

Privacy and Confidentiality Policy & Procedure

Applies to: staff, students, volunteers and the people we support.

Specific responsibility:

Privacy Officer: Chief Executive Officer

Overseen by the Continuous Improvement Officer.

Version: 4

Date approved: 20/5/2020

Next review date: 20/5/2022

Policy context: This policy relates to

Standards or other external requirements	DHHS Standards: 1.1, 1.2, 3.5 ISO 9001:2015: Section 8 Operation Clause: 8.2.2
Legislation or other requirements	Privacy Act 1988 (Cth) Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth) Privacy and Data Protection Act 2014 (Vic) Freedom of Information Act 1982 (Cth) Health Records Act 2001 (Vic) NDIS Act 2013 (Cth)
Contractual obligations	NDIS Terms of Business Participant Agreement DHHS Service Agreement

OBJECTIVE

This policy and procedures outlines Inclusion Melbourne's compliance with all relevant Privacy and Confidentiality Acts.

Inclusion Melbourne is subject to the requirements of the Australian Privacy Principles (APPs). The APPs are contained in the Privacy Act 1988, Information Privacy Act 2000, Freedom of Information Act 1982 and the Health Records Act 2001, hereafter referred to as (the Acts). These Acts govern how Inclusion Melbourne handles personal information.

POLICY STATEMENT

Inclusion Melbourne respects the right to privacy and confidentiality of all the people supported by the organisation, their families, staff, volunteers and business contacts. Additionally, Inclusion Melbourne requires that professional and ethical practice be adhered to by staff and volunteers regarding access to sensitive information.

DEFINITIONS

Personal Information - Personal information is any information or opinion about an individual whose identity is apparent, or can reasonably be determined from the information or opinion. Personal information also includes sensitive information about



you, such as health information.

Files – in this policy the term refers to hard copy and electronic files

Leadership Team – CEO; Manager Personalised Supports; Manager Finance and Administration; Business Support Officer; Manager Inclusion Training; Manager Community Support; Manager DesignLab.

RESPONSIBILITIES

The **Privacy Officer** is responsible for ensuring this policy is implemented. At Inclusion Melbourne, the Privacy Officer is the Chief Executive Officer.

All **Leadership Team** managers are responsible for the implementation of this policy in the sphere of their control

All **staff, students and volunteers** are responsible for adhering to this policy

PROCEDURES

1. Collection of Private Information

Inclusion Melbourne collects information that relates only to the organisation's practices and only from individuals who have regular contact with the organisation. Inclusion Melbourne will only collect sensitive information where there is a necessity and when consent is obtained.

Inclusion Melbourne collects, holds and uses personal and health information where necessary to process applications, provide relevant services and plan for appropriate support and service delivery. Some personal information concerning the people supported by the organisation is collected and used to assess the amount and type of support appropriate to the individual's needs. Inclusion Melbourne also collects and uses personal information and feedback to improve services, communication and internal processes (such as planning assessments, risk management, product and service reviews, research, staff training, accounting and billing) and to identify and inform service users and their families of supports that may be of interest.

Once information has been collected, Inclusion Melbourne will notify the individual involved. The individual will be given an opportunity to review the information collected to ensure all information is correct.

2. Restricted Use of Private Information

All personal information collected by Inclusion Melbourne is only made available to those authorised individuals who need to handle that information for the purposes outlined in this policy.

Personal information collected will not be used for the purpose of direct marketing, unless the individual is aware of or reasonably expects that their information may be used for marketing purposes. Sensitive information will not be used for direct marketing purposes under any circumstances.

Inclusion Melbourne only discloses the personal and health information of the people it supports to third parties where this is the purpose in which that information has been

provided (for example, to facilitate the delivery of services) or for reasons closely related to that purpose and where that disclosure would be reasonably expected by the person supported and their family. Other than for these purposes, Inclusion Melbourne will only disclose people's information after obtaining consent or where required or when permitted by law. This may involve disclosure to contractors and other care providers. The organisation may also disclose this information to the Commonwealth or Victorian Governments or their agencies, in accordance with the provisions of relevant laws.

3. Access and Security of Private Information

All current Inclusion Melbourne staff, students and volunteers have access to personal information including that of the people supported by the organisation. Private information is filed in cabinets in locked offices and IT systems are password-protected.

Before access is granted all staff and students are required to read and sign Inclusion Melbourne's Codes of Conduct which stipulates that staff must take all reasonable steps to ensure that personal information is protected and secure from any misuse, interference and loss. Access to personal information is only for the purpose of staff, students and volunteers to fulfil their professional roles. Inclusion Melbourne personnel are responsible for information in their possession, this includes ensuring email accounts are password protected and hard copies of private information are securely stored.

All contractors/consultants will be required to sign Inclusion Melbourne's Confidentiality Agreement, at the time of the commencement of their project with Inclusion Melbourne.

Inclusion Melbourne has the authority to restrict an individual's access to personal and sensitive information at any time, and can be done so without warning. Access can be restricted for the following reasons;

- Access may pose a serious threat to the individual.
- Access may threaten the individual's health or safety.
- Access may unreasonably impact the individual's privacy.
- Access may impact the outcome of unconfirmed matters or matters in the process of negotiation.
- Denying access is required or authorised by or under Australian Court/tribunal order.
- Where Inclusion Melbourne suspects unlawful activity or misconduct.
- Access may prejudice the taking of appropriate action in relation to the organisations operations.

Wherever practical, we expect that any third party to whom personal or health information is disclosed is aware of Inclusion Melbourne's obligations under the Privacy Act and the Health Records Act and that they agree to be bound by these obligations.

Inclusion Melbourne has security measures in place and all personnel who handle personal and health information have a duty to protect it from unauthorised access, use or disclosure. When information is no longer required to be maintained by Inclusion Melbourne, it is destroyed appropriately as per our Records and File Management policy.

4. Correction of Private Information



All Inclusion Melbourne staff, volunteers, students and the people supported by the organisation has reasonable access to any information being held about them by the organisation.

Access to information can be gained if Inclusion Melbourne is satisfied that the information is requested due to it being either; misleading, incorrect, out of date, incomplete or irrelevant.

Inclusion Melbourne must respond to a request to correct information within 30 days of the request being made.

Once an individual's request to correct their personal information is approved, an Inclusion Melbourne administrator will provide the individual with a copy of their relevant personal information, whereby the individual can make and sign off on the correction. Once done, the individual will return the corrected information to the administrator to be updated electronically.

Inclusion Melbourne may archive out-dated and corrected records for legal and administrative reasons.

If Inclusion Melbourne refuses to change personal information, the organisation must provide written notification stipulating their reasons.

5. Service User Commencement

When the people supported by the organisation commence with Inclusion Melbourne, they will be advised that their private information will be treated respectfully and with confidentiality.

Inclusion Melbourne staff are required to inform them of the legal, practical or other contractual limits of confidentiality. A Participation Information Booklet is provided to each person when they commence with Inclusion Melbourne and includes Inclusion Melbourne's Privacy Charter (see link).

All prospective service users are required to sign a Service Agreement for services and complete Inclusion Melbourne's Consent form before commencing with the organisation. Where a person cannot give written consent to information being shared or decisions in relation to personal privacy and dignity, verbal consent will be sought. Where a person is unable to provide written or verbal consent an authorised representative will provide consent on behalf of the individual.

6. Stakeholder Satisfaction, Feedback and Complaints

The methods of handling private and confidential information mentioned within this policy also apply to the handling of all complaints and feedback.

Refer to the Bullying, Harassment and Discrimination Policy and Procedure, the Staff Discipline Policy and Procedure, the Code of Conduct Policy and Procedure, the Code of Conduct for Staff, the Code of Conduct for Volunteers and the Stakeholder Satisfaction Feedback or Complaints Policy and Procedure.

7. Donors

In Inclusion Melbourne records the names, addresses, contact details and the donor history of people who make gifts to the organisation. Inclusion Melbourne staff, students and volunteers can access this information if they are required as part of their professional role.

If donors would like to see the information Inclusion Melbourne holds, contact should be made with the Chief Executive Officer.

8. External Requests for Personal Details

Private phone/contact details for staff or volunteers, including the Board members, **will not** be provided. If the message is urgent then the person receiving the request will need to seek the individual's consent before providing their contact number **OR** agree to deliver a message to the person concerned.

Requests for personal details regarding the people supported by the organisation will not be acknowledged, i.e. not confirmed either way as to whether they are service users or not, unless consent has been provided.

Inclusion Melbourne does not disclose personal and health information to overseas parties.

Staff must not provide their personal telephone numbers to Service Users or families.

9. Publications Consent

The Publications Consent is included in the Service Agreement for services and is explained to all people supported by the organisation, as well as staff, volunteers and students at their commencement with Inclusion Melbourne. The Publications Consent section is completed for all instances where photographs, film footage, audio material, electronic images, correspondence and/or quotations are used, in material using the Inclusion Melbourne name or logo or collected/taken in the name of the organisation, or in services or activities organised by Inclusion Melbourne.

Material will always seek to display the individual and Inclusion Melbourne in the most positive and appropriate manner.

Where the organisation seeks to use an image for a different purpose, permission shall be sought from the individual/s a prior to the publication of that material. Further, the organisation will not use any images that feature a deceased person of Aboriginal or Torres Strait Islander heritage.

Permission granted in the Publications Consent section of the Service Agreement may be withdrawn at any time by notifying Inclusion Melbourne in writing. An amendment will be made to the consent section in the service users electronic file (CRM/data-base -Lumary) by the respective supervisor.

Typically events hosted by Inclusion Melbourne have a photographer present. A sign will be used at the entrance to the event to inform those attending of the photographers presence. It is the responsibility of the individual to let the photographer know if they do not wish to have

their photo taken. No photos will be used in any publications/communications without prior consent via the publications consent form.

10. RTO Privacy and Confidentiality

In accordance with relevant State and Commonwealth Privacy Acts, Inclusion Melbourne is committed to protecting each student's privacy and personal information. It is necessary for Inclusion Melbourne to collect personal information about the student with the student's consent. Inclusion Melbourne stores enrolment forms and training records of assessment results confidentially and in locked filing cabinets. The information will only be used for statistical and reporting purposes. The RTO will not disclose, sell or pass on any personal details in any way other than the purpose stated without consent. Storage of documents will occur in accordance with the [Records and File Management policy and procedure](#).

All students are presented with a [Publications Consent Form](#) at enrolment to ensure their rights are respected regarding representation of their image, voice or likeness in Inclusion Melbourne publications and marketing collateral.

If at any stage the student's personal details change throughout the course of the student's training, the trainer/assessor is to be informed so that records can be amended. Should any other information need to be added to the student's file about medication or health, please discuss this with the Manager.

The following forms and documents are to be made available to all students and are available on the Inclusion Melbourne website at the RTO Information page:

11. RTO Information Request Form: Use this form to view your student records or other personal information.

12. Staff and Volunteers: All newly recruited staff and volunteers are required to read this policy and procedure prior to commencement of duties.

13. Data Breach

Inclusion Melbourne must report all client related privacy incidents within one business day of becoming aware of, or being notified of a possible potential breach.

The Continuous Improvement Officer must be notified of any breaches and complete the following reporting as required. See the Data Breach policy

- As a Disability Service Provider Inclusion Melbourne must report breaches of privacy via [The Notifiable Data Breaches \(NDB\) scheme](#)

DOCUMENTATION

Documents related to this policy	
Related policies	Bullying, Harassment and Discrimination Code of Conduct: Records and File Management Staff Discipline

	Stakeholder Satisfaction - Inclusion Training Stakeholder Satisfaction, Feedback or Complaints Data Breach policy
Forms, record keeping or other organisational documents	Publications Consent Form Service User Consent Form

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Every 2 years	Privacy Officer	CEO

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	02/09/2016	Nathan Despott	02/09/2018
2	2/10/18	Andrew James	2/10/2020
3			