collected. All personal information is only used for the purposes for which it was collected except where legal exemptions exist.
- 2.2 All information collected by the organisation is collected by lawful and fair means and, where practical to do so, is collected directly from the individual. Where applicable, consent is obtained and the individual is informed of who is collecting the information (Scope Home Access), how it is stored, what it is to be used for and who it may be disclosed to.
- 2.3 Personal information is collected by staff through completion of various intake, referral/application or service delivery forms utilised in Scope Home Access services. Generally, such forms are completed by the client, with assistance if necessary, by the person responsible or by a contracting or referring agency with the permission of the client or the person responsible. All forms used for the collection of information are approved by the management of Scope Home Access for compliance with the Australian Privacy Principles (APPs).
- 2.4 Information may also be collected, reviewed or updated through face to face meetings, interviews, telephone calls, fax transmission or Email. We may also collect personal information when you



provide information through our website, third parties (where it is reasonable and necessary or normal business practice) and publicly available sources of information. We also collect limited information about all visitors to our online resources that is used only to identify generic behavioural patterns. We may use cookies, Google Analytics or other technology to track visits to our website and social media platforms to monitor its effectiveness, maintain our server and improve our services; these statistics will not identify you as an individual unless otherwise stated

2.5 In accordance with Scope Home Access's policy, clients and/or their families may be refused service where they do not disclose or give permission for disclosure of personal information necessary for protection of the safety of staff and clients. (See policy C01 Client Intake, Entry and Exit and C02 Challenging Behaviour in Clients).

2.6 Distributing publications and direct marketing – if we have met you or provided services to you we may collect and store your personal information on our publication or direct marketing list (which may include name, address, email address, and mobile number) in order to distribute newsletters and other communications in print and electronic form from time to time. We will only use sensitive information (such as health information) for direct marketing purposes with your express prior written consent. You may opt-out of direct marketing by contacting our Privacy Officer (contact below), or opting out by the mechanism provided.

2.7 The Privacy, Dignity and Confidentiality Policy is available for download from the organisations website and is made available on request to any service provider, disability agency, member of the general community, or other interested party.

3.0 KINDS OF PERSONAL INFORMATION COLLECTED FROM CLIENTS/CARERS & FAMILIES

3.1 Scope Home Access collects and holds various kinds of personal information including but not limited to:

- Client identifying information (name, age, address)
- Identification and contact details for next of kin/person responsible/ guardian or advocate
- Details of medical conditions/disability

3.2 Where the personal information collected and held includes sensitive information including but not limited to:

- Information about an individual's racial or ethnic origin
- Health information such as details of an individual's medical history, including details of specific medical conditions, disabilities and medication history

This information is given the higher level of protection as required by the APPs.

4.0 DISCLOSURE OF INFORMATION TO THOSE OUTSIDE OF THE AGENCY

"Disclosure" is the transfer of information to a third party outside the organisation.

4.1 Personal information is not disclosed to a person, body or agency (other than the individual concerned) unless:

- It is for the main reason it was collected (the primary purpose) or for a related secondary purpose e.g. an onward referral with the client's consent
- The client/carer, guardian or "person responsible" has consented to the disclosure
- It is required by or under law or requested by a Board or Tribunal with a legal authority
- Where client/carer confidentiality is "deemed to be diminished" by a serious or imminent threat to the life, health or safety of the individual or of another person.



- If you are not able to provide us with consent, we may use and disclose your personal information with the consent of a responsible person (as defined under the Privacy Act)
- To our professional advisors, including our accountants, auditors and solicitors.

4.2 Client/carers are informed of the Privacy, Dignity and Confidentiality Policy as well as being provided with a copy of the policy if requested, upon entry to any service of Scope Home Access. Potential limitations to the rights to privacy or confidentiality may result from:

- Court subpoenaing of client/carer files or records
- Any requirement for staff to testify under oath
- The use or disclosure is necessary to prevent or lessen a serious or imminent threat to the life, health or safety of the individual concerned or of another person
- The use or disclosure is necessary to prevent or lessen a serious or imminent threat to public health and public safety
- Where authorised by or under law; or
- The individual concerned is reasonably likely to expect that information of that kind is usually passed to that person, body or agency.

4.3 Where personal information is disclosed for the purpose of urgent medical treatment client/carers are informed of the necessity to release confidential information when it is required.

4.4 Where it is regarded as beneficial to the client/carer to disclose information, either verbally or in writing to an outside person, body or agency this occurs in accordance with the following procedures:

- The permission of the client/carer, parent, person responsible or guardian is obtained if necessary in writing
- The information is collected for a purpose that is lawful and of direct relevance to those receiving it and no extraneous information is forwarded
- Those in receipt of the information are informed of its confidential nature
- Where written information is forwarded, a record containing a note of the disclosure should be included and a record kept of the information disclosed and who received the information.

4.5 The Privacy Act does not prohibit collection and transmission of de-identified statistical data (where an individual cannot be reasonably re-identified). Unless otherwise requested by a client or person responsible Scope Home Access therefore includes such de-identified information in data returns for the purposes of accountability to government funding bodies.

4.6 Scope Home Access does not disclose personal information to overseas recipients.

5.0 USE OF INFORMATION WITHIN THE AGENCY

“Use refers to the handling of information *within* an organisation. The use of personal information regarding client/carer is restricted to those within the agency who have a legitimate “need to know”.

5.1 Information contained in client/carer files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

5.2 Client/carers are informed verbally of persons who have access to their file upon acceptance to a service or agency of Scope Home Access. Only staff members within the service, their supervisors and senior managers have access to the client/carer’s file and/or information relating to the client/carer, unless the client/carer give prior written permission.



5.3 Staff (including casual and voluntary) are instructed to refrain from discussing personal details regarding individual client/carers with other staff members, other client/carers and persons outside the service. It is accepted that all staff members may discuss personal client details with their supervisor or a senior manager for the purpose of supervision, determination of work, health and safety issues or to ensure the proper service to support of the individual.

5.4 Where it is necessary for members of the Board to be given information pertaining to a client/carer issue, every effort is made to:

- Where appropriate protect the privacy of the client/carer by not disclosing his/her identity
- Disclose only information relevant to the matters under discussion
- Ensure that the information is passed on only to those persons who have a legitimate need to know

5.5 Board reports and other written internal documentation do not identify individual client/carers.

6.0 CLIENT ACCESS TO PERSONAL INFORMATION

Individuals have the right to access their personal information, except where access may present a threat to an individual or is deemed unlawful.

6.1 Personal information held by Scope Home Access is available for the individual to access on request and is generally provided unless:

- The information poses a serious threat to the life, health or safety of any individual or compromises the privacy of other individuals; or
- Access would be deemed unlawful or a request to deny access has been refused by an enforcement body; or
- Other reasons outlined within the Australian Privacy Principles

6.2 Information may be accessed upon request by the individual following confirmation of their identity.

6.3 A client, or the person responsible, can ask that personal information be corrected, if it is inaccurate, incomplete or out of date.

7.0 SECURITY

Scope Home Access takes all reasonable steps to protect personal information against misuse and provide safeguards to ensure against loss, unauthorised access, misuse, modification or disclosure. We remind you, however, that the internet is not a secure environment and although all care is taken, we cannot guarantee the security of information you provide to us via electronic means.

7.1 Scope Home Access takes all adequate precautions to protect personal information from any unauthorised access, modification or disclosure.

7.2 Personal information held by Scope Home Access on databases, file servers or personal computers are password protected to restrict unauthorised access.

7.3 Paper copies of personal records are secured in locked cabinets.

7.4 All Emails sent from the organisation contain a privacy statement and security disclaimer.



7.5 Our website may contain links to third party websites, and third party websites may also have links to our website. We do not endorse any of those websites or links. This Privacy Policy does not apply to external links or other websites who may also collect your personal information. We encourage you to read the privacy policies of any website you link to from our website.

7.6 We take all reasonable steps to prevent data breaches. However, if we suspect that a data breach has occurred, we will undertake a reasonable and expeditious assessment to determine if the data breach is likely to result in serious harm to any individual affected. If so, we will:

- Take all reasonable steps to contain the breach
- Where possible, taking action to remediate any risk of harm
- Notify individuals and the Commissioner where an individual is likely to suffer serious harm (or if otherwise required by law); and
- Review the incident and consider what actions can be taken to prevent future breaches.

8.0 RECORD KEEPING

Access to client/carer records is restricted to those who have legitimate “need to know” or a legal right to access.

8.1 Information contained in client/carer files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

8.2 Personal information kept by Scope Home Access is regularly updated and reviewed to ensure the information is accurate, up to date and only used for intended purposes. Generally, if requested, we will amend any personal information that you demonstrate is inaccurate, incomplete or not current, and will remove any information that is not relevant. If we disagree with your view on these matters, we will keep a note on the file setting out your view of the information held.

8.3 Our website may be enabled for online transactions using a certified secure payment gateway. However, despite the security on the site, you should be aware that there are inherent risks in transferring information across the internet and we cannot accept liability for any breaches. When an internet payment is made, your credit card number is used only to make a debit and not retained by us.

9.0 STAFF TRAINING & COMPLIANCE

9.1 Staff are trained in implementation of the organisation’s Privacy, Dignity and Confidentiality Policy and breaches of these requirements may be considered a serious disciplinary issue.

9.2 The need to abide by relevant policy is included in the Job Contracts of permanent staff.

9.3 Casual staff, students and volunteers are required to sign a Code of Conduct indicating that they will abide by the organisation’s privacy policy.

10.0 PRIVACY & INFORMATION OF OTHERS

Scope Home Access collects information from other sources that may be considered personal or sensitive and is therefore covered by the Privacy Act. Such information may be about:

- Job applicant
- Staff members
- Volunteers
- Contractors



- 10.1** Information relating to individuals may be collected via letters, resumes, application forms, face to face meetings, interviews or by Email or fax. In some instances, Scope Home Access may receive information about an individual from a third party eg reference checks, criminal record checks.
- 10.2** Scope Home Access warrants that it uses the information only for the purposes for which it has been collected and when the information is no longer required destroys it in a manner commensurate with privacy requirements.
- 10.3** Resumes and other information from job applicants is destroyed or returned within three months from completion of an interview process unless the person is advised of and agrees to their application being included on an eligibility list for subsequent employment.
- 10.4** Scope Home Access's policy does not apply to its treatment of employee files which are exempted under the Privacy Act.

11.0 MAINTAINING PERSONAL PRIVACY, RESEARCH & SURVEILLANCE

- 11.1** Clients are free of surveillance and protection beyond that clearly needed to enable the person to function in reasonable safety and health on a Scope Home Access designated worksite.
- 11.2** Clients may choose whether or not to participate in any research project or survey.

12.0 COMPLAINTS

- 12.1** If you wish to make a complaint about a possible breach of privacy, please provide full details of your complaint in writing, and send it to the Privacy Officer privacy@scopehomeaccess.com.au
- 12.2** If your complaint relates to our failure to provide access to or to correct any personal information that we hold about you, you may lodge a complaint directly with the Office of Australian Information Commissioner (for more information, please see www.oaic.gov.au).
- 12.3** If your complaint does not relate to these matters, you must first lodge a complaint with us in writing and provide us with details of the incident so that we can investigate. We will treat your complaint confidentially, investigate your complaint and aim to ensure that we contact you and that your complaint is resolved with a reasonable time (and in any event within the time required by the relevant privacy legislation, if applicable).
- 12.4** Individuals enquiring about their rights and remedies for breaches of privacy, can access detailed information at the Office of the Australian Information Commissioner www.oaic.gov.au
- 12.5** If you would like more information about our Privacy, Dignity and Confidentiality Policy or the way we manage your personal information, you can contact the Privacy Officer by:

Email: privacy@scopehomeaccess.com.au

Mail: Privacy Officer, PO Box 926, Dapto NSW 2530

Phone: 02 42624900



RELATED POLICY:

- B02 Grievance Policy
- B06 Sexual Harassment Policy
- B05 Human Rights and Valued Status
- B11 Dealing with Abuse and Assault
- C01 Client Intake, Entry and Exit
- C03 Delivery of Service
- C02 Challenging Behaviour in Clients
- C06 Management of Client Files
- D07 Employee Code of Conduct

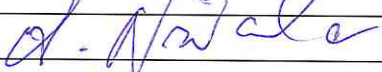
RELATED PROCEDURES:

- AD05 Data Breach Response Plan
- CO01 Joint Home Visits
- CO07 Carrying Out On Site Minor Works
- CO08 Carrying Out On Site Major Works
- WHS Policy and Procedure Manual
- SWMS018 Safe Home Visits

RELEVANT LEGISLATION AND/OR GOVERNMENT POLICY:

- Privacy Act 1988*
- Australian Privacy Principles*

POLICY APPROVAL BY BOARD OF DIRECTORS

Anja Nivala/Chairperson		23/11/2020
Print Name/Title	Signature	Date

