



# PRIVACY AND DIGNITY POLICY AND PROCEDURE

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## Glossary of terms

Term	Definition
<b>Australian Privacy Principles (APPs)</b>	These outline how all private sector and not-for-profit organisations with an annual turnover of more than \$3 million, all private health service providers and some small businesses (collectively called 'APP entities') must handle, use and manage personal information. The APPs are included in the <i>Australian Privacy Act (1988)</i> (Cth).
<b>Confidential information</b>	Any information made available to or generated by South East Care which is not already publicly available or about to become publicly available. All <i>personal information</i> is strictly confidential.
<b>Information</b>	Includes information forming part of a database, and information recorded in a material form or not.
<b>Participant</b>	A person who meets the NDIS access requirements.
<b>Personal information (includes <i>sensitive information</i>)</b>	Information or an opinion about an identified individual, or an individual who is reasonably identifiable: <ul style="list-style-type: none"> <li>○ whether the information or opinion is true or not</li> </ul> whether the information or opinion is recorded in a material form or not.
<b>Personnel</b>	Anyone, paid or unpaid, who works for or with South East Care. It includes members of the governing body or any other similarly-empowered committee constituted by South East Care.
<b>Policy</b>	A statement of intent that sets out how an organisation should fulfil their vision, mission and goals.
<b>Procedure</b>	A statement or instruction that sets out how a policy will be implemented and by whom.

## Policy Purpose

This policy is to ensure that supports accessed by participants through South East Care promotes, upholds, and respects the legal and human rights of participants. This includes the rights of participants to access supports that respect and protect their dignity and right to privacy.

## Objectives:

The **Privacy and Dignity** policy aims to provide direction to our organisation in facilitating access to supports that respect the privacy and dignity of participants. This means we will:

- Ensure our Person-centred approach is utilised in all of our interactions with participants and their chosen supporters.
- Respect the rights of participants to privacy and dignity in their interactions with us, and in the delivery of the supports they receive.
- Seek agreement to the collection of personal information from participants.
- Collect personal information only to the extent that it will assist us in delivery of person-centred supports to participants.
- Comply with the Australian Privacy Principles in collecting, storing, and sharing the personal information of participants.
- Ensure our processes and practices facilitate the privacy and dignity of participants who receive supports from us.
- Ensure participants understand what personal information we collect about them, and for what purpose.
- Seek consent from any participant before filming or recording their image or voice.
- Ensure participants understand how we manage personal information collected by our organisation to assist us in the provision of their supports.
- Understand that personal information we collect about a participant belongs to a participant. Accordingly, we will not release this information to any other party without the consent of the participant, unless the law requires us to. In these instances, participants will be advised of the legal requirements for release, and what information has been shared.
- Make sure that staff within our organisation have access to the personal information of participants on a, 'need to know,' basis.
- Some participants may, in some limited circumstances, have a parent or guardian to make decisions for them, including in relation to the sharing of their personal information. Parents and guardians must consider the dignity of the participant and make decisions to share information based upon opportunities to best maximise the participant's wellbeing in all aspects of his/her/their life. South East Care will work with the nominee as required to achieve this end.
- Recognise and support through this policy the ability of some young people to express preferences in relation to their own privacy and dignity, rather than a parent or guardian, where it is appropriate in terms of the supports delivered. South East Care will work with the nominee as required to achieve this end.

## Scope

This policy applies to all workers within South East Care.

## Policy Statement

South East Care will facilitate, as far as possible, the capacity of all participants who access our supports to determine their own best interests and to make decisions about their own lives, including in relation to directing supports that respect their culture, diversity, values, and beliefs.

Where supported decision-making or nominee decision-making is in place, we will work with participants and their chosen supporters (where reasonable and possible) to support

Our **Privacy and Dignity** policy is based upon:

- Our recognition of the legal and human rights of each participant.
- Our requirement to comply with the [Australian Privacy Act \(1988\) \(Cth\)](#) and the Australian Privacy Principles.
- The rights of each participant to access supports from us that respect and protect their dignity, and personal privacy.
- The rights of participants to understand what information we collect about them, why, how it is held, and who has access to it. This information is provided to participants in the mode, format, language requested or best understood by the participant.
- Our understanding that any personal information we hold about a participant belongs to them, and not to us. Therefore, as caretakers of this information, we have a moral and legal responsibility to maintain, update, and protect it appropriately.
- The commitment of our organisation to the upholding of the dignity of participants that access our supports, and all people with disability.
- Our belief that supports delivered by us should be provided in a way that enhances and promotes the dignity of the participant, in the way it is best understood by them.

This policy complies with the requirements under the [National Disability Insurance Scheme\) Quality Indicator Guidelines 2018](#) and [NDIS Code of Conduct](#).

## Procedure Purpose

These procedures have been developed to provide guidance to all staff in implementing our Privacy and Dignity policy. We are committed to protecting the privacy and dignity of participants who access our supports by respecting the legal and human rights, including the rights of each participant to privacy of their personal information and dignity in delivery of supports.

This procedure should be read in conjunction with our ***Information Management Policy***.

## Privacy and Dignity

South East Care works to protect the privacy of our participants and to ensure supports accessed by them maximise their personal dignity. We comply with the Australian Privacy Principles as described in the [Australian Privacy Act \(1988\) \(Cth\)](#).

## Our Commitment to Participants

Participants are at the centre of every stage of support provision. We will undertake the following steps related to privacy and dignity in each of these stages.

We will:

- Ensure our workers are appropriately trained in protecting the privacy, and promoting the dignity, of participants.
- Ensure our workers are aware of the privacy needs and preferences of our participants and deliver services in a way that maintains personal dignity.
- We will advise participants about privacy and confidentiality requirements upon entry into South East Care and annually during review of Support Plans and Service Agreements.

This includes:

- Advising participants of the confidentiality of their personal information and what personal information we will collect from them, what it will be used for, how it will be stored, and who has access to it.
- Offering the participant the right to refuse provision of personal information, while advising them that this may limit our ability to provide supports to them.
- Advising participants that they may access their personal information at any time, with a staff member present, and a chosen supporter should they wish.
- Seeking written consent from the participant to release any information about them to an external party. For example, consent to speak with other support providers, community members, and chosen supporters who may assist in maximising the participant's social and community engagement.
- Advising participants we will seek written consent from them before proposing to film or record their image or voice, or using that recording for internal training, public display, or marketing or associated purposes.
- Only collect personal information that assists in the delivery of supports as directed by the participant. This may include information about gender, culture, ethnicity, preferred modes of communication, health issues, relationships, and barriers to accessing goals.
- Work with nominees in circumstances where, in limited circumstances, participants are unable to give consent to a service agreement. In these cases, parents and guardians must reflect the needs and goals as identified by the person with disability and make decisions

regarding privacy and dignity to best maximise the participant's wellbeing in all aspects of his/her/their life. We will work with the nominee as required to achieve this end.

- *Privacy and Dignity Policies* are provided to participants in the mode, format, and/or language identified by the participant as preferred.
- To assist in the provision of connected supports that assist the participant to maximise opportunities to maintain and practice their individual values and beliefs, we may ask participants if they agree to sharing their support plan information with other members of their family and community selected by them, with other providers of supports, and other government agencies on a, 'need to know,' basis.

### Security of Information

We will take necessary steps to protect the personal information we hold against any misuse or unauthorised access. This includes using password protection for IT servers, locked filing cabinets and physical access restrictions with only authorised personnel permitted access. We will notify the [\*Office of the Australian Information Commissioner\*](#) about any possible data breaches as part of requirements in the Notifiable Data Breaches scheme. In the case of data breaches, we will also adhere to our *Incident Management and reporting policy and procedure*.

### Privacy and Complaints

We will advise participants during onboarding, and as part of annual review discussions, about how they may make a complaint about Privacy and Dignity processes should they not be satisfied. We will:

- Take feedback and complaints from participants in relation to our support provision, and act on suggestions raised by participants and their chosen supporters to improve our organisation in relation to ensuring consistent processes and practices are in place to protect the personal privacy and dignity of each participant.
- Treat all complaints in a confidential manner – see our *Feedback and Complaints policy and procedures* for further information.

### Related documents/resources

#### *Applicable NDIS Practice Standards Policies and Procedures*

- **Privacy and Dignity**
- Information Management Policy & Procedure
- Access to Supports
- Person-centred Supports
- Provision of Supports
- Responsive Support Provision
- Incident Management
- Easy English Privacy and Confidentiality
- Easy English – Person-Centred
- Easy English – Privacy and Confidentiality
- Easy English – Support Planning
- Easy English – Feedback and Complaints



- Easy English – Advocacy
- Easy English – Choice and Control
- Easy English – Keeping Safe
- Easy English – Quality Improvement

### *Applicable Forms / Registers*

- Participant Consent Form
- Declaration to maintain confidentiality
- Feedback & Complaint Form
- Support Plan

### *Applicable Legislation*

- *National Disability Insurance Scheme (Quality Indicators) Guidelines 2018 (Notifiable Instrument) [F2018N00041]*
- *NDIS Code of Conduct*
- *Office of the Australian Information Commissioner (OAIC)*
- *Australian Privacy Act (1988) (Cth)*

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