

Privacy and Confidentiality for Clients Policy

Purpose

This policy sets out Early Start Australia's (ESA's) responsibility to ensure that we only collect information about the client (or family) that we need for effective service delivery and our duty of care responsibilities; and to ensure that we hold information securely in line with relevant legislation and standards. It provides guidance about how personal information is collected, used and stored by us.

Scope

This policy applies to all ESA employees, volunteers, students and contracted staff (permanent, temporary and casual).

Definitions

Client: a person who is receiving, or has received a service from us.

Client Record: a legal record of events and decisions in relation to a client's care.

Client Record Management: management of client records including creation, maintenance and destruction of records.

Confidentiality: the protection of personal information to protect the dignity and privacy of clients.

Privacy: an individual's right to have their personal information withheld and protected from loss, misuse or unauthorised disclosure.

Policy Statement

ESA ensures the privacy, dignity and confidentiality of its clients, families, and carers information which is protected by our obligations under the Privacy Act (1988). A copy of this document is available on our website and clients are provided with a copy when they access our services.

The Service Agreement supports this policy. Clients sign one of these when accessing our services.

We take steps to protect the personal information we hold about clients from misuse, interference, loss and unauthorised access, modification or disclosure. This is further supported by the Client Records Management Policy and Procedure.

Principles

Collecting personal information

We will:

- Ensure that Early Start Australia only collects information about the client or family (and only holds it for as long as) that can be shown to be directly relevant to effective service delivery and the organisation's duty of care responsibilities;
- Get written consent from the client or family before getting information from any other source;
- Tell the client or family what personal information is held by us about the client;

Sharing personal information

We will:

- Get written consent from the client or family before sharing information with any other source;
- Not use photo or video of a client publicly for any reason without specific consent for that purpose;



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- Tell the client or family about exceptions to the privacy and confidentiality policy under which we would use or disclose personal or sensitive information without consent. This includes but is not limited to:
 - Where we believe the use or disclosure is needed to lessen or prevent a serious threat to the life, health or safety of an individual, or to public health or safety;
 - Where we have reason to suspect an employee, volunteer or contractor has done something unlawful or engaged in serious misconduct that relates to our functions, services or activities and need to disclose information so that it can take appropriate action.

Accessing personal information held by us

We will provide access to the client or family to the Client Record unless:

- We believe that providing access would threaten the life, health or safety of any individual, or to public health or public safety;
- Providing that information would have an unreasonable impact on the privacy of other individuals;
- The request is frivolous, vexatious, or against the law; or
- The information relates to existing or anticipated legal proceedings between us and the individual, and the information would not be provided by the process of those proceedings.

Rights and choices

We will:

- Tell the client or family about their right to view information that we keep about them;
- Offer support to the client or family to access or view information that we keep about them.

If information is not protected or if you want to contact us

We will:

- Quickly investigate and fix any breach of this policy.
- Report and / or disclose any known breach in accordance with the Privacy Amendment (Notifiable Data Breaches) Act 2017.

Clients can let us know if they feel that this policy has been breached by providing us with feedback or making a complaint.

Any questions or complaints about this Policy, requests for access to, or for correction of personal information, should be directed to the Practice Principal.

Roles and Responsibilities

All staff are responsible for the making sure that the privacy and confidentiality of our clients is protected. All staff must complete mandated privacy and confidentiality training when it is provided.

The Practice Principal and National Operations Manager are responsible for ensuring that any complaints or breaches about this policy are managed appropriately.

Compliance

Staff found to be non-compliant with this policy are subject to appropriate disciplinary action by ESA including, but not limited to one or more of the following:

- Counselling;
- Further training and development;
- Demotion;
- Suspension;

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- Warning;
- Referral to appropriate legal and regulatory bodies as appropriate;
- Termination of employment (with or without notice or any payment); or
- Termination of engagement (in the case of contractors)

Associated Documents

Incident Management Policy and Procedure

Feedback and Complaints Policy

Service Agreement Policy

Client Records Management Policy and Procedure

Client Rights and Safeguards Policy

Notifiable Data Breach Policy and Procedure (under development)

This document complies with:

- Privacy Act (1988)
- National Standards for Disability Services, in particular Standard 1: Rights.
- National Disability Insurance Scheme (NDIS) Quality and Practice Indicators (January 2020)
- Notifiable Data Breaches) Act 2017

Document Control

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