

## Privacy Dignity and Confidentiality Policy Procedures

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### Introduction

The following Procedures are to be implemented to enable PeopleKind Group to meet the policy objective of ensuring the effective management within all organisations of the group that all service users/participant/clients have a right to the same level of privacy, respect, dignity, and confidentiality as is expected by the rest of the community. Additionally, PeopleKind Group is committed to safeguarding and advocating for the protection of the right to privacy, respect, dignity, and confidentiality of service users/participant/clients in all aspects of their lives in accordance with the NDIS Practice Standards, Core Module 1.

These Procedures should be read in conjunction with all relevant PeopleKind Group Policies and Procedures and, in particular, the ***Privacy, Dignity and Confidentiality Policy***.

### Definitions

<b>Personal information</b>	Is information or an opinion, in any form and whether true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
<b>Sensitive information</b>	May include personal information or opinion about an individual's health, racial or ethnic origin, religious or philosophical beliefs or affiliations, political opinions, membership of a political party, membership of a professional or trade union, sexual preferences or practices, or criminal record (refer <i>Privacy Act 1988</i> (Cth)).

## Procedures

The following procedures are to be implemented to ensure that PeopleKind Group meets its policy objective of ensuring that all participant/clients have the same level of privacy and confidentiality as is expected by the rest of the community.

PeopleKind Group will:

1. Ensure that each participant/client (about whom personal or sensitive information is collected, stored, or used), and their family or guardian has access to the policy on Privacy, Dignity and Confidentiality.
2. Advise service users/participant/clients, the family or guardian of the nature of the personal information that PeopleKind Group retains about the service/user/participant/client and that it will be maintained in either paper or electronic formats or both;
3. Advise the service users/participant/client, the family or guardian of their right to view and access the information that PeopleKind Group keeps in respect of the service users/participant/client, their right to appeal its relevance and/or accuracy and about the possible use of that information. PeopleKind Group reserves the right to deny access to some information in accordance with the *Privacy Act 1988* (Cth) and other applicable laws, but undertakes to advise the service user/participant/client, the family or guardian of the reasons for the denial. PeopleKind Group may provide a synopsis of the relevant information required instead of releasing the file;
4. Only collect *personal information* to enable PeopleKind Group to provide support and services to its service users/participants/clients. The personal information collected must be directly relevant to PeopleKind Group roles, activities, functions, service delivery and duty of care responsibilities;
5. Only collect *sensitive information* if it is relevant to providing a service to the individual or is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual;
6. Ensure that the personal and sensitive information collected, used or disclosed is accurate, complete and up-to-date;
7. Take reasonable physical and electronic security measures to protect the information it holds from misuse, loss, unauthorised access, modification, or disclosure;
8. Seek the written consent of the service user/participant/client, family or guardian prior to **obtaining** information from any other source;

9. Provide training for all employees in the policies and procedures relating to service user/participant/client file maintenance and security with a view to ensuring that they fully understand their responsibilities in implementing the Privacy, Dignity and Confidentiality policy. Upon appointment, all PeopleKind Group employees/volunteers/Board Members will be required to sign a confidentiality declaration;
10. Ensure that personal information is stored securely and is not left on view to unauthorised PeopleKind Group employees or the general public. Participant/client files are to be stored in lockable filing cabinets in a non-public place in the office and then returned to their proper location as soon as they are no longer required;
11. Ensure that only those PeopleKind Group employees who need access to participant/client personal information will be granted access. All employees who have access to, and responsibility for, managing participant/client personal information are to ensure that its privacy and confidentiality are protected. Employees are to ensure that appropriate and relevant participant/client issues are discussed in the context of professional supervision, debriefing or established communication systems and not:
  - a) with employees other than those who need to know;
  - b) in front of the participant/client if they are not included in the discussion;
  - c) in public or where discussions may be overheard;
12. Only use or disclose participant/client personal or sensitive information for the purpose for which it was obtained;
13. Treat the personal and sensitive information collected and stored in strict confidence and not divulge the information to any person not entitled to that information.

However, PeopleKind Group may provide other service providers, contractors, medical and allied health practitioners, regulatory agencies, or others as required by law with participant/clients' personal and sensitive information as deemed necessary to fulfil our primary responsibility to the participant/client.

Permission to release participant/client personal or sensitive information to third parties is only given where there is a legitimate need for the information and is limited to the actual information required. The written consent of the participant/client's family, legal guardian, Chief Executive Officer or relevant Managing Director is required in such circumstances;
14. PeopleKind Group will not disclose personal or sensitive information it has collected about participant/clients to a third party for research purposes unless the information is necessary for research or statistical analysis relevant to public health, public safety or the management, funding, or monitoring of disability sector services.

Where the identity of the participant/client is not necessary for research purposes, PeopleKind Group will permanently de-identify the information provided.

The request for information must be in writing and the written consent of the participant/client, family, legal guardian, Chief Executive Officer or Managing Director is required in such circumstances;

15. Seek the written consent of the participant/client or family prior to **releasing** information to any other source. Photographic, video, or other identifying images are not to be displayed or aired publicly without the written prior permission of the participant/client, family or guardian.

All requests from the media for information relating to a participant/client are to be referred to the Chief Executive Officer. **Employees are not permitted to speak to the media on any participant/client related issue;**

16. Ensure that personal information about a participant/client is only held by PeopleKind Group for as long as it remains relevant to the delivery of effective services and PeopleKind Group duty of care and legal obligations. Participant/client files will be periodically reviewed to ensure that personal information that is no longer relevant, and unlikely to be relevant in the future, is culled from files;
17. Take reasonable measures to destroy or permanently remove identification from personal information when it is no longer needed for any purpose for which the information may be used or disclosed;
18. PeopleKind Group will retain all records relating to an individual for the duration of their life under the care of the PeopleKind Group. In the event of the death of a participant/client or their transfer to another service provider, personal information files will be closed, archived, and retained for a period of seven years and then destroyed. If a service user/participant/client transfers to another service provider, PeopleKind Group will provide copies of all relevant information to the new agency;
19. Promptly investigate, remedy and document any consumer grievance regarding privacy, dignity or confidentiality in accordance with the 'Service User/Participant/Client Feedback and Complaints Policy';
20. All service user/participant/client personal information files remain the property of PeopleKind Group;
21. Ensure any third party or external investigator appointed by the PeopleKind Group will sign a Confidentiality Declaration undertaking to protect the privacy of all participant/clients.

22. PeopleKind Group will report any eligible data breaches to the Office of the Australian Information Commissioner (OAIC) in accordance with the group's Data Breach Response Plan.

**Concise Summary of Key Changes Made in This Review of Document**

No significant changes have been made to this version of the procedures.

**Monitoring, Review, and Evaluation**

This procedure document will be reviewed every three years. However, if at any time the legislative, policy or funding environment is so altered that this document is no longer appropriate in its current form, the document shall be reviewed immediately and amended accordingly. This process will include:

- Ad hoc review and evaluation of current practices
- Periodic self-assessment
- Internal Audits
- External Audits

PeopleKind Group will record and monitor progress of any improvements identified and feed into service planning and delivery processes.

**Breaches of the Privacy Dignity and Confidentiality Policy Procedures**

Any breaches of the Privacy Dignity and Confidentiality Policy Procedures could constitute a possible act of misconduct. Reference is accordingly made to PeopleKind Group Employee Discipline and Termination Policy which outlines the relevant processes that may be followed if misconduct is suspected.

**Authorisation Template**

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