

SGSCC disAbility: Privacy Policy & Procedure

PRIVACY

1.0 Purpose

This document describes the personal information held by SGSCC disAbility, how we collect and manage personal information, mechanisms for protecting stakeholder rights to privacy, confidentiality and in accessing client records. It should be viewed in tandem with SGSCC Privacy Policy.

2.0 Scope

- 2.1 Clients,
- 2.2 Family/Carer,
- 2.3 Persons responsible/ Advocate
- 2.4 Guardian,
- 2.5 Staff/Volunteers,
- 2.6 Board
- 2.7 Donors

3.0 References

- 3.1 Disability Inclusion Act 2014
- 3.2 Privacy Amendment (Enhancing Privacy Protection) Act 2012
- 3.3 Privacy Act 1988 (Commonwealth)
- 3.4 Australian Privacy Principles 2014 (APP)
- 3.5 The Privacy and Personal Information Protection Act 1998 NSW
- 3.6 Privacy Code of Practice (General) 2003
- 3.7 The Health Records and Information Privacy Act 2002 NSW
- 3.8 The Health Records and Information Privacy Code of Practice 2005
- 3.9 National Disability Insurance Scheme Act 2013 (and any subsequent amendments)
- 3.10 National Disability Insurance Scheme (Protection and Disclosure of Information) Rules 2013
- 3.11 Operational Guidelines of the National Disability Insurance Agency
- 3.12 NDIS Code of Conduct and Practice Standards
- 3.13 Privacy Amendment (Notifiable Data Breaches) Act 2017

4.0 Definitions

NDIS- National Disability Insurance Scheme
 NDIA- National Disability Insurance Agency
 PRODA-Provider Digital Access- Australian Government Department of Human Services

5.0 Policy

- 5.1 SGSCC disAbility is committed to protecting and upholding the right to privacy of clients, staff, volunteers, donors, sponsors, Board members and representatives of agencies dealt with. In particular SGSCC disAbility 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. SGSCC disAbility is committed to collecting, keeping and disposing of client records in ways that protect privacy and ensure confidentiality is maintained and complies with NDIS rules and guidelines.

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- 5.2 The organisation will follow the guidelines of the *Australian Privacy Principles* (APP), the National Disability Insurance Scheme (Protection and Disclosure of Information) Rules 2013, the Privacy Amendment (Notifiable Data Breaches) Act 2017 and any other relevant legislation in its information management practices.
- 5.3 SGSCC disAbility will ensure that:
- it 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.
 - clients and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
 - all staff, Board members and volunteers understand what is required in meeting these obligations.
 - collect and keep information about clients only when it is relevant and necessary to the provision of the service.
 - information collected will not be disclosed to third parties otherwise than in accordance with the Act and other relevant legislation.
 - ensure data about each client is up to date, accurate and secure, whether stored in hard copy or electronically, in accordance with privacy legislation.
 - take account of any relevant cultural or religious sensitivities of people using services in the way information about them is collected, stored and used.
 - store clients' records for the required length of time.
 - transfer or dispose of client records correctly.
 - will provide notice of any serious data breach to the Australian Information Commissioner (Commissioner)
- 5.4 This policy conforms to the *Federal Privacy Act (1988)*, *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, *the National Privacy Principles and the Privacy Amendment (Notifiable Data Breaches) Act 2017* which govern the collection, use, access, storage and data breach reporting of personal information.
- 5.5 This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.
- 6.0 Procedure
- 6.1 **Clients and Carers/Person Responsible:**
- Kind of Information Collected-** Information collected may include-Contact details, personal details, information on personal issues and experiences, relationships, family background, support clients may have in the community, areas of interest, sensitive information (ethnic and racial origin, court orders/restrictions, PRODA etc), health information, running records, services satisfaction; support plan; credit card (only kept for the single purpose of any transaction and then destroyed) or bank details.
- How Information is Collected** -Information is collected via email, online, iplanit (Client Management System), surveys, phone, interview, personal communication, support plan meetings.

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Purpose of Information Collected - Purpose of collection is to plan and provide services and supports; assess client needs and choices; record client outcomes; enable communication with emergency contacts, advocates, employers (if required/relevant), treating professionals, government departments; to provide equipment prescriptions; to provide reporting to the government; to determine eligibility to access services/s based on funding guidelines; to develop an individual's support plan; to comply with any legal obligations; to monitor and evaluate existing services and plan for future services; to measure quality of service provision; to determine budget, billing and invoice requirements, waiting list for potential service.

6.2 Donors/Sponsors: Kind of Information Collected, How Collected and Purpose Collected

Contact details, personal details, areas of interest, donation history, credit card details may be collected via email, online, phone, interview, personal communication to provide services, process donations and provide accurate receipts, to facilitate on-going fundraising and marketing activities, to comply with any legal obligations and to provide transparency relating to donated funds and appeals.

6.3 Dealing with personal information

SGSCC disAbility will ensure all clients and families are made aware on accessing any services that the client's personal file will be kept locked at all times. The client, the Support Planner, and the Manager/Assistant Manager - SGSCC disAbility are the only people to access the full/complete personal file. Some personal information necessary to provide a quality service is accessible to staff dealing directly with a client. On entry all clients will have a file created in iplanit including personal information, plans, outcomes, documentation and media.

All SGSCC disAbility Staff are required to read and sign the SGSCC disAbility Confidentiality Agreement explaining their responsibilities and SGSCC disAbility responsibilities. This is kept in their personal file. All volunteers and student placements are required to read and sign the SGSCC disAbility Confidentiality Agreement on commencement of duties. SGSCC disAbility staff are encouraged to seek advice from their supervisors to clarify any practice or situation.

Information about the client is not communicated to their families without the client's permission except in cases where the client has a disability that greatly affects their cognitive abilities and communication.

Staff who have terminated employment will be deactivated on SGSCC email and iplanit (CMS) access

6.4 SGSCC disAbility discloses information against the wishes of the client or "person responsible" only if:

- legislation requires information to be released
- a person or SGSCC is subpoenaed to provide information for court proceedings
- there is an overriding public interest; where the person is at risk of harm to themselves or others

6.5 The Authority to Seek and Release Information Form will be reviewed yearly. This form will also be reviewed and /or renewed each time there is an

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occurrence out of the ordinary day to day running of the program e.g. a requirement of NDIA to look at files in monitoring.

- 6.6 Clients may decide to sign the Film and Media Release Form on entry to the service. If a client is unable to consent the Support Planner will contact his/her "person responsible" or guardian.
- 6.7 SGSCC disAbility staff will ensure all individual meetings with clients are kept private and confidential.
The privacy and confidentiality of relationships between clients, their families, guardians, advocates and friends is respected.
- 6.8 SGSCC disAbility staff are made aware through the signing of the Confidentiality Agreement that clients are not to be discussed outside the service without the client's consent.
Client information is not to be discussed with staff members other than those who need to know information to ensure that effective support is provided.
- 6.9 Clients are made aware in the Client Information Manual that their right to privacy, dignity and confidentiality will be adhered to by SGSCC disAbility and that they can complain if they feel this is being breached.
- 6.10 **Client Records**
Clients, their families, guardians and advocates are informed on entry into the service about: the nature of records kept, the possible use of the information in the records, including who may access them, their right to access the information in the records, and the process for consent to release information in the records. If a client's personal information is lost or damaged this is reported to the client and/or carer/person responsible. If this happens a new record will be instigated with any lost information reinstated as much as possible.
- 6.11 **Client Records Access**
Client files contain a buff folder. Files are confidential and kept in a locked cabinet. The buff folder is only accessed by the client, Support Planner and the Manager- SGSCC disAbility. SGSCC disAbility Client Management System; iplanit will see the phasing out of some items in client's print based records. Electronic files pertaining to individual clients stored on Support Planner's computers are password protected. All clients (and person responsible with consent or where relevant) have the right to access their records and advise the organisation about inaccuracies. Clients may request access to their files. Request for access will be made in accordance with Australian Privacy Principles and will be addressed within 30 days.
- 6.12 **Storage of identifiable data**
Information collected about individual clients is stored in the following ways:
iplanit Client Management System, locked filing cabinets in Jannali and Loftus. Archived in filing cabinets in locked Storeroom under stairs in C Block. Files kept for seven years.
Iplanit- client management system is a cloud based system. All data entered into iplanit is stored in its Melbourne based data centre, which meets

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the highest industry standards. Because all information is stored in Australia, the data retained in iplanit is subject to Australian law including the Federal Privacy Act 1988. Access to any sensitive information is limited only to staff on a needs to know basis. Any log-in is time sensitive and passwords are systematically updated frequently.

Iplanit (company Aspirico) have incorporated the highest levels of security into the services offered. These include enhanced data encryption - password protection, use of industry standard authentication and verification technology to check that only approved users have access to the system and data. To do this iplanit /Aspirico Server utilises many of the most advanced technologies for Internet security available today. Users are provided with unique user names and passwords that must be entered each time a User logs on. They also employ session "cookies" only to record encrypted authentication information for the duration of a specific session. The session "cookie" does not include either the username or password of the user. "Cookies" are not used to store other confidential user and session information, but instead implement more advanced security methods based on dynamic data and encoded session IDs. Partitioning ensures that all data for SGSCC disAbility is fully segregated from all other hosted customers, with its own instance of the iplanit system, stored in its own unique folder on a secure server.

Client- Support Plans: These documents must be kept for seven years:

- Individual/Support Plans
- Meeting minutes
- Reports
- Running records
- Relevant Emails
- All plans
- All relevant communication
- Any other relevant documentation both internal and external that may need to be accessed in future

- 6.13 **Mandatory Data Breach Notification:** Any suspected data breach will be immediately reported to the Privacy Officer who will investigate and consult the SGSCC IT contractor if necessary. If it is concluded that there has been a serious breach of data such as unauthorised access to, unauthorised disclosure of, or loss of personal information held by SGSCC, the Privacy Commissioner and any affected individuals will be notified as per requirements under the Privacy Amendment (Notifiable Data Breaches) Act 2017. SGSCC will provide notice of any serious data breach to the Australian Information Commissioner (Commissioner) via the Notifiable Data Breach Form <https://forms.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB>

6.14 **Archiving of exited clients**

Copies of Individual client files must be kept for three months on Support Planner's computers after exiting program. These will then be transferred to an External Hard drive and locked securely. Paper files will be archived securely under the clients' name. Client files can be deleted from individual drives once they have been archived. Electronic or paper based files must be kept for seven years.

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All files will be destroyed after the requisite time detailed above in a secure fashion either by shredding, and/or placement in locked and secure manuscript bins.

Original files can be transferred to another service with the Client's consent.

- 6.15 **Requests for information about Clients** from outside agencies or individuals will be referred to the relevant Support Planner. Before any information is released, the Support Planner will contact the Client concerned to obtain consent.

Client consent may not be necessary in the case of information required by the Criminal Justice System through subpoena.

6.16 **Dealing with personal care**

Clients are provided with private space to carry out their personal activities, such as toileting, showering, changing clothes.

SGSCC disAbility Staff will assist clients with their personal needs if required, in ways which are discreet and help them to maintain dignity. Staff will knock and gain permission before entering a client's personal area e.g. their house, the toilet, the personal care room, screens will be used in personal care rooms.

SGSCC disAbility staff will encourage and support clients to be as independent as possible with their personal activities.

- 6.17 If stakeholders have any questions about this privacy policy, any concerns or a complaint regarding the treatment of privacy or a possible breach of privacy, please use the contact link on our website or contact our Privacy Officer using the details set out below.

SGSCC will treat requests or complaints confidentially. SGSCC's representative will contact stakeholders within a reasonable time after receipt of questions and complaints to discuss concerns and outline options regarding how they may be resolved. SGSCC will aim to ensure that issues are resolved in a timely and appropriate manner.

Please contact our Privacy Officer at:

Privacy Officer

St George & Sutherland Community College

Post: PO Box 404 Jannali 2226

Tel: 8543 7417

Email: thiggins@sgscc.edu.au

7.0 Documentation

- 7.1 QM02 Privacy Policy SGSCC
- 7.2 OSA09 Record Keeping Policy and Procedure, SGSCC
- 7.3 Authority to Seek and Release Information Form
- 7.4 Media and Images Release Form, SGSCC
- 7.5 Confidentiality Agreement, SGSCC disAbility
- 7.6 Client Information Manual, SGSCC disAbility Code of Conduct/Staff & Volunteer Manual SGSCC disAbility
- 7.7 Privacy & Data Management Breach Notification Guidelines (SGSCC Forms)