

# Policy: Privacy & Confidentiality

## Document record

Approved and signed by
CEO
Next review due: 13/6/22

## BROAD POLICY CONTEXT:

Help at Home is covered by the 10 National Privacy Principles (NPP), as set out in the Privacy act 1988 (amended by the Privacy Amended (Private Sector) Act 2000) & ISG (Information sharing guidelines) for promoting safety and wellbeing.

The Board recognizes the importance of protecting the data and information that Help at Home collects about its staff, participants/clients and stakeholders and wishes to assure staff, participants/clients and stakeholders that this data and information will be managed and protected according to the Privacy Act & ISG Guidelines.

The information Help at Home collects is private and often sensitive and includes names, addresses, telephone numbers of staff and participants/clients, their financial details, risk analysis, physical conditions including communicable diseases, personal support plans, health conditions, procedures given and the names of professionals and services the participant/client uses.

Help at Home will store the information both as hard copy in a filing system and/or electronically.

Help at Home undertakes to use the information only for the expressed purpose of providing its services and it will prevent access and not disclose the information to any other person or organization without the expressed consent of the participant/client or their representative or unless it is required under a legal statute and Help at Home has verified the requirement.

Help at Home undertakes to provide as much information to its support workers to reduce the risk from being cross infected by a participants/clients who has a communicable infection or disease. Help at Home acknowledges that there is no obligation to provide this information and therefore all support workers are trained in Standard Precautions procedures .

Each participant/client shall be advised of confidentiality policies using the language, mode of communication and terms that the participant/client is most likely to understand. Each participant/client shall be supported to understand and agree to what personal information will be collected and why, including recorded material in audio and/or visual format.

Help at Home acknowledges that participants/clients are under no obligation to provide it with personal information. However, if a participant/client chooses not to provide Help at Home with the personal details Help at Home requires to deliver the service, Help at Home may choose not to provide the participant with a full range of services.

## POLICY DETAIL

### Responsibility

The CEO is the nominated Privacy Officer and is responsible for ensuring that the protocols for controlling, updating, management and use of the data it has collected meet the requirements of the Privacy Act 1988 (amended by the Privacy Amendment (Private Sector) Act 2000) & ISG Guidelines.

The HR/Quality Manager has the responsibility to ensure that information Help at Home collects is stored, managed and released according to the Privacy Act 1988 (amended by the Privacy Amendment (Privacy Sector) act 2000).

### **Release of Data to the Commonwealth**

Help at Home is required under its funding arrangements to provide non-personalized data on its participants/clients and services they receive to the Commonwealth Government as part of the Commonwealth's monitoring and evaluation of the services it funds.

The Client Services Manager (**CSM**)/Registered Nurses (**RNs**) are responsible for ensuring that participants/clients have authorized the release of this information.

### **Inspections**

It is the responsibility of Help at Home to allow people who have provided information to Help at Home to inspect the originals as well as any copies of the information that they provided within one working week of the request to see the information in compliance with the "Freedom of Information Act 1991"

### **Change of Records**

Following an inspection, Help at Home is required to record an alteration to their records where their records are shown to be inaccurate as soon as the inaccuracy is demonstrated.

### **Communicable Conditions**

Information held by Help at Home about the health of a participant/client (including communicable conditions) will be held securely and access and disclosure will be granted only according to this policy.

### **Data Protection**

Help at Home will take all reasonable steps to protect the security of the personal information that it holds. This includes appropriate measures to protect electronic materials and materials stored and generated in hard copy.

Support workers will be required to use a rostering app on their phones, which they must remain logged into to receive notifications from the office including shift changes and shift invitations. It is, therefore, **compulsory** for all support workers to have a password/pin set up for accessing their phone as this will ensure participant/client details are **always** protected.

Should the support worker lose or have their phone stolen, it is imperative that they notify Help at Home as soon as possible (even if it means contacting the afterhours phone) so that Help at Home can disable their access immediately, thus protecting all participant/client data.

### **Non-required Data**

Where information held by Help at Home is no longer required by Help at Home and the retention is not required by law, then Help at Home will either file it away in a safe and secure place or destroy such personal information by secure means.

### **Compliance**

If an individual has concerns or complaints regarding the way Help at Home has misused their personal information, the individual may complain to the CSM or HR/Quality Manager of Help at Home and the complaint is to be dealt with according to the Help at Home Participants/Clients Feedback & Complaints Policy.

### **Privacy Breaches**

Privacy breaches by Help at Home staff are serious breaches of their employment contract. Substantiated breaches will result in serious reprimand or instant dismissal and possible legal action.

A data breach occurs when personal information held by an organisation is lost or subjected to unauthorised access or disclosure.

Examples of a data breach include when:

- a device containing participant/client's personal information is lost or stolen;

- a database containing personal information is hacked;
- personal information is mistakenly provided to the wrong person.

### Further information

Should any participant/client, contractor or employee of Help at Home require further information in relation to privacy, please visit [www.privacy.gov.au](http://www.privacy.gov.au) .

### Related documents

Document type	Document name	Location
Act	Privacy Act 1988(amended by the Privacy Amendment (Privacy Sector) act 2000)	<a href="http://www.privacy.gov.au">www.privacy.gov.au</a>
Act	Freedom from information Act 1991	<a href="https://www.legislation.sa.gov.au/LZ/C/A/FREEDOM%20OF%20INFORMATION%20ACT%201991.aspx">https://www.legislation.sa.gov.au/LZ/C/A/FREEDOM%20OF%20INFORMATION%20ACT%201991.aspx</a>
Support Worker Agreement	Support Worker Confidentiality Agreement	<a href="#">0819_SW Confidentiality Agreement.pdf</a>
Guidelines	Information Sharing Guidelines.	<a href="http://www.ombudsman.sa.gov.au/wp-content/uploads/ISG-Guidelines1.pdf">http://www.ombudsman.sa.gov.au/wp-content/uploads/ISG-Guidelines1.pdf</a>



# Privacy Statement

Help at Home are bound by the National Privacy Principles as defined in the Privacy Amendment (Private Sector) Act 2000. The Help at Home Privacy Policy complies with the National Privacy Principles.

Help at Home holds personal information about participants/clients and employees in the form of a Request for Services from participants/employees themselves.

Personal information that Help at Home holds can only be accessed by that person by prior arrangement.

Any Help at Home stakeholder will be given, along with their Service Agreement, a copy of Help at Home's Participants/Clients Feedback & Complaints policy and procedure. Help at Home receives information under the premise that the individual has consented to that information being made available to Help at Home for the below stated purposes.

**For Participants/Clients:**

- In order to locate an appropriately qualified employee to provide support services.
- To inform employees of the specific nature and expectations of the support role.
- To ensure the safety and wellbeing of the participant/client and the employee in establishing support services.

**For Employees:**

- Enable adequate screening of the employee before they are registered with Help at Home.
- To enable Help at Home to appropriately match employees to participants/clients in accordance with the employees skill, experience and areas of interest.

**Disclosure of Personal Information**

Help at Home discloses personal information about participants/clients to employees who provide direct support services to the participant/client.

Help at Home does not disclose personal information about participants/client or employees to any other source unless required to do so under other statutory requirements or requested by the participants/clients or employees by way of a signed "Consent for release of information form".

It is also the policy of Help at Home that employees do not disclose personal information about participants/clients or other employees to any other source unless required to do so under other statutory requirements.

All Help at Home employees sign a 'Confidentiality Agreement' on commencement of employment with Help at Home.

Where Help at Home believes that all or part of the information that is considered necessary to ensure the safety and well-being of all parties involved in receiving and providing support services is not provided, Help at Home will discontinue service provision to that participant/client.

Help at Home retains the right to terminate any employee who has knowingly withheld information that may impact on the safety and well-being of any other party involved in receiving and providing support services

Disclosure of information without consent is permitted if:

- It is authorized or required by law, or
- it is unreasonable or impracticable to seek consent; or consent has been refused.