



## **Privacy and Confidentiality Procedure**

### **Expected Outcome**

St George Community Transport (STGCT) Team Members and Service Users are aware of, and adhere to, procedures that support Australian Privacy Principles in the Privacy Act.

### **Training Requirements**

All Team Members

### **Procedure**

STGCT is committed to ensuring that details about Service Users and Team Members are kept confidential, and only disclosed with the persons' permission. This procedure is aligned to the Principles of the Privacy Act. The purpose of this procedure is to give information regarding the various aspects of service delivery where privacy & confidentiality is essential. Specific procedures regarding each topic are detailed in other parts of this Policy & Procedure manual. The EO will review all funding agreements to ensure that the organisation's Privacy procedures remain compliant with all funding requirements.

The following aspects of service provision are considered to require consideration of Privacy & Confidentiality:

### **Collection & Provision of Information**

- The only information held by STGCT about a Service User will be information necessary to assess the need for a service and to provide the service/program. Information should be non-obtrusive and objective as possible, yet relevant and up-to-date.
- The only information held by STGCT regarding Team Members will be personal information required for the employment/recruitment of Team Members.
- STGCT will provide Service Users and Team Members information regarding the purpose and use of personal information including who will have access to this information.
- Service Users and Team Members will be informed of their right to withhold information or provide information anonymously, if applicable.
- Service Users and Team Members will be informed of how to make a complaint regarding the collection, storage or use of their personal information.

### **Access to and Disclosure of Information**

- The consent of the Service User or Team Members must be obtained to utilise the Service User's/Team Members name, photographs, videos or voice that

identify an individual. Consent should be given using a Consent an image Consent Form\_doc 141 form.

- The EO and relevant Board members are the only people authorised to divulge information related to Team Members, where it is legally and ethically justified.
- Only Team Members with a need (i.e. those involved with the care or support of a Service User, supervision of Team Members) will have access to personal information related to Service Users or Team Members.
- Service Users and Team Members will be made aware of their right to access their personal records by appointment and to request a copy of any document contained therein. When this is requested it will be done in the presence of the EO. This right will also be made clear in Team Members Orientation Handbooks and Service User Information Handbooks.
- Access to employee records is restricted to the EO and/or Board personnel.
- In cases of emergencies the 'First Contact' or nominated person/advocate on the Service User file will be contacted to make immediate decisions about wellbeing. Where a Duty of Care matter arises after reasonable discussions have concluded that a decision must be made 'First Contact' will provide permission.
- Service Users have the right to read any personal information kept about them by the Service. Requests from Service Users to access files should be referred to the EO who should ensure that assistance is provided for the Service User to access information on his/her file. A Team Member should be made available to explain any terminology to the Service User.
- When a Service User joins STGCT they are advised of the privacy and release of information procedures within the organisation including that information is kept confidential and is kept in locked filing cabinets or on a computer that only appropriate Team Members have access to.
- Information that is passed on is marked 'private and confidential' and the computer protected with security firewalls.
- Personal information will only be faxed or emailed if the receiving agency can ensure the security of the information provided.
- The only people authorised to read a Service Users' file are the Service User themselves, the Service Users' carer, the Service Users' advocate and the Service Users' legal guardian. Carers and Advocates must have the Service Users' permission, where this can be given.
- Access to some information may breach confidentiality of Team Members or another Service User and this information may be withheld.
- Consent to Release Information Form is to be used when information is being released for any other purpose than referral.
- Personal information regarding a Service User or Team Members may be disclosed if:
  - Informed consent is obtained from the person and this consent specifies the precise information and purpose for the disclosure;

- There is a serious and imminent threat to an individual's life, health or safety;
  - There is a serious threat to public health or public safety; or
  - There is a legal obligation under the Crimes Act 1900 (NSW), the Crimes Act 1914, or the Coroners Act 1980 (NSW) to notify police about serious criminal offences, or the coroner's office regarding investigations involving the death of a person.
- Confidentially is between the Service User and agency (not particular Team Members) Team Members will inform the Service Users that they have to report any information that may impact upon the service provided to the office.

<b>Steps</b>	<b>Action/Evidence</b>	<b>Who does it</b>	<b>When</b>
1	Service User indicates their wish for information to be released	Service User	Anytime
2	Release of Information Form is completed	Service User	Anytime
3	Information is released	EO/Designated Representative	After consent obtained
4	Consent to release information filed in Service Users file	EO/Designated Representative	After information released

### **Storage of Personal Information**

- Service Users or Team Members will be informed of the Service' responsibilities in relation to the protection of personal information through:
  - Service User Handbooks;
  - Service Agreements; and
  - STGCTs Policies regarding privacy and confidentiality.
- All computers containing information regarding Service Users and Team Members will be password protected.
- Any Sub Contractors which STGCT utilises will be required to provide confirmation that their policies and procedures comply with the appropriate privacy laws.
- The anonymity of Service Users and Team Members will be preserved for purposes of research, case presentations or conference papers.
- Personal information should only be copied when it is essential to do so. Service User Files and Team Members Files will be filed separately to generalist service administration files.
- Service User Files and Team Members files will be kept locked when not in use. Keys to Service User Files and Team Members/Volunteer files will only be provided to personnel with authorisation to access these files.

- Files removed from the office should be placed inside a plain manila folder which does not identify the Service Users and Team Members.

### **Length of time records are held and disposal**

If a Service User ceases to access the Service, but may need to resume service at a later date, information relating to the Service User will be kept for a period of 2 years before being archived. If the Service User will definitely not be resuming, Service User's records will be archived at the end of the financial year. All information regarding Service Users will be shredded seven (7) years after they cease to receive services. In any other case involving personal records including the storage of child records will be in accordance with relevant legislation.

<b>Steps</b>	<b>Action/Evidence</b>	<b>Who does it</b>	<b>When</b>
1	All Information kept on computer is password protected	All Team Members	Ongoing
2	Filing Cabinets containing Service User/Team Members files are kept locked with limited authorised access.	Authorised Team Members Only	Ongoing
3	Each Team Member will have a separate file created in hard copy and on computer	Management	At point of Employment or recruitment

### **Related Procedures**

- Financial Management \_doc 039
- Service User Rights and Responsibilities \_doc 138
- Service User Fees \_doc 136
- Information Management Systems & Privacy \_doc 035

### **Relevant Standards**

#### **Home Care Common Standards**

2. Appropriate Access & Service Delivery
3. Service Users Rights & Responsibilities

#### **National Disability Standards**

1. Rights
5. Service Access
6. Service Management