



Privacy Amendment (Enhancing Privacy Protection) Act 2012

Policy number	29	Version	002
Responsibility	Manager		
Approved by Board on	17 th June 2014	Scheduled review date	2016

Authorisation

A handwritten signature in black ink, appearing to read "John Rees", written over a light grey rectangular background.

John Rees
Chair

Goldfields Rehabilitation Services Inc. (GRSI) has a responsibility to treat its clients with dignity, and respect their right for privacy and confidentiality by protecting clients from unfair or unauthorised use of personal/sensitive information and applying standards on how information is collected, used, secured and disclosed.

From 12 March 2014, Goldfields Rehabilitation Services has recognised the Australian Privacy Principles (APPs) and abides with the 13 principles of the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

Purpose

The purpose of this Privacy policy is to establish standards of privacy and confidentiality for all aspects of the service's dealings with all clients (including family members) of the service.

Goldfields Rehabilitation Service to comply and implement the 13 Australian Privacy Principles:

Principle 1: Open and transparent management of personal information

Principle 2: Anonymity and pseudonymity

Principle 3: Collection of Solicited personal information

Principle 4: Dealing with unsolicited personal information

Principle 5: Notification of the collection of personal information

Principle 6: Use or disclosure of personal information

Principle 7: Direct Marketing

Principle 8: Cross Border disclosure of personal information

Principle 9: Adoption, use or disclosure of government related identifies

Principle 10: Quality of personal information

Principle 11: Security of personal information

Principle 12: Access to personal information

Principle 13: Correction of personal information

Goldfields Rehabilitation Services will be able to deal with inquiries or complaints from individual about the entity's compliance with the Australian Privacy Principles

Policy

The Privacy and Confidentiality Policy which is based on the Privacy Amendment (Enhancing Privacy Protection) Act 2012 applies to all clients. The agency displays brochures and/or pamphlets in an appropriate range of languages and formats about clients and carers' rights to privacy and confidentiality. The Privacy and Confidentiality

Policy is to be provided to clients and/or body on request. Also, this privacy policy is found in the Goldfields Rehabilitation Service website and to be provided to clients free of charge.

Clients are to be informed of the purpose for collecting any information:

- Information will be collected in a non-intrusive, non-coerced manner following the expressed or implied consent, as appropriate.
- The only information about a client held by the service will be information necessary to provide the service.
- Information about clients will be held securely and in accordance with the Data Management Policy.
- Details about clients are kept confidential, and only disclosed with the client's consent for the purpose of ensuring that clients receive the service they need.
- The client will be made aware of, and be required to consent to, any exchange of information about the client made with another person, including family/significant others, and with another service, such as the Court Assessment and Treatment Service (CATS) or other case manager.
- The individual will be informed how to access personal information and seek correction of such information
- The client will be advised of the procedure how to make a complaint about a breach of the Australian Privacy Principle and how Goldfields Rehabilitation Service will manage it.
- Client will have the option of not identifying themselves, or of using pseudonym in relation to a particular matter except in cases required by law or authorised by or under an Australian law, or a court/tribunal order and if it is impracticable to deal with individuals who have not identified themselves or who have used a pseudonym
- Goldfields Rehabilitation Services may disclose personal information to overseas recipients related to the case, with the written consent from the client and does not breach the Australian Privacy principle
- The clients will be informed that any unsolicited personal information will be discarded/destroyed to ensure that the information is de-identified and avoid misleading facts

Responsibilities

The Manager is responsible for ensuring the policy and procedures are implemented.

Staff and volunteers must be aware of and adhere to the 13 principles of the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

Procedures

Data Collection

At the time of collecting personal and/or sensitive information or as soon as practicable afterwards if circumstances do not permit (such as in an emergency/crisis situation), the service will ensure the client is made aware of:

- The identity of the service and how to contact it.
- The primary purposes for which the personal information is collected.
- Other bodies, including types of service providers, to which the service would usually disclose personal information.
- Any law requiring particular personal information to be collected.
- The consequences (if any) if part of the information is not provided.
- The right of the client to access the personal information collected.
- Their option of not having to reveal their identity without having to provide an explanation as to why anonymity is requested unless lawfully required.

The personal information collected:

- Will be collected in a non-intrusive, non-coerced manner.
- Will be collected with consent, except in specified circumstances such as emergencies.
- Will be collected directly from the client, or confirmed by the client.
- Will be limited to what is necessary for the function of the service.

Any consent given to collect personal information will be provided voluntarily after a client has been adequately informed, in a manner appropriate for the client to understand what is being consented to either expressed/stated either in writing, orally or in any other form where consent is unmistakably communicated or implied through discussion directly with the client during consultation on how the personal information may be used.

Use and disclosure

Consent of a client is required:

- If personal information is to be used as a case study for training or education purposes -even when de-identified.
- If personal information is sought by the media- even offered as generic statements.
- If personal information will be used for the purposes of fundraising or direct marketing.
- If records are to be transferred to another service organisation for the purposes of informing the client's case manager or for shared/through care.
- For information to be used for research or statistics not related to public health or safety unless the personal information is de-identified.
- If reporting a suspected unlawful activity within an organisation, such as assault or professional misconduct of a staff member.

Where personal information is to be disclosed to/shared with another service provider written consent will be sought, unless professional and ethical practice obligations apply, e.g. Where there is a serious or imminent threat to life, health or safety or as a requirement by law, consent does not need to be sought.

Integrity and Security

The service will take reasonable steps to secure the integrity of personal information collected, used or disclosed, ensuring:

- That any incompleteness and lack of currency of personal information does not detrimentally affect the client.
- That personal information received from another source is confirmed with the client.
- GRSI will ensure personal names and appointment times are not publicly observable, e.g. booking diaries, journals and agency diaries, and that any case discussion is for clinical support purposes only and held in locations where the discussion cannot be overheard.
- Access to records is restricted to appropriate staff, with confidentiality agreements signed by all persons who may otherwise have access, e.g. for IT support.

The service offers opportunities for privacy and confidentiality using physical considerations. These include:

- A private counselling room (room which ensures that the client cannot be seen from outside the room, and the client and counsellor cannot be heard while in private consultations).
- Home visiting.
- Adequate space for visitors.

- Convenient visiting times.
- Private waiting space.
- Policies regarding the discussion of client issues with other work colleagues especially in relation to in-person or telephone conversations being held in less than private areas, such as in reception areas.
- Ability for clients and carers to exercise control over their personal space and personal effects in residential settings.
- A security system that has levels of access so that access to the residence is restricted and that access to bedrooms is only granted to those who live in them.

GRSI will collect client satisfaction feedback about the agency and any breaches of privacy and confidentiality in accordance with the Complaints/Feedback Management Policy.

Security safeguards are in place to protect personal information as per the Data Management Policy.

Personal information no longer required will be de-identified and archived in a secure manner for the legal time requirement. Identifiers include any number assigned by the service to identify uniquely the individual for the purposes of the organisation's operations.

Client Access to Personal Records

Clients are entitled to access personal information held about them. A staff member will be present to talk through the contents when inspection occurs to limit any information being taken out of context, misunderstood, or distressing the client if potentially upsetting.

Clients are entitled to correct personal information believed to be inaccurate, incomplete or out of date. If there is any disagreement between the client and the service staff about the accuracy of the information a statement outlining the client's claims about the incorrectness of the personal information will be recorded.

Any request to access personal information shall be met within a thirty day period, following:

- Verification of the client's identity.
- A check for details that should be withheld before release, i.e. any personal information that could pose a serious threat to life or health of a client, unreasonably impact upon the privacy of another individual, is authorised by law or will prejudice an investigation of a possible unlawful activity, is subject to existing or anticipated legal proceedings.
- Reasons, discussed with the client in person, will be given as to why any personal information is withheld.

- If a copy of personal information is requested during consultation a note will be made on the file recording what information was provided.
- A record of the request by a client to access their personal information will be kept, indicating the date the request was made, the basis of an identity verification, the date that access was provided, and the information provided.
- Access to personal information by an individual acting on behalf of the client requires a legal authority to act on behalf of the client, as well as verification of the identity of the individual acting for the client. Information provided to an individual acting on behalf of the client will be limited to personal information that is reasonable and necessary to achieve either the provision of appropriate care or treatment to the client or for compassionate reasons, and will be considerate of any known wishes of the client.

Related Documents

- Complaints/Feedback Management Policy.
- Data Management Policy.
- Privacy Act (Comm.) 1988.
- Privacy Amendment (Private Sector) Act 2000.
- Privacy Amendment (Enhancing Privacy Protection) Act 2012