



Upper Great Southern Family Support Association Inc.

Policy On

**PRIVACY, DIGNITY,
CONFIDENTIALITY AND
DATA PROTECTION**

Date Adopted:

August 2010

Date Last Revised:

August 2012

Review Date:

August 2013



Upper Great Southern Family Support Association Inc

Policies and Procedures

Policy and Procedure: Privacy, Dignity, Confidentiality and Data Protection	Date Adopted: August 2010
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Privacy, Dignity, Confidentiality and Data Protection

Purpose of this Policy

The purpose of this policy is to establish standards of privacy, dignity and confidentiality in the organisation's dealings with prospective, present and past users of services. The policy will also outline the ways in which data relating to an individual will be protected.

The Policy

The Organisation has a professional responsibility to ensure each individual's right to have their privacy, dignity and confidentiality recognised and respected in all aspects of service provision and data protection as is expected by the rest of the community.

The Organisation reserves the right to intervene where the wellbeing of staff and/or consumer safety and health may be compromised.

The Organisation will investigate any consumer grievance regarding privacy, dignity, confidentiality and data protection.

Privacy and Dignity:

Privacy relates to all information and practice that is personal or sensitive in nature. The act of ensuring and maintaining privacy and valued status in these matters will protect the rights and dignity of the individual.

Confidentiality:

Confidentiality refers to the restricted disclosure and dissemination of private information. All staff, volunteers and students will complete a confidentiality form agreeing to comply with the intent of this policy.

Data Protection:

Service Users or their parent/guardian, where applicable, must give their authority to release and/or obtain information from other sources. Only authorised personnel may gain access to Service User/staff files.

Authorisation is granted by the Coordinator. The major criteria for authorisation is on a need to know basis, and as such some information may not be granted.

The Organisation will safeguard access to confidential information available on the Organisation's database and contained within Service User files.

Permission must be sought from Service Users / parent / staff / guardian / volunteers before any identifying images are used for promotional purposes.

The Procedure

Service User privacy and dignity will be maintained by:

- Ensuring staff “stop, knock and listen and gain permission” before entering a Service User's bedroom, bathroom and treatment areas.
- Maximising privacy for Service Users undertaking treatment and personal care.
- Ensuring that all exchanges of personal information are conducted in private.
- Endeavouring to provide the Service User with a staff member of their choice for personal care or treatment.
- Respecting the right of each Service User to express their sexuality and have intimate relationships in private.
- Ensuring that aids and equipment allocated to Service Users will not be used by others except in emergency situations.
- Providing security for money and valuables.
- Ensuring that permission is obtained before Service User/Staff photographs are taken.

Service User confidentiality and data protection will be maintained by adhering to the following procedures:

Collection of information

The Organisation will:

- Only collect information about the Service User that can be shown to be directly relevant to effective service delivery and the organisation's duty of care responsibilities.
- Collect personal information by lawful and fair means and in a manner that is not unreasonably intrusive.
- Ensure at the time of, or prior to, (or if not practicable, as soon as possible after) collecting personal information that the individual or family are made aware of:
 1. The nature of personal information held by UGSFSA about the Service User and the fact that they are able to gain access to the information;
 2. The purposes for which the information is collected;
 3. The organisations (or types of organisations) to which the Association usually discloses information of that kind;
 4. Any law that requires the particular information to be collected;
 5. The main consequences (if any) for the individual or family if all or part of the information is not provided.
- When reasonable and practicable to do so, collect information about the individual only from that individual or his or her family.
- Seek the written consent of the Service User or family before obtaining/releasing information from/to any other source using the **Authority to Obtain and Release Information Form** which they will need to sign and return to the Organisation.
- Take reasonable steps, if collecting personal information from another source, to advise the individual or family of the matters listed above (except to the extent that making the individual or family aware would pose a serious threat to the life or health of any individual).

Use and Disclosure

- Seek the written consent of the Service User or family before releasing information to any other source.
- Not disclose personal information about an individual for a purpose other than the primary of collection, being effective service delivery and duty of care responsibilities, unless:
 1. The secondary purpose is related to the primary purpose and, in the case of sensitive information, directly related, and the individual or family would reasonably expect the disclosure for the secondary purpose;
 2. The individual or family has consented to the use or disclosure; or
 3. If the information is health information necessary for compilation or analysis of statistics relevant to public health or safety, it is impracticable to obtain prior consent and UGSFSA believes that the recipient of the information will not disclose that information; or
 4. UGSFSA believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health or safety or to public health or safety; or
 5. UGSFSA suspects that unlawful activity has been, is being, or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
 6. The use or disclosure is required by law or by enforcement bodies in the detection or prevention of a crime or in relation to court proceedings.
- UGSFSA may disclose health information about an individual to a person who is responsible for the individual if:
 1. The individual is physically or legally incapable of giving consent; and
 2. The carer providing the health service for UGSFSA is satisfied that disclosure is necessary to provide appropriate care or is made for compassionate reasons, and is not contrary to any wish expressed by the individual and of which the carer is aware or should be aware.

Data Quality

Take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

Data Security

Ensure that personal information including sensitive information is stored securely, will not be left in public view, and will be accessed by only authorised UGSFSA staff.

Ensure that personal information about a Service User is only held by UGSFSA as long as it remains relevant to the delivery of effective services and the agency's duty of care obligations and that personal information no longer needed will be destroyed or permanently de-identified.

Openness

Make available this policy document on the management of personal information to anyone who asks for it.

On request by a person, let that person know, generally, what sort of personal information UGSFSA holds, for what purposes, and how that information is collected, held, used and disclosed.

Access and correction

- On request by an individual or family and in accordance UGSFSA policy on Complaints and Disputes, provide access to personal information held about that individual or family except:
 1. Where providing access would pose a serious threat to the life or health of any individual; or
 2. Have an unreasonable impact upon the privacy of other individuals; or
- In the case of commercially or financially sensitive information, provide the individual with an explanation for the decision made based on that information rather than provide direct access to the information itself.
- In cases where access is denied for reasons listed above consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- Take reasonable steps to correct information held about an individual that has been established by that individual or the individual's family to be inaccurate, incomplete or out of date.
- On request of an individual, in cases where there is disagreement between UGSFSA and the individual about the accuracy of information held, record on the individual's file a statement claiming that the information is not accurate, complete, or up-to-date.

Identifiers

Assign an identifier to an individual that is not used for that individual by any other agency except in prescribed circumstances.

Not disclose an individual's identifier unless required to fulfil its obligations or in prescribed circumstances.

(For prescribed circumstances see subsection 100(2) of the Act).

Sensitive Information

- Not collect sensitive information about individuals except where:
 1. The individual has consented; or
 2. Collection is required by law or for purpose of a legal claim; or
 3. Collection is necessary to protect life or health of any other individual from imminent threat and the individual is legally incapable or unable to communicate consent;
 4. Collection is necessary to provide a service to the individual.
 5. Give an undertaking to the individual concerned, at or before the time of collection of sensitive information, that it will not disclose the information without consent.
- Collect health information if required for research relevant to public health or safety or for the management, funding or monitoring of the service, (the purposes of which cannot be served by non-identifying information), and it is not practicable to obtain consent, and the information is required for UGSFSA to meet its obligations.
- Remove all identifying information before providing to outside sources.

Grievances

Promptly investigate, remedy and document any Service User grievance regarding privacy, dignity or confidentiality, in accordance with UGSFSA's Policy on Complaints and Disputes.

Review of the Policy

This policy will be reviewed on an annual basis. However, is at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly.