

Privacy, Dignity & Confidentiality

Policy	<p>ASTERIA Services is committed to ensuring that the collection and use of private, personal information complies with relevant privacy and confidentiality legislation.</p>
Objective/Purpose	<p>All Employees understand and acknowledge through signing the employment contract that they owe the organisation, its employees and service recipients, a duty of confidentiality that they will not, at any time, knowingly disclose to any unauthorised personnel confidential information.</p> <p>Individuals have the right to know what information an organisation holds about them, to correct that information if it is wrong, and to expect that the information will not be disclosed to others. They have the right to access advocacy or other independent support to assist in matters relating to the collection, storage, disposal, and accessibility of personal information.</p> <p>All Employees understand and acknowledge through signing the employment contract that they owe all stakeholders a duty of privacy and dignity that they will, at all times, maintain. Privacy and dignity will be understood to cover respect for the person's physical body, personal space and belongings, living arrangements, and personal information. Violations may result in disciplinary action against the offending individual which may include termination of employment.</p> <p>ASTERIA will work in accordance with relevant legislation including the Privacy Act 1988 (Cth), Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), Disability Act 2006 (Vic), Privacy & Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic), Freedom of Information Act 1982 (Cth) and the Charter of Human Rights and Responsibilities Act 2006 (Vic).</p>
Scope	<p>This policy applies to all staff, volunteers, contractors, visitors and service recipients.</p>
Definition of terms	<p>NDIS - National Disability Insurance Scheme</p>
Procedure/Process	<p>1. Collecting, Updating and Storing Information</p> <p>Personal and health records are created, in accordance with Australian Privacy Principle 3, for all service recipients and employees when they commence with ASTERIA. Sometimes information may be collected from a third party, in accordance with any requirements under the relevant privacy principle. Records will be continually updated and old information archived or destroyed, as is required.</p>



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ASTERIA need to collect and keep this information to provide suitable care, support and opportunity for professional development. These records can assist in identifying which course of action is likely to be safe and effective for the person. It will also lessen the need to continue collecting the same information. On occasions some personal information may be collected separately for business related marketing, with the consent of the customer.

Personal, health and employment related information is stored securely in the relevant division. Records will be retained in accordance with relevant legislation. The records will then be disposed of securely, as required by law.

Personal and health information ASTERIA may collect and hold for both employees and service recipients includes:

- Name
- Address
- Telephone numbers, email address
- Date of Birth
- Gender
- Country of birth
- Medical details
- Names of carers/next of kin/informal carers/administrators
- Education details
- Vocational details
- Assessments (Communication, sensory, work capabilities)
- Plans from other providers
- Bank details
- Tax File Number
- Centrelink Number
- Qualifications
- Wage details
- Licence Number
- Police and Working with Children checks applications and outcomes
- The type of tasks for which a person may need assistance
- Income support recipient status.
- Participant Service Agreement
- Power of Attorney
- Contact for State Trustees
- Office of Public Advocate
- Next of Kin



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2. Access to Information

Employees and service recipients can ask to see information held in their records. This may include viewing the information, requesting a summary of, or in some cases, a full copy of a record. Information can be explained to the person or an authorised representative. An Authorised Representative can act on a persons behalf if the person asks them to or the person legally cannot make a decision about their information. ASTERIA cannot remove any information from an individual's record, even if requested, but corrections to the information can be noted.

Access to information will not be provided where one of the following exceptions applies, according to the respective privacy principles.

Providing access would pose a serious threat to the life or health of any individual;

- Providing access would have an unreasonable impact on the privacy of another individual;
- For personal information the request is frivolous;
- For health information the request is unreasonable and repeated with access to the same information having previously been provided;
- There are considerations with regard to legal proceedings which are underway, being investigated or anticipated;
- Providing access would be unlawful.

All access and disclosure requests for information should be forwarded in writing to the CEO indicating as clearly as possible what information is being sought and the purpose for which the information will be used.

Support staff needing to access information on service users will only do so during the times they are providing direct support to the person or role specific documentation relevant to the person, e.g. developing plans, completing service provision compliance requirements. Information on any service recipient is never to be accessed when undertaking duties not specific to the support of the service recipient at that time. It is not acceptable to access information 'because you often work with them' or 'you need it next time you work with them'.

This principle applies to all information within ASTERIA Services.

All information that is not a public document, is to be treated as private and is not to be accessed or discussed unless pertinent to the duties of an employee's role within ASTERIA.

Archiving

All records that are not considered current shall be relocated to the Archives and will be securely locked at all times. All records for service recipients and employees will be kept for a minimum of seven years after the last transaction. In respect to a child's records, these shall be retained until the child has reached 25 years of age.

In early December each year, the Manager will assign a staff member to cull records that are not current for transfer to the archives. In addition to this, the staff member shall review archive records and take those that have reached the retention limits to Administration to be disposed of in accordance with the relevant legislation.

3. Use and Disclosure of Information

ASTERIA will only use and disclose information for the primary purpose for which it is collected. At no time should staff access information that is not relevant to the role and responsibilities they are assigned within ASTERIA. Any breach may result in disciplinary action being taken.

Information that can be disclosed is that which is required by law or which is publicly known, and such public knowledge is not the result of an unauthorised or unlawful act or omission by staff. In the case of the participant/client being able to make an informed choice any information in relation to serious misconduct by the person, or staff to the person, and incidents involving medical intervention will only be disclosed to family or carers when the person gives permission.

In supplying personal information, customers and staff give consent for this information to be shared in a medical emergency, to aid treatment. ASTERIA may also be required by law to release personal information. Examples include:

- Reporting of notifiable diseases to the Department of Health
- Providing health and personal records to a court when required in relation to legal proceeding.
- Providing health or personal records to a law enforcement agency (e.g. Police) in response to a search warrant
- Providing information to Centrelink and the Australian Taxation Office

Other third parties that ASTERIA may share information with are:

- Department of Health
- Department of Family, Fairness and Housing
- Centrelink



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- WorkCover
- Commonwealth Rehabilitation Services
- Insurers
- Superannuation Funds
- Prospective Employer
- External Auditors engaged by ASTERIA

Any information sharing or gossip that is outside of what is relevant to the person's involvement with ASTERIA, either directly or indirectly, is not appropriate. Formal conversations about service participants/clients and colleagues should take place in a private setting and not in front of other service participants/clients or colleagues and never in a public place. Breaches of privacy can be:

- Providing written information, either electronic or paper based, not in accordance with guidelines;
- Providing verbal information not in accordance with guidelines;
- Discussing personnel or incidents relevant to ASTERIA business operations with or in front of other people.

Confidential information will include current or future business affairs and interest or methodologies of the organisation and must not be used, copied, accessed, modified or disclosed to any third person without the prior written permission of the organisation. All staff must not disclose, directly or indirectly, any process and planning or market-related information regarding ASTERIA that may in any way be used to disadvantage the business opportunities, operations or employees of the organisation.

Use of internet based systems

Several internet based systems are accessible to staff within ASTERIA to provide and gather information on service recipients and staff to support service recipients and to meet funding body and legislative requirements. At induction staff will be given the relevant permissions in the systems they will need to access. At no time should access be given to another person using a user-specific log on. These systems have a digital footprint for all activity within the application so system administrators and managers are able to see what all users are accessing and updating within the system.

Users must be extra vigilant when using portable devices to access the systems in public surroundings. When not using the system, users should always ensure they are logged out. Users should also be aware of who can view the information.



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Systems used for participant/client personal information should only be accessed during rostered hours of work.

4. Respecting Privacy and Dignity

As stated in the Charter of Human Rights and Responsibilities all persons have the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with and the right to not have their reputation unlawfully attacked.

When supporting participants/clients in Residential Services and day to day life, support staff must:

- Provide a space where people can be alone or receive visitors in private if they choose to
- Give people privacy for their personal relationships, appropriate to their age and maturity
- Allow people to attend to their bodily functions as well as dress and undress with dignity and without an audience; this includes having doors and functioning locks on bathrooms and toilets
- Seek permission before helping with personal care tasks
- Give people as much choice as possible about whether they want to be alone or with others
- Allow people to receive and make telephone calls in private, with telephones located appropriately to enable this
- Deliver mail promptly and confidentially in a manner accessible for the person, for example reading mail to a person with Literacy difficulties in a private room
- Allow people to have their own belongings, particularly for personal hygiene, and sufficient space to keep personal belongings

Written permission at least 24 hours prior is required to be given when wishing to enter a person's room in residential services for the following purposes:

- Undertaking or preparing for refurbishment, maintenance or repairs
- Showing the room to a prospective resident
- Showing the room to a prospective buyer or lender
- Having the room inspected for valuation or insurance purpose

5. Balancing Privacy, Dignity and Duty of Care

Support staff must balance the right to privacy with 'Duty of Care' requirements to minimise the risk of harm to people. Sometimes the right to privacy conflicts with operating procedures of duty of Care

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	<p>requirements. In some cases duty of care may override the right to privacy, for example when a person with epilepsy requires one to one supervision when in the bath.</p> <p>Where the right to privacy may need to be compromised by a Duty of Care requirement, this will be discussed with the participant/client or authorised representative and Manager at ASTERIA. These planned infringements on rights must be outlined in the persons support plan. A Behavioural Support Plan which gives effective consent, may be required to lessen or eliminate infringement in the future.</p>
Documents/Forms	<p>Application for Employment Application for Volunteer Placement Complaints Flow Chart Easy English Image Consent Easy English Making a complaint Easy English Medication Details Update Image Consent Form Feedback Form – easy English Pre-existing injury/disease declaration Release of Information Consent Form Release of Information Easy English SupportAbility User Manual Access to Information Policy Individualised Planning Policy and Procedure Working with Families Policy and Procedure Service Agreement Service Agreement - Support Coordination Support Coordination - Release of Information Consent Easy English Support Coordination - Image Consent Form Easy English NDIS Consent for a third party to act on behalf of participant</p>
References	<p>Privacy Act 1988 Privacy Amendment (Enhancing Privacy Protection) Act 2012 Disability Act 2006 (Vic) Privacy & Data Protection Act 2014 (Vic) Health Records Act 2001 (Vic), Freedom of Information Act 1982 Charter of Human Rights and Responsibilities Act 2006 (Vic) Archives Act 1983</p>
Any other relevant documents	<p>NDIS Act 2013 Asteria - Code of Conduct and Ethics Policy and Procedure</p>