



**PRIVACY POLICY**

Applies to: Staff members, Management Committee Members, Volunteers./Students.	Version: 3
<b>Specific responsibility:</b> Manager and Management Committee.	<b>Date approved:</b> 26 <sup>th</sup> Feb 2020
	<b>Next review date:</b> Feb 2021

<b>Policy context:</b> This policy ensures that all individuals can feel confident that their Privacy Rights are upheld.	
Standards or other external requirements	<ul style="list-style-type: none"> <li>- National Disability Insurance Scheme Act 2013</li> <li>- National Disability Insurance Scheme Guidelines (Quality Indicators) 2018</li> <li>- National Disability Insurance Scheme (Incident Management &amp; Reportable Incidents) Rules 2018</li> <li>- NDIS Terms of Business for Registered Providers</li> <li>- NDIS Quality and Safeguards Framework, 2016</li> <li>- NDIS Code of Conduct for Workers 2018 United Nations Convention on the Rights of Persons with Disabilities (CRPD)</li> <li>- Children and Young Person (Care and Protection) Act 1998 (State)</li> <li>- Australian Human Rights Commission Act 1986</li> <li>- OAIC Privacy Act (1988)</li> </ul>
Legislation or other requirements	<ul style="list-style-type: none"> <li>- Privacy Act 1988</li> <li>- Children’s Services Regulations 2004</li> </ul>
Contractual obligations	<ul style="list-style-type: none"> <li>- Employment Agreements</li> <li>- DEC (ISP) Funding Terms and Conditions (Funding Agreement)</li> </ul>

**POLICY STATEMENT**

Early Connections Kempsey is committed to protecting and upholding the right to privacy of clients, staff, volunteers, Management Committee members and representatives of agencies we deal with. Early Connections Kempsey is committed to protecting and upholding the rights of our clients to privacy in the way we collect, store, and use information about them, their needs, and the services we provide to them.

Early Connections Kempsey requires staff, student, volunteers, and Management Committee members to be consistent and careful in the way they manage what is written and said about

individuals and how they decide who can see or hear this information.

Early Connections Kempsey is subject to legislation applying to the organisation and/or its client group. The organisation will follow the guidelines of the *Australian Privacy Principles (see attached)* in its information management practices.

Early Connections Kempsey will ensure that:

- ECK meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel.
- Clients are provided with information about their rights regarding privacy, the process to obtain consent and in what circumstances the information could be disclosed, e.g. preschools/schools, Paediatricians, GP's etc and including that information which could be provided without their consent e.g. Law circumstances, FACS, Mission Australia, NDIS.
- Clients information can also be accessed by external Auditors for NDIS Quality and Safeguards Audits. Clients have the option to opt out of these audits by contacting the Manager on 65626491. This information is also in the ECK Service agreement.

Clients consent is obtained to collect, use and retain their information (including assessments) to other parties, including details of the purpose of the collection, use and disclosure.

- Clients and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature. If required or authorised by law. e.g. If the law requires you to use or disclose information, you must do so. Examples include mandatory reporting of child abuse (under care and protection laws) and mandatory notification of certain communicable diseases (under public health laws).
- All staff, Management Committee members and volunteers understand what is required in meeting these obligations.

This policy conforms to the *Privacy Act (1988)* and *the Australian Privacy Principles* which govern the collection, use and storage of personal information.

**This policy will apply to all records, whether hard copy or electronic (audio, video, visual) containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.**

## **PROCEDURES**

### **Dealing with personal information**

In dealing with personal information, Early Connections Kempsey staff will:

- ensure privacy for clients, staff, volunteers, or Management Committee members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation and its activities
- use fair and lawful ways to collect personal information
- collect personal information only by consent from a parent/carer

- ensure that parents/carers know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it
- personal information can be collected by Orientation interviews with families. Routine base Interviews with families, Service Agreements, NDIS Plan meetings, NDIS Review Meetings etc.
- ensure that personal information collected or disclosed is accurate, complete, and up-to-date, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification, or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.
- The process of disclosure with or without consent should be documented, Including details of:
  - preliminary discussions with the patient or his or her authorised representative concerning the familial nature of the condition or genetic status.
    - the recommendation to the patient or his or her authorised representative that genetic relatives be notified.
    - request for consent to disclose to genetic relatives.
    - refusal of consent and reasons for it.
    - the identity of the genetic relatives contacted; and
    - the process used to contact those genetic relatives (including a copy of any letter mailed to them).

If consent has been withheld and disclosure considered necessary, an accurate record of how the decision to disclose without consent was attained should be kept.

This includes:

- the process of seeking advice from colleagues and the outcomes of these discussions.
- the basis for the belief that there is a serious threat to the life, health, or safety of genetic relatives; and
- the basis for the belief that disclosure was necessary to lessen or prevent the threat to the genetic relative.

### **Breach of Personal Information.**

A data breach happens when personal information is accessed or disclosed without authorisation or is lost. If the Privacy Act 1988, Early Connections Kempsey must notify affected individuals and OAIC when a data breach involving personal information is likely to result in serious harm.

- If Early Connection Kempsey suspects an eligible data breach may have occurred the Manager will quickly assess the incident to determine if it is likely to result in serious

harm to any individual.

A data breach occurs when personal information an organisation or agency holds is lost or subjected to unauthorised access or disclosure. For example, when:

- a device with a customer's personal information is lost or stolen.
- a database with personal information is hacked.
- personal information is mistakenly given to the wrong person.

When you notify **OAIC** and **affected** individuals include:

- ECK's name and contact details
- A description of the data breach
- The kinds of information involved and recommendations about the step's individuals should take in response to the data breach.
- Notifying the OAIC on this web link when there is a breach of data.

<https://forms.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB>

### **Responsibilities for managing privacy**

- All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation, or advocacy work.
- Manager is responsible for content in Early Connections Kempsey publications, communications and web site and must ensure the following:
  - appropriate consent is obtained for the inclusion of any personal information or images about any individual including Early Connections Kempsey personnel
  - Ensure clients are advised that their information can be assessed in external audits and clients can "opt out" so their information is not available for external audits.
  - information being provided by other agencies or external individuals conforms to privacy principles
  - that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.
- Manager is responsible for safeguarding personal information relating to Early Connections Kempsey staff, Management Committee members, volunteers, contractors, and Early Connections Kempsey members.
- **The Privacy Contact Officer:** The Privacy Contact Officer will be the Manager. The Manager will be responsible for:
  - ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information
  - ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy
  - handling any queries or complaint about a privacy issue

## Privacy information for clients

On Intake/Enrolment parents/carers will be informed about what information is being collected, how their privacy will be protected and their rights in relation to this information. The service agreement will have consent information on how information can be collected in print, audio or visual format.

## Privacy for interviews and personal discussions

To ensure privacy for clients or staff when discussing sensitive or personal matters, the organisation will:

- Ensure that private spaces are made available when required.
- Ensure that sensitive phone calls are made or taken in a private space.
- Ensure that staff shares client information with other staff or other agencies in a sensitive manner.
- Ensure that enrolment Privacy Consent is adhered to.

## DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none"><li>- Access to Children and Information Policy and Procedure</li><li>- Confidentiality Policy</li><li>- Child Protection Policy</li><li>- Ethical Conduct Policy</li><li>- Access to Confidential Information</li></ul>
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"><li>- Enrolment Forms</li><li>- Service Agreement</li><li>- Keeping Them Safe Documents</li><li>- Client Files</li><li>- Electronic information storage system (Echidna Online)</li></ul>

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	Manager	Management Committee

<b>Policy review and version tracking</b>			
<b>Review</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Next Review Due</b>
1	July 2016	Management Committee	July 2017
2	17th Feb 2017	Management Committee	Feb 2018
3	26 <sup>th</sup> Feb 2020	Management Committee	Feb 2021

**The Management Committee**

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_