

Privacy and Confidentiality

POLICY STATEMENT

National is committed to providing quality; person centred health care in an environment that is respectful of the individual's right to privacy and confidentiality. National respects the privacy of employees and the privacy of patients.

SCOPE

This policy applies to all employees of National and recipients of care.

POLICY

National requires employees to sign a confidentiality clause as a condition of employment, to ensure understanding of and commitment to National's obligation to protect the rights of patients and National's own confidential information.

Furthermore, all client service agreements hold a similar clause to ensure understanding of and commitment of the client's obligation to protect the rights of own and National's confidential information.

COLLECTION OF INFORMATION

Care recipients personal and health information will be collected

- *As necessary to provide informed, accurate personal and clinical care.*
- *By lawful and fair means, and not in an unreasonably intrusive way.*

National requires all care recipients to have an understanding and an agreement to the personal information being collected and why and the circumstances that information would be shared

USE AND DISCLOSURE

National will not disclose personal information without the express consent of the care recipients unless otherwise authorised by law. Personal information collected by National which is no longer required by National and which need not be retained by law will be destroyed.

Personal information will not be disclosed to another party except

- to those the person would reasonably expect the information to be disclosed to AND if a secondary purpose is related to the primary purpose of collection

- if the information is relevant to public health or public safety or for the compilation of statistics
- To those government or regulatory authorities and other organisations, as required or authorised by law including any reportable incident
- to health care settings such as primary responders (Ambulance personnel) and to local Hospitals, to facilitate treatment in such circumstances where personal and health information is required.
- Lastly, If reporting information is necessary to prevent or lessen a serious threat to an individual's life, health or safety, the NDIA will carefully consider the matter and proceed with the urgency required by the circumstances.

A serious threat to life, health or safety could arise when a person is subject to, or at risk of, harm, abuse, neglect or exploitation. Such threats could be physical or emotional, such that the person has suffered or is likely to suffer physical or psychological injury that jeopardises, or is detrimental to their wellbeing.

Harm, abuse, neglect or exploitation may also involve a reasonable likelihood of a person being killed, injured, abused or neglected by a person they live with, a person who has threatened to kill or injure them before or a person who has killed, abused or neglected another person in the past.

Whether a serious threat exists, and whether there are reasonable grounds to believe that the disclosure is necessary to prevent or lessen the threat to an individual's health, life or safety are questions of fact to be determined in the individual circumstances of each case. Careful consideration and judgement by National is required.

DATA QUALITY

National will take all reasonable steps to ensure that personal information it collects uses or discloses is accurate, complete and up to date.

DATA SECURITY

National will take all reasonable steps to ensure that the personal information it collects uses or discloses, from misuse, and loss and from unauthorised access, modification or disclosure. This includes the implementation of a Cyber Security Policy.

All data collected is stored appropriately on a secure Virtual Private Network setup between National portable devices and at National office locations. This VPN provides access to the National NAS storage system for securely storing on various drives. Each drive has permission access determined as a required for each employee with approved access, to ensure secure storage of client/participant and staff personal data in line with Privacy legislation.

All initial service agreements and/or paper-based documentation incurred throughout service delivery is stored and transported appropriately to National Office for onsite storage, at this stage is proportionate to the size of current operations.

National will take reasonable steps to destroy or de-identify personal information if it is no longer needed for any purpose. De-identified personal information is shredded and disposed of to safeguard confidentiality.

OPENNESS

This policy document will be made available to all employees and care recipients on request.

National will take reasonable steps to disclose to any individual on request what personal information it holds, for what purposes and how it collects, holds and uses that information.

ACCESS AND CORRECTION

National will provide employees and care recipients with access to their information on reasonable request and will provide opportunity to amend information that is not accurate or correct. This includes any participant transitions between service providers to ensure a smooth and successful transition for the participant and providers involved.

Client/Participant Confidentiality

National is committed to safeguarding the privacy and confidentiality of client/participant information. Employees are required to comply with their obligations under the [Health Records \(Privacy and Access\) Act 1997 \(ACT\)](#).

This obligation includes:

- only obtaining information about patients and their health with the patient's consent
- keeping patient health information secure
- not disclosing patient information without the patient's consent
- allowing the patient to withdraw consent at any stage
- ensuring a process for working with the Office of the Privacy Commissioner to resolve any complaints that cannot be resolved directly with the patient.

National and all employees of National are bound by law, by this policy and by National Code of Conduct to maintain the privacy and confidentiality of patient information. Failure to comply with this policy could result in disciplinary action, up to and including termination. Relevant Legislation and Information. [Health Records \(Privacy and Access\) Act 1997 \(ACT\)](#). [National Privacy Principles](#)

Client/Participant information is only shared with approved client/participant consent across relevant parties which can include plan managers, POA, guardians, coordinators, allied health professions and/or in the event National are obliged by mandatory reporting requirements as outlined in this policy under "use & disclosure" and in addition, within the Mandatory Reporting Policy.

Relevant Legislation and References:

Freedom of Information Act 1989
Health Records (Privacy and Access) Act 1997
Working with Vulnerable People Act 2011
Human Rights Act 2004
Disability Services Act 1991
Human Rights Commission Act 2005
National Disability Insurance Scheme Act 2013

Discrimination Act 1991
Fair Work Act 2009
Official Visitor Act 2012
Work Health & Safety Act 2011
Health Professionals Act 2004
Territory Records Act 2002
Information Privacy Act 2014