

## **Privacy, Dignity and Confidentiality Policy**

### **Policy Statement**

Early Start Australia places great importance on protecting the privacy of its clients, families, carers and other stake holders. This ensures our clients have the same level of privacy, dignity and confidentiality as is expected in the rest of the community.

Early Start Australia has a privacy and confidentiality process which is designed to ensure that all client, family, carer and stakeholder information is held in accordance with our obligations under the Privacy Act (1988), Australian Privacy Principles, and Freedom of Information Act (1982). Early Start Australia's Privacy, Dignity and Confidentiality system is designed to meet National Standards for Disability Services, in particular Standard 1: Rights.

### **Purpose**

This policy sets out Early Start Australia's responsibility to:

- Ensure that Early Start Australia only collects information about the clients or family that can be shown to be directly relevant to effective service delivery and the organisation's duty of care responsibilities;
- Ensure that Early Start Australia holds information securely in keeping with relevant Law, Australian Privacy Principles and National Disability Service Standards
- Fulfill our responsibilities to protect children under relevant Care and Protection and Child Welfare legislation in each state.
- Provide a general guide about how information is collected, used and stored by Early Start Australia in light of these obligations

### **Scope**

This policy applies to all Early Start Australia employees, volunteers and contracted staff (permanent, temporary and casual) employed in Early Start Australia's divisions and business units and relates to the management of privacy, dignity and confidentiality.

### **Principles**

#### **Collection of personal information**

Early Start Australia will:

- Ensure that Early Start Australia only collects information about the client or family that can be shown to be directly relevant to effective service delivery and the organisation's duty of care responsibilities;
- Obtain the written consent of the client or family/legal guardian prior to obtaining information from any other source;
- Advise the client and family of the nature of the personal information that is held by the agency about the client;
- Ensure that personal information about a client is only held by Early Start Australia as long as it remains relevant to the delivery of effective services and Early Start Australia's duty of care obligations (minimum of 7 years after the last contact with the client or until a minor reaches the age of 25).

#### **Disclosure (sharing)**

Early Start Australia will:

- Obtain the written consent of the client or family/legal guardian prior to releasing information to any other source
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- Advise the client and family of exceptions to the privacy and confidentiality policy; namely in regard to some situations under the Law that allow the use or disclosure of personal or sensitive information without consent. In each case, if or where this occurs, Early Start
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- Australia will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner about this disclosure. These situations may include:
  - Where Early Start Australia believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual, or to public health or safety;
  - Where Early Start Australia has reason to suspect an employee, volunteer or contractor has done something unlawful or engaged in serious misconduct that relates to Early Start Australia functions, services or activities and needs to disclose information so that it can take appropriate action.

The complete list of these special situations is contained in the Law

### **Rights and choices**

Early Start Australia will:

- Advise the client and family of their right to view information that the agency keeps in respect to the client;
- Provide reasonable support the client or family to access or view information that the agency keeps in respect to the client, in accordance with the Freedom of information Act (1982)

### **How to make a complaint**

Early Start Australia will:

- Promptly investigate, remedy and document any consumer grievance regarding privacy, dignity or confidentiality;
- Ensure that all Early Start Australia staff and volunteers are aware of and understand Best Start's policy regarding privacy, dignity and confidentiality;

### **Risk Management**

Early Start Australia is committed to effectively managing risks through compliance with legislation, alignment with best practice and through a practical approach that carefully plans for and prioritises risks and balances the costs and benefits of action.

### **Monitoring and Training**

This policy will be:

- Incorporated into staff training and induction;
- Amended in accordance with any changes to the applicable Commonwealth, State and Territory legislation;
- Monitored through supervision and formal and informal feedback mechanisms;
- Audited in accordance with the internal audit schedule

### **Related Legislation or Accreditation Requirements**

- National Disability Standard 1: Rights
- Accreditation/compliance - Relevant State or Territory Disability Service Standards
- Accreditation/compliance – National Standards for Disability Services (2013)
- Accreditation/compliance – National Mental Health Standards 2010

- Compliance – Relevant State / Territory and/or Commonwealth Act
- Compliance – Commonwealth NDIS Act (2013)
- National Disability Insurance Scheme Quality and Safeguarding Framework

#### Resources

- One Drive
- Supervision
- Induction / Training
- Supporting policies, procedures and work instructions
- Abuse, Neglect, Exploitation and Restrictive Practices Guide

| Term                                   | Definition / Explanation / Details   |
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| <b>Client</b>                          | A person who is receiving, or has received, a service from Early Start Australia.  |
| <b>Client Record</b>                   | A legal record of the events and decisions which help a practitioner manage client care. Can be paper or electronic  |
| <b>Client Record Management System</b> | Management of client records, including systematic control of the creation, maintenance and destruction of records.  |
| <b>Confidentiality</b>                 | The protection of personal information to protect the dignity and privacy of clients   |
| <b>Customer</b>                        | An agency or organisation to which Early Start Australia provides a service, e.g. government department, insurers, employers, etc.   |
| <b>Privacy</b>                         | An individual's right to have their personal information withheld and protected from loss, misuse or unauthorised disclosure.  |
| <b>Stakeholder</b>                     | A person or organisation with a vested interest in Early Start Australia and / or its operations. Stakeholders can include client's families, representatives and advocates. |

## Process

### Early Start Australia will ensure that:

- A copy of Early Start Australia's Policy on Privacy, Dignity and Confidentiality is available on the website and on request;
- All employees have been provided with training regarding Early Start Australia's Policy on Privacy, Dignity and Confidentiality as part of orientation and induction, and a staff copy of the policy is kept in each service outlet;
- All clients will be provided with a copy of Early Start Australia's Policy on Privacy, Dignity and Confidentiality as part of the intake process, and a signed copy of the service agreement, including consent and confidentiality will be stored in every client record, including electronic records;
- All reasonable steps are taken to protect the personal information it holds from misuse, interference, loss and unauthorised access, modification or disclosure;
- All client details will be kept in the client records management database which can be accessed only through those authorised with a password;
- All client working files are stored in lockable filing cabinets in a non-public space in the office and files will be returned to their proper location as soon as they are no longer required;
- All client files are returned to locked filing cabinets by the end of business on the day they are accessed;
- Client names or other identifying information will not be displayed on white boards, notice boards or other documentation that is open to view by other clients or the general public;
- Photographic, video or other identifying images are not displayed or aired publicly without prior written permission of the client or family. This consent will be renewed annually or for any different purpose than originally granted;
- Client files are periodically reviewed to ensure that personal information that is no longer relevant, and unlikely to be relevant in future, is removed from files
- Any grievances have been addressed in accordance with the privacy, dignity and confidentiality principles outlined in this policy and the Policy on Feedback and Complaints;
- Staff will not discuss personal details of clients in public areas;
- Staff will acquire prior consent before discussing client details across programs and inform clients of the general content that is discussed
- Psychology progress notes will have the option of being saved under additional confidentiality functions within the client data system with limited access;
- Where a Psychologist is working as part of a team, while the details of sessions remain confidential, general strategies and supports provided to the family may be discussed with the team in order to ensure safe and effective service delivery. Clients and families will be informed of this process and consent will be obtained prior to the sharing of strategies and supports;
- Where Early Start Australia holds personal information about an individual, and the individual or their parent/guardian requests access to that information, Early Start Australia will provide the individual with access to that information unless any of the following exceptions apply:
  - Early Start Australia believes that providing access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
  - Providing that information would have an unreasonable impact upon the privacy of other individuals;
  - The request is frivolous or vexatious;
  - The request is unlawful;

- The information relates to existing or anticipated legal proceedings between Early Start Australia and the individual, and the information would not be provided by the process of those proceedings.

All queries or complaints regarding this Privacy Policy, requests for access to, or in correction of personal information, should be directed to the individual Practice Manager where the client receives services.

### **Responsibilities**

All staff are responsible for the implementation of privacy, dignity and confidentiality procedures. This includes encouraging and supporting people accessing Early Start Australia services to raise any concerns or complaints they have regarding privacy, dignity and confidentiality.

The Clinic Director is responsible for ensuring the policy is followed within the clinic, staff maintain Privacy, Dignity and Confidentiality performance standards, and any complaints are recorded and actioned.

### **Reporting**

The Clinic Director will report all serious incidents regarding privacy, dignity and confidentiality to the Clinical Services Manager and Chief Executive Officer.

### **Review and evaluation**

Early Start Australia will communicate with people with disability about quality evaluations and encourage their participation in evaluating services, policies and procedures.

At least once a year the Clinical Services Manager and Clinic Director will analyse staff performance regarding privacy, dignity and confidentiality to determine service gaps, issues or trends in practice, procedures or policies that need to be amended to better safeguard people accessing services and improve services.