

Personal Privacy, Dignity and Confidentiality Policy

Policy

Intent

The purpose of this policy is to set out the way in which Myxa Care ensures that the information it collects and stores about individuals is managed in accordance with legislated Privacy Principles and the privacy requirements of relevant funding bodies.

Scope

This policy applies to all executives, employees, volunteers, and contractors of Myxa Care (referred to as staff in this policy).

Definitions

Health information	Any information or an opinion about the physical, mental, or psychological health or ability (at any time) of an individual.
Personal information	Recorded information (including images) or opinion, whether true or not, about a living individual whose identity can reasonably be ascertained
Sensitive information	Information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, or criminal record.

Policy

Myxa Care commits to privacy and confidentiality of the participant's personal information (including health information). Privacy for participants may relate to physical environment, possessions, physical needs, personal relationships, and personal information.

On admission to the service, staff must obtain consent to collect and hold participant information.

Myxa Care commits to the following:

- Staff must provide to the participant, or representative, information on records we hold.
- Information provided must include the participant's ability to access their own personal information if they wish.
- Staff must not access participant files unless required to do so as part of their usual duties working with participants.
- Any participant files held manually or electronically have restricted access to appropriate staff.
- Participant records are not held in areas or on drives shared with staff or others who are not involved in providing service to the participant.
- All staff, when first employed, must sign a confidentiality agreement.
- All staff commit to privacy and confidentiality for each participant when we:
 - provide care to a participant
 - provide privacy for the participant within their home, room, or private areas
 - discuss a participant's care and service requirements
 - store a participant's personal information, whether this relates to medical needs or general information.

Responsibilities

It is the responsibility of management to ensure that:

- staff are aware of this policy;
- appropriate controls are in place to ensure the appropriate application of this policy; and
- any breaches of this policy are dealt with appropriately.

PROCEDURES

Myxa Care will provide adequate and appropriate secure storage for personal information collected by staff (see Myxa Care's *Records and Information Management Policy*).

The Managing Director (or their delegate), are responsible for ensuring Myxa Care complies with the requirements of the Privacy Principles as outlined in the Information Privacy Act 2000 (Vic), and, where applicable, the Privacy Act 1988 (Cth) by developing, reviewing, and implementing processes and practices that identify:

- how people can consent to their information being collected.
- what information Myxa Care collects about individuals, and the source of the information.
- why and how Myxa Care collects, uses, and discloses the information.
- who will have access to the information
- risks in relation to the collection, storage, use, disclosure, or disposal of and access to personal and health information collected by Myxa Care.

Myxa Care will review its privacy and confidentiality arrangements annually, through a Privacy Audit.

The Managing Director (or their delegate) must immediately notify the NDIS Commission and/or relevant state government agency if they become aware of a breach or possible breach of privacy legislation.

All staff will receive formal induction and ongoing training in privacy, confidentiality, and information management.

Staff knowledge and application of confidentiality and privacy principles will be monitored on a day-to-day basis and through annual Performance Reviews. Additional on-the-job and formal training will be provided to staff where required.

Staff are responsible for complying with this policy and procedure and their responsibilities in relation to collecting, storing, using, disclosing, and disposing of personal and health information, in accordance with this policy and procedure.

Staff must keep personal information of participants, other staff, and other stakeholders confidential, in accordance with the confidentiality provisions in their employment or engagement contract.

When collecting personal information from participants or their supporters, staff must explain

- what information is required.
- the occasions when information may need to be released.
- why information is being collected and how it will be used.
- their right to decline providing information.
- their rights in terms of providing, accessing, updating, and using personal information, and giving and withdrawing consent.
- who or where their information may be disclosed; and
- the consequences (if any) if all or part of the information required is not provided.

Prior to collecting information, staff must obtain consent from the participant or their supporter, using the relevant *Consent Form* where required.

Information must be collected sensitively and within lawful limits and only for a specific purpose. Staff must collect only what is necessary to deliver services.

Staff must respect people's choices about being photographed or videoed and ensure images of people are used appropriately. This includes being aware of cultural sensitivities and the need for some images to be treated with special care; participants and their supporters must be provided with Myxa Care's Privacy Statement and informed that a copy of the complete policy is available on request. The Privacy Statement is to be prominently displayed and included in Myxa Care's Participant Handbook.

Staff will provide information to participants about their privacy and confidentiality in ways that suit participants' individual communication needs. This includes using the language, mode of communication and terms that the participant is most likely to understand. Methods include providing written information in Easy English, explaining information either face-to-face or over the phone and using interpreters and advocates.

Participant and Supporter Privacy and Confidentiality

Participants and their supporters are responsible for:

- providing accurate information when requested.
- maintaining the privacy of any personal or health information provided to them about others, such as contact details.
- completing all consent and permission forms and returning them to the service in a timely manner.
- being sensitive and respectful to other people who do not want to be photographed or videoed; and
- being sensitive and respectful of the privacy of other people in photographs and videos when using and disposing of them.

Myxa Care will only request and retain personal or health information that is necessary to:

- assess a potential participant's eligibility for a service.
- provide a safe and responsive service.
- monitor the services provided; and
- fulfil contractual requirements to provide non identifying data and statistical information to a funding body.

Information Myxa Care collects includes, but is not limited to:

- contact details for participants and their supporters.
- details for emergency contacts and persons authorised to act on behalf participants.
- participants' health status and medical records.
- medication records.
- service delivery intake, assessment, monitoring, and review information.
- service delivery records, plans and observations.
- external agency information.
- feedback and complaints.
- incident reports; and
- consent forms.

Access

Participant and supporter information may be accessed by relevant staff with a genuine need to know.

Individuals have the right to:

- request access to personal information Myxa Care holds about them, without providing a reason for requesting access.
- access this information; and
- make corrections if they consider the information is not accurate, complete, or up to date.

There are some exceptions set out in the Information Privacy Act 2000 (Vic), where access may be denied in part or in total. Examples of some exemptions are where:

- the request is frivolous or vexatious.
- providing access would have an unreasonable impact on the privacy of other individuals.
- providing access would pose a serious threat to the life or health of any person; and
- the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

If an individual requests access to or the correction of personal information, within a service benchmark of 2 working days (and no more than 45 days after receiving the request), staff will:

- provide access, or reasons for the denial of access.
- correct the personal information, or provide reasons for the refusal to correct the personal information; or
- provide reasons for the delay in responding to the request for access to or correction of personal information.

Information storage

Personal files are kept in a secure filing cabinet in a private room, which is kept locked outside of operational hours. Computerised records are stored safely and secured with a password for access. Personal files are available for viewing upon request.

Information disclosure

Participant personal and health information will only be disclosed:

- for medical treatment or emergency.
- to outside agencies with the participants' or parent or guardians' permission.
- with written consent from person/s with lawful authority; or
- when required by Commonwealth Law, or to fulfil legislative obligations such as mandatory reporting.

If a staff member is in a situation where they believe that they need to disclose information about a participant that they ordinarily would not disclose, they should seek the advice of a Managing Director (or their delegate) before making the disclosure.

Staff Privacy and Confidentiality

Staff information Myxa Care collects includes, but is not limited to:

- Employee tax declaration form
- An employee or contractor engagement contract
- Employee/contractor personal details.
- An employee's emergency contact details.
- Police and Working with Children Check records
- Worker Screening Unit outcomes
- An employee's work-related qualifications
- First Aid, CPR and Anaphylaxis certificates.
- Employee medical history.
- Employee professional resume.
- An employee's payroll information; and
- Superannuation detail

Access

Staff information may be accessed by the Managing Director (or their delegate).

Staff have the right to:

- request access to personal information Myxa Care holds about them, without providing a reason for requesting access.
- access this information; and
- make corrections if they consider the information is not accurate, complete, or up to date.

There are some exceptions set out in the Information Privacy Act 2000 (Vic), where access may be denied in part or in total. Examples of some exemptions are where:

- the request is frivolous or vexatious.
- providing access would have an unreasonable impact on the privacy of other individuals.
- providing access would pose a serious threat to the life or health of any person; and
- the service is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

If an individual requests access to or the correction of personal information, within a service benchmark of 2 working days (and no more than 45 days after receiving the request), the Managing Director (or delegate) will:

- provide access, or reasons for the denial of access.
- correct the personal information, or provide reasons for the refusal to correct the personal information; or
- provide reasons for the delay in responding to the request for access to or correction of personal information.

Information storage

Staff records are maintained by the Managing Director (or their delegate) in a locked filing cabinet in their office, which is kept locked outside of operational hours.

Computerised records are stored safely and secured with a password for access.

Information disclosure

Staff personal and health information will only be disclosed:

- for medical treatment or emergency.
- with written consent from the staff member; or
- when required by Commonwealth Law, or to fulfil legislative obligations such as mandatory reporting.

Privacy Audits

Myxa Care will conduct annual privacy audits as per its *Internal Review Schedule*.

The audit will be based on Myxa Care *Privacy Audit Form* and review:

- what sort of personal information Myxa Care collects, uses, stores, and discloses.
- how Myxa Care safeguards and manages personal information, including how it manages privacy queries and complaints; and
- what a personal information that needs to be updated, destroyed or erased is managed.

Related Documents

- Information and Record Keeping Policy and Procedure
- Continuous Improvement Register
- Privacy and Confidentiality Agreement
- Privacy Audit Form (Schedule of Audits)

References

- NDIS Practice Standards and Quality Indicators 2018
- Privacy Act (1988)

Record of Policy Development				
Version	Date approved	Nature of amendments	Approved by	Date for Review
01		New policy created	Gus Kattan	09/2022 or in response to any legislative triggers
02	23/06/2022	Reformatting policy with new style guidelines	Amber Knox	06/2023 or in response to any legislative triggers