

**2.7**
**PRIVACY Policy**
**Applies to:** Board, Staff, Volunteers

**Specific responsibility:** CEO

**Policy context:** This policy relates to

Aged Care Quality Standards or other external requirements

Standard 1 The Person  
Standard 2 The Organisation  
Standard 3 Care and Services  
Standard 4 The Environment  
Standard 5 Clinical Care

Legislation or other requirements

[Privacy Amendment \(Private Sector\) Act 2000](#)

Contractual obligations

Western Australian Government Dept for Communities  
Federal Government Dept of Health, Disability and Ageing

## PRIVACY POLICY STATEMENT

Southcare Inc is committed to the principles outlined in the *Privacy Act 1988* (Cth) and has in place procedures that ensure compliance with the legislation including the protection of sensitive information and health information. Our customer information brochures and agreements contain our approach to maintaining privacy and confidentiality of service user information. We use the “10 Steps to Protecting Other People’s Privacy” document as a guide to our privacy processes.

Southcare Inc respects each person’s right to privacy, dignity and confidentiality in the collection, storage, use and disclosure of personal information. Southcare’s commitment to privacy is demonstrated through its professional practices, policies and procedures and operating systems.

Southcare Inc will ensure that:

- It meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of customers and organisational personnel.
- Service users are provided with information on our organisation’s privacy policy in our Customer Information Brochures and Customer Agreements.
- Staff members are required to sign a Privacy Protection Undertaking for the protection of personal information

Management, staff and volunteers are provided with training and information on the rights of service users to privacy and confidentiality and the processes to support this, as needed and when new staff/volunteers commence with the organisation. This policy applies to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature. Information outlining the privacy principles is available on request or at <http://www.privacy.gov.au>

## PROCEDURES

### What Kind of Information Is Covered in Southcare's Privacy Policy?

The policy covers personal, health, sensitive and unsolicited information collected by Southcare for the function, activities and services provided by Southcare.

Southcare Inc will only collect information that is relevant to the provision of support provided and we explain to the customer why we collect the information and what we use it for. Southcare uses customer consent forms to obtain approved consent for these purposes.

Southcare may collect some or all of the types of information listed below from our service users.

#### Personal Information

- Name, address, date of birth
- Telephone contact
- Source of income
- Type of Accommodation
- Names, dates of birth of dependent children
- Name and contact details of next of kin (advocate/power of attorney)
- Name of GP or other health professional providing support.

Health related Information that may be collected is information or an opinion about

- Health or disability (at any time) of an individual
- Services provided or to be provided to an individual

Sensitive information which may be collected is information or an opinion about an individual's

- Racial or ethnic origin or
- Religious beliefs
- Criminal record
- Financial position

Unsolicited Information - Southcare will take reasonable and lawful means to de-identify (remove personal or other identifying information) or destroy information that is not relevant to the provision of its services and which Southcare has not actively sought to collect.

#### Who does Southcare collect information from?

Information may be collected and documented from some or all of the sources below

- Customers and carer/ or their advocates
- Family members
- Aged Care Assessment Teams
- Assessing Agency's
- Doctors
- Banks
- Creditors
- 

#### Security of Information:

Southcare takes all reasonable means to protect the personal information it collects for the provision of services from misuse, loss, unauthorised access, modification, disclosure or interference in the following ways:

- Customer's paper-based files are stored in locked cabinets accessible to authorised personnel only

- Password protection within the IT Management Systems and logon standards to restrict access to electronic files applies
- Staff have monitored access to IT Management system on a 'need to know' basis
- Customer information/ records are removed from computers prior to re selling
- Data Quality - Southcare Inc. takes reasonable steps to protect personal information it collects, uses or discloses to ensure it is accurate, complete and up to date.
- Southcare uses appropriate identification on information transmitted electronically.
- Registered mail is addressed to authorised recipients only.
- We use only secure fax machines when transmitting and receiving customer information.
- Information is communicated directly to appropriate recipients.
- Southcare uses secure data storage facilities and data is only disclosed to authorised recipients for storage functions.

### How does Southcare Inc use information gathered?

Personal information is used:

- To maintain a contact record between the customer and the Southcare Inc service.
- To manage and arrange advocacy, services and support
- To communicate with other agencies, service providers, creditors.

### Care and Support Services for Aged Persons and Younger People with Disabilities

The information gathered is used to assist and guide the agency in providing a service e.g. in providing Community Home Care Support services. In the case of an emergency, it is normal to disclose and share customers' personal and sensitive information with others, such as an admitting hospital, the ambulance, pharmacist and attending health professionals.

### Emergency Relief, Financial Counselling

We use information gathered to advocate, on behalf of customers, with representatives of providers of essential services i.e. Department Communities, Centrelink, Utility Agencies (Power, Gas Phone), Schools and in negotiations with other creditors and agencies.

### Who do we provide personal information to?

- Information is only provided within the following criteria.
- Customers of Southcare Inc have a right to access any personal information kept about them.
- Consent to share information must be obtained from the individual (or their advocate).
- We only share information when it is necessary to ensure appropriate support is delivered and only with the customer's permission/consent.
- We seek consent from customers to, in an emergency, disclose personal information to other health service providers as appropriate to provide emergency care or services. Consent is in writing (verbal consent will suffice in emergency situations but must be followed up with written consent).
- We seek consent from customers to provide access to service user records to government officials (or their delegates) in the conduct of quality reviews or the investigation of complaints. We advise service users that these individuals are required to keep all information accessed through this process confidential.
- Information provided to government bodies regarding service provision (such as MDS data) does not identify the customer. If any information is provided to outside government agencies for data purposes, we ensure that the information is de-identified, and we make a note in the customer's record as to what information was shared and to whom.
- Consent to share personal information can be withdrawn by the service user at any time.
- To statutory authorities i.e. Police only, if not to do so results in a criminal act

- Other agencies or service providers with the consent of the customer (or their advocate).
- In situations where not providing the information may result in harm to the customer.

## Policy regarding commercial / marketing bodies

- Southcare Inc does not disclose, share or sell any customer information to any third party for commercial / marketing purposes, and does not release any information unless required by law to do so.

## Quality of Information

Southcare takes reasonable steps to correct information where appropriate and regularly reviews service user information to ensure it is accurate and up to date:

- Staff and customers are requested to inform Southcare Inc when there are changes to personal information. Southcare Inc will amend records to reflect changes, both electronic and in hard copy files.
- It is Southcare Inc's responsibility to ensure personal information is secure and not used inappropriately.
- Customer and staff personal information is archived and destroyed under the terms of existing legislation.
- Southcare Inc educate staff and volunteers to be aware of service user rights to privacy and confidentiality.

## How can a customer access personal information held by Southcare?

- If individuals require a copy of their records held by Southcare Inc they will be issued to them following a request in writing to Southcare signed by the individual or their advocate.
- The records will be sent to them by registered mail marked private and confidential addressed to the individual, and information will be provided in hardcopy form.
- Customers can ask to see the information that we keep about them and are supported to access this information if requested within 30 days of the request. Information is provided in a format accessible by the service user. The service user can nominate a representative to access the service user's records held by us.
- The customer can nominate a representative to access the service user records held by Southcare Inc.

## Commonwealth identifiers

- Numbers such as a Medicare Number, a Tax File Number or a Pension number are only used when it is necessary for providing and arranging services for customers.

## Sending Personal Information Overseas

- Southcare Inc would not send personal information overseas unless it was necessary and authorised by law.

## Personal information, sensitive information and Health information

Southcare Inc collects, uses or discloses personal information, sensitive information or health information only when it is necessary to provide services to customers, when it is allowed or dictated procedures.

## Disclosure of Health Information to an Appropriate Person

In accordance with the National Privacy Principles disclosure of health information by a health service provider is allowed to a 'person responsible' for an individual (including a partner, family member, carer, guardian/advocate or close friend), if that individual is incapable of giving or communicating consent.

Disclosure can occur:



- because it is necessary for the provision of appropriate care or treatment to the individual;
- The disclosure should be limited to the information that is reasonable and necessary to achieve either of the above purposes. Disclosure cannot occur if this is contrary to wishes expressed by the individual before losing the ability to give or communicate consent, and the health service provider is aware, or could reasonably be expected to be aware, of these wishes.
- The Privacy Act defines a 'person responsible' as:
  - a parent of the individual;
  - a child or sibling of the individual, who is at least 18 years old;
  - a spouse or de facto spouse of the individual;
  - a relative of the individual who is at least 18 years old and a member of the individual's household;
  - a guardian of the individual or a person exercising an enduring power of attorney granted by the individual that can be exercised in relation to the individual's health;
  - a person who has an intimate personal relationship with the individual;

### **Disclosure of Health Information to an Authorised Person**

Southcare may release information to an authorised person(s) in accord with the National Privacy Principles and applicable law.

An 'authorised person' is a person or group of people who are authorised by law or the individual about whom information is requested or a person holding appropriate Power of Attorney, to access personal records of the individual held by Southcare Inc including records that may hold personal details and health information.

- by law or when Southcare Inc has been given written consent by the individual or their advocate

### **Customer Complaint**

- If an individual believes that Southcare Inc. has not acted in accordance with their Privacy Policy, or the consent given, they may lodge a complaint with the Southcare CEO, Line Manager, in person, by phone, fax or email or in writing.
- Customers are supported by us should they have a complaint or dispute regarding our privacy policy or the management of their personal information. Every endeavor will be made to quickly and courteously resolve any complaint made.
- If a customer is still unsatisfied then the complaint can be put in writing to the CEO or Chairperson of Southcare Inc Board.



**If a customer is not satisfied with the Internal Complaints Process**

If a customer believes that Southcare Inc. has not satisfactorily resolved the complaint, it can be referred to the Federal Privacy Commissioner by:

Phone 1300 363 992 or in writing to  
Director of Complaints  
Office of the Federal Privacy Commissioner  
GPO Box 5218  
Sydney NSW 2001

TTY 1800 620 241; TIS 131 450 and ask for Office of the Privacy Commissioner; Fax 02 92849666; email [privacy@privacy.gov.au](mailto:privacy@privacy.gov.au)

**Southcare Inc respects the privacy of its staff and volunteers**

- 1) Private home telephone numbers and addresses of staff and volunteers are confidential information and will not be revealed.
- 2) Staff members and volunteers must not disclose their private addresses or phone numbers to customers in the course of their work.

**DOCUMENTATION**

Documents related to this policy	
Related policies	<a href="#">Customer Records</a> <a href="#">Confidentiality</a>
Forms, record keeping or other organisational documents	

**This policy's review date and version number are managed automatically by SharePoint. Please refer to the Intranet for the latest version number and review date.**