



# Governance and Management

## Privacy and Confidentiality Policy and Procedures

### Source of Obligation

Aged Care Quality Standard 1(3)(f) requires aged care providers to ensure that each consumer’s privacy is respected, and personal information is kept confidential.

Home Assist Community Services is required to comply with the 13 Australian Privacy Principles (APPs) incorporated in the Privacy Act 1988 (Cth).

The APPs set out the standards, rights and obligations we hold in relation to collecting, storing, accessing and correcting personal information.

### Key Definitions

<b>Personal Information</b>	<p>Personal information is information or an opinion about an individual from which they can be reasonably identified. Depending on the circumstances, we may collect personal information from the individual in their capacity as a consumer, contractor, volunteer, stakeholder, job applicant, visitors or others that come into contact with the Organisation.</p> <p>Personal information also includes:</p>
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|  | <ul style="list-style-type: none"><li>• <u>Sensitive Information</u> including government identifiers (such as TFN), nationality, country of birth, professional memberships and criminal records.</li><li>• <u>Health Information</u> (particularly in relation to prospective workers and consumer records) including medical records, disabilities, psychological reports, vaccination evidence.</li></ul> |
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## Our Policy

A key aspect of dignity and respect is making sure a consumer's privacy is respected. In the course of Home Assist Community Service's activities we respect, manage and protect personal information in accordance with the Aged Care Quality Standards, the Privacy Act 1988 (Cth) (Privacy Act) and the 13 Australian Privacy Principles (APPs).

It is our policy that:

- the communication, behaviour and interactions of our workforce and others does not compromise consumers' privacy and ensures that confidentiality and respect for privacy and dignity is upheld
- consumers' preferences for personal privacy are gathered at the time of engagement and entry to the service and recorded in CARE PLANS
- consumers are supported by our workforce to communicate their preferences for how they want their privacy maintained including their information, their living space and how they are treated or cared for
- personal and confidential information about consumers is only shared with others when there is a legitimate and lawful reason to do so
- consumers' personal space and privacy is respected including within their home and for others living in or visiting the home
- consumers are supported in providing feedback or making a complaint if their personal privacy has not been respected or upheld in accordance with their preferences
- our workforce is trained on principles and procedures for respecting consumers' personal privacy and preferences at induction, and through ongoing learning.

In the course of providing aged care services we may collect and hold:

- Personal Information including names, addresses and other contact details, dates of birth, next of kin details, photographic images and financial information.
- Sensitive Information (particularly in relation to consumer records) including government identifiers (such as TFN), religious beliefs, nationality, country of birth, professional memberships, powers of attorney, guardianship orders and criminal records.
- Health Information (particularly in relation to consumer records) including medical records, disabilities, and psychological reports.

As part of our recruitment processes for employees, contractors and volunteers, we may collect and hold:

- Personal Information including names, addresses and other contact details, dates of birth, financial information, citizenship, employment references, regulatory accreditation and driver's licence information.
- Sensitive Information including government identifiers (such as TFN), nationality, country of birth, professional memberships and criminal records.
- Health Information (particularly in relation to prospective workers and consumer records) including medical records, disabilities, psychological reports, vaccination evidence.

Generally, we will seek consent from the individual in writing before we collect their sensitive information (including health information).

It is noted that, once they have been collected from employees, employee records are exempt from the APPs where they relate to current or former employment relations between the Organisation and the employee. The collection of the information from employees, however, is now considered to be not exempt from the application of the APPs. When requesting personal information from employees, Home Assist Community Services will comply with APP5 (Notification of the collection of personal information).

## Responsibilities

Home Assist Community Services is responsible for ensuring that care and services that are provided are in keeping with consumers' individual views of dignity and respect. Workers are responsible for ensuring:

- all consumers who require support in showering, dressing and grooming are being assisted and having these services provided according to their likes and preferences, wherever possible

- consumers are supported to maintain their continence with dignity and in respect of their personal privacy, for example through toileting programs and prompt assistance to attend the toilet
- care procedures are undertaken in private areas that support the individual's dignity.

## **The Quality, Governance and Compliance Manager**

We have appointed a Quality, Governance and Compliance Manager that is responsible for:

- promoting a culture where each consumer's privacy is respected, and the personal information of individuals is protected in accordance with our obligations under the Aged Care Quality Standards and the Privacy Act 1988 (Cth)
- integrating privacy obligations into existing practices and procedures and policy documents
- providing or organising ongoing training support for managers to ensure that all relevant persons receive privacy training
- managing privacy queries, feedback and complaints
- liaising with regulators (where necessary)
- monitoring privacy compliance performance
- analysing performance to identify the need for corrective action
- ensuring privacy issues are factored into contracts with external suppliers
- ensuring our Privacy Policy is reviewed on a regular basis
- ensuring personal information audits are conducting on a regular basis.

Home Assist Community Services can be contacted about this Privacy Policy or about personal information generally, by:

07 4191 6858

[z.kelly@homeassist.org.au](mailto:z.kelly@homeassist.org.au)

All members of the workforce must ensure that:

- they knock prior to entering the consumer's personal environment or premises
- if a consumer's personal environment is open, they announce themselves and check to ensure that the consumer is happy for the worker to enter, where this is not possible (for example for consumers living with dementia) they announce themselves, greet the consumer and explain the purpose of their visit

- they check the consumer's preference for having doors and curtains opened or closed when leaving the space
- consumer files are stored securely and away from public access
- electronic information is password protected and individual for each user.

## **Procedures**

### **Collection of Personal Information**

The collection of personal information depends on the circumstances in which Home Assist Community Services is collecting it. If it is reasonable and practical to do so, we collect personal information directly from the individual.

### **Solicited Information**

Home Assist Community Services has, where possible, attempted to standardise the collection of personal information by using specifically designed forms (e.g. a Health Information Disclosure Form). However, given the nature of our operations we also receive personal information by email, letters, notes, via our website, over the telephone, in face-to-face meetings, through financial transactions and through surveillance activities such as the use of CCTV security cameras or email monitoring.

We may also collect personal information from other people (e.g. a third-party administrator, referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

We may collect information based on how individuals use our website. We use "cookies" and other data collection methods to collect information on website activity such as the number of visitors, the number of pages viewed and the internet advertisements which bring visitors to our website. This information is collected to analyse and improve our website, marketing campaigns and to record statistics on web traffic. We do not use this information to personally identify individuals.

### **Unsolicited Information**

Home Assist Community Services may be provided with personal information without seeking it through our normal means of collection. This is known as "unsolicited information" and is often collected by:

- misdirected postal mail – letters, notes, documents
- misdirected electronic mail – emails, electronic messages
- employment applications sent to us that are not in response to an advertised vacancy
- additional information provided to us which was not requested.

Unsolicited information obtained by Home Assist Community Services will only be held, used and or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means then we will destroy, permanently delete or de-identify the personal information as appropriate.

## **Collection and Use of Sensitive Information**

We only collect sensitive information if it is:

- reasonably necessary for one or more of these functions or activities, and we have the individual's consent
- necessary to lessen or prevent a serious threat to life, health or safety
- another permitted general situation
- another permitted health situation.

## **How Do We Use Personal Information?**

Home Assist Community Services only uses personal information that is reasonably necessary for one or more of our functions or activities (the primary purpose), a related secondary purpose that would be reasonably expected by you, or for an activity or purpose to which a person has consented.

Primary uses of personal information include, but are not limited to:

- providing aged care services
- satisfying our legal obligations including our duty of care obligations
- keeping consumers, their carers/representatives and communities informed about relevant matters through correspondence, newsletters and magazines
- marketing, promotional and fundraising activities
- supporting the activities of the Board of Directors
- supporting community-based causes and activities, charities and other causes in connection with the Organisation's functions or activities
- helping us to improve our day-to-day operations including training our workers

- systems development, developing new programs and services, undertaking planning, research and statistical analysis
- administration, including for insurance purposes
- the employment of staff
- the engagement of contractors and volunteers.

Home Assist Community Services only uses or discloses sensitive or health information for a secondary purpose if a person would reasonably expect us to use or disclose the information, and the secondary purpose is directly related to the primary purpose.

Home Assist Community Services may disclose personal information to related bodies corporate, but only if necessary, for the Organisation to provide our services.

Home Assist Community Services may disclose personal information to unrelated bodies corporate such as:

- Aged Care Quality and Safety Commission
- Department of Health
- Department of Housing
- QBCC
- ACNC
- Hospital's
- General Practitioners
- Allied Health Professionals

We will only share information with unrelated bodies corporate where we either:

- have the person's consent;
- the disclosure is for the primary purpose for which the information was collected; or
- where the disclosure is for a permitted secondary purpose.

Home Assist Community Services will not disclose information about an individual to overseas recipients (for example, to facilitate overseas travel) unless it is necessary and with their consent.

## **Storage and Security of Personal Information**

Home Assist Community Services stores Personal Information in a variety of formats including, but not limited to:

- databases
- hard copy files
- personal devices, including laptop computers
- third party storage providers such as cloud storage facilities
- paper based files.

Home Assist Community Services takes all reasonable steps to protect the personal information we hold from misuse, loss, unauthorised access, modification or disclosure.

These steps include, but are not limited to:

- restricting access and user privilege of information by type of worker, depending on their role and responsibilities
- ensuring workers do not share personal passwords
- implementing physical security measures around the buildings and vehicles to prevent break-ins
- ensuring workers comply with internal policies and procedures when handling the information
- undertaking due diligence with respect to third party service providers who may have access to personal information, including customer identification providers and cloud service providers, to ensure as far as practicable that they are compliant with the APPs or a similar privacy regime
- the destruction, deletion or de-identification of personal information we hold that is no longer needed or required to be retained by any other laws.
- ensuring hard copy files are stored in lockable filing cabinets in lockable rooms, and workers' access is subject to user privilege
- ensuring access to Home Assist Community Service's premises are secured at all times
- ensuring our IT and cyber security systems, policies and procedures, are implemented and up to date

Our public website may contain links to other third-party websites outside of Home Assist Community Services. Home Assist Community Services is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

## **Responding to Data Breaches**

Home Assist Community Services will take appropriate, prompt action if we have reasonable grounds to believe that a data breach has, or is suspected to have, occurred. Depending on the type of data breach, this may include a review of our internal security procedures, taking remedial internal



action, and notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

## **Disclosure of Personal Information**

Personal information is used for the purposes for which it was given to Home Assist Community Services, or for purposes which are directly related to one or more of our functions or activities.

Personal information may be disclosed to government agencies, other consumers, other aged care providers, recipients of our publications, visitors, carers, advocates, our services providers, agents, contractors, business partners, related entities and other recipients from time to time, if the individual:

- has given consent; or
- would reasonably expect the personal information to be disclosed in that manner.

Home Assist Community Services may disclose personal information without consent or in a manner which an individual would reasonably expect if:

- we are required to do so by law
- the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual, or to public safety
- another permitted general situation applies
- disclosure is reasonably necessary for a law enforcement related activity
- another permitted health situation exists.

## **Disclosure of Personal Information to Overseas Recipients**

Personal information about an individual may be disclosed to an overseas organisation in the course of providing our services. For example, when storing information with a “cloud service provider” which stores data outside of Australia.

We will, however, take all reasonable steps not to disclose an individual’s personal information to overseas recipients unless:

- we have the individual’s express or implied consent;

- we have satisfied ourselves that the overseas recipient is compliant with the APPs, or a similar privacy regime;
- we form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety; or
- we are taking appropriate action in relation to suspected unlawful activity or serious misconduct.

## **Mental Capacity, Privacy and Consent**

The Team Leader - Administration and Home Care Packages will ensure consent forms are completed on commencement and reviewed annually or updated as the consumer's preferences change, to ensure that the privacy wishes of the consumer remain current.

Where a consumer lacks the capacity to consent to the use of their personal information, we will seek consent from their representative in accordance with Commonwealth, state and territory guardianship laws.

## **The Quality of Personal Information**

We take all reasonable steps to ensure the personal information we hold, use and disclose is accurate, complete and up to date, including at the time of using or disclosing the information.

If Home Assist Community Services becomes aware that the personal information is incorrect or out of date, we will take reasonable steps to rectify the incorrect or out of date information.

## **Access and Correction of Personal Information**

Anyone may submit a request to us to access personal information of theirs that we hold, or request that we change that personal information. Upon receiving such a request, we will take steps to verify your identity before granting access or correcting the information.

If we reject the request, the person will be notified accordingly. Where appropriate, we will provide the reason/s for our decision. If the rejection relates to a request to change personal information, an individual may make a statement about the requested change, and we will attach this to their record.

## **Complaints**

Anyone can make a complaint about how Home Assist Community Services manages personal information, including a breach of the APPs, by notifying us in writing as soon as possible. We will respond to the complaint within a reasonable time (usually no longer than 30 days), and we may seek further information in order to provide a full and complete response.

Home Assist Community Services does not charge a fee for the handling of complaints.

If a complainant is not satisfied with our response, they may refer the complaint to the OAIC. A complaint can be made using the OAIC online [Privacy Complaint form](#) or by mail, fax or email.

A referral to OAIC should be a last resort once all other avenues of resolution have been exhausted.

## **Changes to Our Privacy and Information Handling Practices**

This Policy is subject to change at any time.

This Policy was last reviewed: 02/09/2024

## **Related Documents and Forms**

- Media Release Form
- Incident Report Form
- Incident Investigation Form

## **References and Resources**

Aged Care Quality Standards, Standard 1

Aged Care Act 1997 (Cth)

Charter of Aged Care Rights (2019)

Quality Principles 2014 (Cth)

Dignity in Care Principles: Department for Health and Ageing, Government of South Australia, 2013

## **What is Personal Information**

Australian Government Office of the Australian Information Commissioner, [What is Personal Information?](#), May 2017

What is a Permitted General Situation for Use or Disclose of Personal Information?

Australian Government Office of the Australian Information Commissioner, [Chapter C – Permitted general situations](#), February 2014

What is a Permitted Health Situation for Use or Disclosure of Personal Information?

Australian Government Office of the Australian Information Commissioner, [Chapter D: Permitted health situations](#), February 2014

Australian Privacy Principles

Australian Government Office of the Australian Information Commissioner, [APP Guidelines](#), April 2015

## **Securing Personal Information**

Australian Government Office of the Australian Information Commissioner, [Guide to securing personal information](#), January 2015

## **Data Breach**

Australian Government Office of the Australian Information Commissioner, [Data breach notification – A guide to handling personal information security breaches](#), 2019

## **De-identification of Data and Information**

Australian Government Office of the Australian Information Commissioner, [De-identification and the Privacy Act](#), March 2018

Australian Governance Office of the Australian Information Commissioner, [Destruction or de-identification of personal information](#), June 2018

## **General**

Aged Care Quality and Safety Commission, [Access to Information](#), December 2021

Department of Health and Ageing, [Responsibilities of Aged Care Providers](#), May 2022