



## PRIVACY POLICY AND PROCEDURE

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<b>Document Type</b>	<b>Corporate Policy Document</b>
<b>Purpose of the Policy</b>	<p>This policy exists to provide a clear outline of how and when personal information including sensitive information is collected, disclosed, used, stored and otherwise managed by Care Assess.</p> <p>Care Assess is subject to Privacy legislation applying to the organisation and/or its client group. The organisation will follow the guidelines of the <i>Australian Privacy Principles</i> in its information management practices.</p>
<b>Definitions</b>	<p><b>What is personal information?</b></p> <p>Personal information is information that identifies you or could identify you. There are some obvious examples of personal information, such as your name or address. Personal information can also include medical records, bank account details, photos, videos, and even information about what you like, your opinions and where you work - basically, any information where you are reasonably identifiable.</p> <p>Information does not have to include your name to be personal information. For example, in some cases, your date of birth and post code may be enough to identify you.</p> <p>To be precise, the Privacy Act definition of personal information is: <i>"... information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion."</i></p> <p><b>Sensitive information</b> means:</p> <p>(a) information or an opinion about an individual's:</p> <ul style="list-style-type: none"> <li>(i) racial or ethnic origin; or</li> <li>(ii) political opinion;</li> <li>(iii) membership of a political association; or;</li> </ul>

	<p>(iv) religious beliefs or affiliations; or  (v) philosophical beliefs; or  (vi) membership of a professional or trade association; or  (vii) membership of a trade union; or  (viii) sexual preferences or practices; or  (ix) criminal record; that is also personal information; or  (b) health information about an individual; or  (c) genetic information about an individual that is not otherwise health information.</p> <p><b>Health information</b> means:</p> <p>(a) information or an opinion about:</p> <p>(i) the health or a disability (at any time) of an individual; or  (ii) an individual's expressed wishes about the future provision of health services to him or her; or  (iii) a health service provided, or to be provided, to an individual; that is also personal information; or  (b) other personal information collected to provide, or in providing, a health service; or  (c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or  (d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.</p> <p><b>What privacy is not</b>  The protection of your personal information privacy is different to other related concepts such as:</p> <ul style="list-style-type: none"> <li>• confidentiality</li> <li>• secrecy</li> <li>• freedom of information</li> </ul>
<b>Scope</b>	<p>This policy conforms to the <i>Privacy Act 1988</i> and the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i> and the <i>Australian Privacy Principles</i> which govern the collection, use and storage of personal information.</p> <p>This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.</p> <p>This policy is made available to all directors, management, staff, volunteers, subcontractors and the general public by request and via publication on the website.</p>
<b>Policy</b>	<p>Care Assess is committed to conducting our business in accordance with the Australian Privacy Principles in order to ensure</p>

that the confidentiality of personal information is protected and maintained. We will ensure that all staff, Board/Management Committee members and volunteers understand what is required in meeting these obligations.

We will make readily available to all clients information about our policies and practices relating to what sort of personal information is held, for what purposes it is held, how it is collected, used, disclosed and stored, how to access and correct their own personal information and how they may complain if they feel there has been a breach of their privacy rights.

#### **The purpose of information collected**

We will only collect personal information for purposes which are directly related to our functions or activities, and only when it is necessary for or directly related to such purposes. This information will only be retained as long as necessary for the fulfilment of those purposes.

We need to collect personal information about clients (including health information) in order to provide them with the relevant care and treatment.

If a client refuses to provide Care Assess with relevant personal information we may not be able to provide them with the support or services they require.

#### **Type of information collected**

Care Assess collects personal and sensitive information including but not limited to:

- Name, address, telephone number;
- Date of birth and country of birth;
- Occupation;
- Indigenous status;
- Medicare number and Department of Veterans Affairs details;
- Religion;
- Health fund and payment details;
- medical history; and
- Details of individual diagnosis, care and treatment

#### **How information is collected and stored**

Care Assess will collect personal information by lawful and fair means and, where appropriate, with the knowledge or consent of the individual concerned.

Care Assess may collect personal information from individuals or organisations in a number of ways. These include, but are not

limited to applications for a business account, contractual arrangements, surveys or questionnaires, receipt of employment applications, receipt of referrals, registration for program services, or direct communications with Care Assess by telephone, fax, writing, email, or any other electronic means.

In general Care Assess shall collect personal information about individuals directly from those individuals or their authorised representative. At each point of contact by our staff Care Assess clients will be told what information is being collected, how their privacy will be protected and their rights in relation to this information

Personal and/or sensitive information may sometimes be collected from a third party or from a publicly available source, but only if:

- the individual has consented to such collection or would reasonably expect us to collect their personal information in this way, or
- if it is necessary for a specific purpose such as the development of appropriate care planning or recruitment processes.

To ensure privacy for clients, subcontractors, stakeholder organisations or staff when discussing sensitive or personal matters, Care Assess shall ensure:

- Details are captured in a private space
- Communications that require confidentiality are conducted in a private setting – single office space or private homes
- Clients are notified of home visits
- All directors sign deeds of confidentiality
- All staff sign confidentiality documents
- Mutual disclosure and/or non disclosure documents are prepared and signed by organisations participating in contracting negotiations
- All subcontracts contain clauses outlining the principles of this policy
- Face to face interviews are held in private office spaces

#### **Personal Information Security**

Care Assess is committed to keeping your personal information secure, and we will take reasonable precautions to protect your personal information from unauthorised access, loss, release, misuse or alteration.

Personal information may be stored in hard copy documents, but is generally stored electronically on the Care Assess software or systems.

Care Assess maintains physical security over its paper and electronic data stores, such as locks and security systems. Care Assess also uses computer and network security technologies such as firewalls, antivirus software, external email filtering and passwords to control and restrict access to authorised staff for approved purposes and to secure personal information from unauthorised access, interference, disclosure, misuse and loss.

All personal information no longer needed and/or after legal requirements for retaining documents have expired will be destroyed or permanently de-identified.

**How information may be disclosed or used:**

Care Assess will not give personal information about an individual to other Government agencies, private sector organisations or anyone else unless one of the following applies:

- the individual has consented
- the individual would reasonably expect, or has been told, that information of that kind is usually passed to those individuals, bodies or agencies
- it is otherwise required or authorised by law
- it will prevent or lessen a serious and imminent threat to somebody's life or health, or
- it is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

**Disclosure of information to overseas recipients**

Care Assess will not use or disclose any personal information to an overseas entity without express consent in writing from the concerned individual. In these circumstances Care Assess will use every endeavour to ensure that the foreign entity has appropriate measures in place to protect any personal information so disclosed.

**Participation in research projects**

People being invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used, and
- given copies of any subsequent publications.

Care Assess shall comply with the National Statement on Ethical Conduct in Human Research and will, where appropriate apply to the Human Research Ethics Committee for approval prior to participating in any research project.

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified. Organisational participants in research projects will generally be identified in Care Assess research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

**How an individual may access personal information and/or seek correction of such information:**

Care Assess' aim is to ensure that all personal information collected is accurate, complete and up-to-date. Individuals can request access and/or request corrections to the personal information held by the Care Assess by contacting the Operations Manager.

Procedure for gaining access:

- All requests for access to personal information must be made in writing to the Operations Manager.
- Care Assess will acknowledge a request for access to personal information within 14 days.
- It is reasonable to expect that extraction of the personal information required may then take up to fifteen working days due to the need to access both paper based and computerised information systems. A nominal fee may be charged to meet the costs of extracting the information. This is at the discretion of the Chief Executive Officer.
- If this timeframe is impracticable Care Assess will notify the individual making the request of a more appropriate timeframe.
- Individuals requesting access to personal information will be asked to verify their identity.

There may be instances where access is denied to certain record or aspects of records in accordance with the Privacy Act. These circumstances include:

- access would create a serious threat to safety;
- providing access will have an unreasonable impact upon the privacy of other individuals;
- denying access is required or authorised by law;
- the request is frivolous or vexatious;
- legal proceedings are underway or anticipated, and the information would not be accessible through the process of discovery in the proceedings;
- negotiations may be prejudiced by such access;
- providing access is likely to prejudice law enforcement;
- providing access is likely to prejudice action being taken or to be taken with respect to suspected
- unlawful activity or serious misconduct relating to the Group's functions or activities; or
- access would reveal a commercially sensitive decision making process.

	<p>If Care Assess denies access to personal information, it will provide reasons in writing to the individual making the request.</p> <p><b>How an individual may complain about a breach of the Australian Privacy Principles:</b>  Complaints can be made directly to Care Assess by telephone, email or in writing using the details provided here:  Telephone: 1300 364 876  Email: <a href="mailto:feedback@careassess.com">feedback@careassess.com</a>  South: Level 2, 6 Bayfield Street, Rosny TAS 7018  North: 101 Stanley St, Summerhill TAS 7250  North West: 63 Best St, Devonport TAS 7310</p> <p>If you believe Care Assess has not adequately dealt with your complaint, you may complain to the Privacy Commissioner whose contact details are as follows:  Officer of the Australian Information Commissioner (OAIC)  Phone: 1300 363 992  Email: <a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>  GPO Box 5218 Sydney NSW 2001</p> <p><b>How Care Assess will deal with such a complaint:</b>  Any complaint by an individual over an alleged breach of privacy will be dealt with under the Complaints Management Procedure and Policy.</p>
<b>References</b>	<ol style="list-style-type: none"> <li>1- Protecting Information Rights – Advancing Information Policy : Office of the Australian Information Officer</li> <li>2- The Privacy Act 1998</li> </ol>
<b>Related Policies</b>	<ul style="list-style-type: none"> <li>• Client Records Policy and Procedure</li> <li>• Confidentiality Policy</li> <li>• Access to Confidential Information</li> <li>• Privacy Policy and Procedure</li> </ul>

**Date Implemented:**

**Version:**

**Endorsed by:**

**Review dates:**