

Name:	PRIVACY AND CONFIDENTIALITY POLICY
Approval Date:	25 August 2021
Version	4

POLICY STATEMENT

Glasshouse Country Care respects each care recipient's right to privacy, dignity and confidentiality including the collection, use and disclosure of personal information.

PURPOSE

The purpose of this policy is to document Glasshouse Country Care's approach to managing the privacy and confidentiality of care recipients about its practices and services. The policy affirms and supports the privacy and confidentiality of care recipients and their representatives to be informed of their privacy and confidentiality rights.

Glasshouse Country Care believes the better informed the care recipient is in regard to their privacy and confidentiality the greater the likelihood of them assuming greater control over their health and wellbeing.

LEGISLATIVE AND POLICY FRAMEWORK

Privacy Act 1988 (link)

<https://www.legislation.gov.au/Details/C2018C00034>

10 Steps to Protecting Other People's Privacy (link)

<https://www.oaic.gov.au/agencies-and-organisations/business-resources/privacy-business-resource-9>

Aged Care Quality Standards

[Aged Care Quality Standards](#)

NDIS Practice Standards and Quality Indicators 2018

www.ndiscommission.gov.au/sites/default/files/documents/2019-08/ndis-practice-standards-july-2018.pdf

NDIS Scheme Act 2013

<https://www.legislation.gov.au/Details/C2013A00020>

Office of the Australian Information Commission

<https://www.oaic.gov.au/privacy/notifiable-data-breaches/report-a-data-breach/>

SCOPE

This policy applies to all Glasshouse Country Care Board Members and employees (full-time, part-time, fixed term, casual, voluntary and temporary) for the duration of their employment.

ORGANISATIONAL COMMITMENT

Glasshouse Country Care is committed to fair, effective and efficient processes where all care recipients have the right to privacy, dignity and confidentiality.

Glasshouse Country Care is committed to the principles outlined in the *Privacy Act 1988* and has in place procedures that ensure compliance with the legislation. The Service Brochure outlines our approach to maintaining privacy and confidentiality of care recipient information. We use the 10 Steps to Protecting Other People's Privacy document as a guide to our privacy processes.

Management, staff and volunteers are provided with training and information on the rights of care recipients to privacy and confidentiality and the processes to support this.

The key guidelines for respecting care recipient privacy and confidentiality in Glasshouse Country Care are:

- Care recipient files and other information are securely stored
- We only collect information about care recipients that is relevant to the provision of support and care and we explain to care recipients why we collect the information and what we use it for
- We have a Service User Consent Form that details approved consent
- We seek consent from care recipients to, in an emergency, disclose personal information to other health service providers as appropriate to provide emergency care or services
- We seek consent from care recipients to provide access to their records to government officials (or their delegates) in the conduct of quality reviews or the investigation of complaints. We advise care recipients that these individuals are required to keep all information accessed through this process confidential
- Consent to share personal information can be withdrawn at any time by the care recipient
- Care recipients can ask to see the information that we keep about them and are supported to access this information if requested. The care recipient can nominate a representative to access the care recipient's records held by Glasshouse Country Care.
- All information relating to care recipients is confidential and is not disclosed to any other person or organisation without the care recipient's permission
- Generally, we only share information when it is necessary to ensure appropriate support is delivered and only with the care recipient's permission/consent beforehand.
- Information can be shared with other organisations including, but not limited to, Elder Care, the Police, Child Protection, GP, or other medical professional where there is a serious risk of harm, including:
 - Threat to Self
 - Threat to Others.
 - Suspicion of Abuse.
 - Criminal Activity
 - Duty to Warn.
- The provision of information to people outside the service must be authorised by the General Manager, Company Secretary or Chair of the Board.
- We do not discuss care recipients or their support with people not directly involved in supporting them
- Assessments and reviews are always conducted in private with the care recipient and the Service Delivery Manager or Clinical Supervisor or delegate unless the care recipient consents to their carer, advocate or other person being present

- During care recipient assessments the Service Delivery Manager, Clinical Supervisor or delegate asks the care recipient about any particular privacy requirements they have such as their preference for a male or female support worker. These are noted on their assessment form and on the support/care plan
- Any discussions between staff about care recipients are held in a closed office
- Any references to individual care recipients in meeting minutes refer to the care recipient by initials only or another unique identifier, such as their care recipient number.

Confidentiality of Complaints and Disputes

As far as possible, the fact that a care recipient has lodged a complaint and the details of that complaint are kept confidential amongst staff directly concerned with its resolution. Similarly, information on disputes between a care recipient and a staff member or a care recipient and a carer is kept confidential. The care recipient's permission is obtained prior to any information being given to other parties whom it may be desirable to involve in the resolution of the complaint or dispute.

Data Breach

A data breach happens when personal information is accessed, disclosed without authorisation, or is lost. For example, when:

- someone's personal information is sent to the wrong person
- paperwork containing someone's details is lost or stolen

When an organisation or agency the Privacy Act 1988 covers has reasonable grounds to believe an eligible data breach has occurred, they must promptly notify any individual at risk of serious harm. They must also notify the Office of the Australian Information Commission (OAIC)

An eligible data breach occurs when the following criteria are met:

- There is unauthorised access to or disclosure of personal information held by an organisation or agency (or information is lost in circumstances where unauthorised access or disclosure is likely to occur).
- This is likely to result in serious harm to any of the individuals to whom the information relates.
- The organisation or agency has been unable to prevent the likely risk of serious harm with remedial action.

All data breaches must be reported to the General Manager, Clinical Supervisor or the Service Delivery Manager, via the GHCC Data Breach form. Where possible this should be reported the same day or within 24 hours of the breach occurring.

Once it has been decided that the breach is a reportable incident, the General Manager, Clinical Supervisor or the Service Delivery Manager will report the breach via the OAIC website and contact all the clients affected by the breach advising them of the breach and any potential or likely concerns relating to the breach.

Care recipients Right to Access Information

Care recipients of Glasshouse Country Care have a right to read any personal information kept about them.

A request from a care recipient (or their advocate) to access information is referred to the Clinical Program Manager/CHSP Team Leader who confirms the request with the General Manager and then arranges for the care recipient to view their information.

Access is provided to the care recipient within two weeks from the date of the request.

The Service Delivery Manager, Clinical Supervisor or delegate is available to assist the care recipient in understanding the information and to explain terminology or other assistance.

On advice from Glasshouse Country Care's legal representative, access to a care recipient's record may be denied. This will be discussed with the care recipient/advocate should this situation arise.

RESPONSIBILITY

The Board of Directors is responsible for the endorsement of this policy and the General Manager has primary responsibility for the management of staff and services covered by this policy.

RELATED DOCUMENTS:

Standards of Conduct Policy

Social Media Policy

Information Management Systems Policy

Human Resource Management Policy

Advocacy Policy

Complaints Policy

Clients Rights and Responsibility Procedure

Home Care Package Brochure

Date	Version Number	Changes	Review Date
23/06/2021	3	Added version control box, added review date Checked and updated legislation	November 2022
25/8/2021	4	Added the OAIC to the legislation list pg. 1 Added section on when information can be shared outside of organisation. Pg. 2. Added Secretary and Chair of Board to people able to provide information outside of scope of consent. Pg. 2 Added Data Breach Section Pg. 3	

