

# Privacy, Dignity and Confidentiality Procedure

## 1 Introduction

### 1.1 Purpose

360 Health respects the privacy, dignity, and confidentiality of everyone that we support, including visitors to our website. The writing style of this Procedure is designed to address people directly and it is distributed to everyone who is supported by 360 Health.

### 1.2 Guiding Principles

Privacy regulation refers to legislative or administrative schemes of regulating the handling of certain information about citizens by public and private agencies and organisations. “Information privacy” or “data protection” are expressions sometimes used to refer to such schemes.

There are legislative and administrative provisions designed to protect privacy at Commonwealth, State and Territory levels: these include [in Western Australia] the Health Act, the Privacy Act, and the Data Privacy Principles.

## 2 Definitions

<b>360 Health</b>	360 Health + Community
<b>Data Breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
<b>Data Protection</b>	securing <b>data</b> against unauthorized access
<b>OSH</b>	Occupational Health & Safety, aka Workplace Safety, includes the laws, standards, and programs that are aimed at making the workplace better for workers, along with co-workers, family members, client, and other stakeholders.
<b>Personal Data</b>	Personal data is any type of data that can be used to directly or indirectly identify an individual (data subject). Some examples of personal data are name, picture, phone number, address (which enable direct identification), as well as IP address or username (which enable indirect identification).
<b>Client</b>	In 360 Health + Community policies the term ‘client’ is used and is synonymous with customer, consumer, participant, or anyone in receipt of services, care or support from our organisation.

## 3 Responsibilities

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### 3.1 360 Health Board

The Board has overall responsibility for the governance of the organisation, the safety of clients and employees and robust business processes.

### 3.2 Clinical Governance Committee

The Clinical Governance Committee provides advice to the CEO but may consider issues on behalf of the Board or Operations regarding this Procedure and 360 Health + Community Compliance.

### 3.3 Executive Manager

The Executive Manager receives advice from the BSSM or in relation to any breach of this Procedure through transparent communication and the management of the Risk and Incident registers.

### 3.4 Business Support and Services Manager [BSSM]

The BSSM is responsible for ensuring 360 Health + Community comply with this Procedure that any legislative changes are communicated, and breaches are recorded using the appropriate procedural instruction. In addition, the BSSM will receive and action any complaint relating to Privacy.

### 3.5 Program Managers

Each Program Manager will ensure procedures and processes within their program are consistent with the legislations, guiding principles and national standards. They will assist the QAGM to conduct documentation audits on client information; discuss finding and problem-solve items of deficiency or non-compliance, and report this to the Clinical Governance Committee via the Program Activity Report.

In addition, they will use the 360 Health Quality Management System to analyse their program's information activities, discuss and problem-solve any items with their team and report their compliance to the Clinical Governance Committee.

### 3.6 360 Health Employees

Every employee will be responsible for abiding by the instruction of any Procedure, per the terms of their employment.

In relation to Privacy and Confidentiality, every employee needs to police their action to ensure those actions are not in breach of the Privacy Act, do not breach confidentiality of personal information [employee or client] and provide the utmost respect for the personal information they encounter, ensuring dignity for the owner of that information.

In addition, it is beholding of all 360 Health employees to use the Incident Management processes to report any breaches.

### 3.7 Program Clinical OSH Officer

The Program employee nominated to complete the Clinical OSH Checklist, will alert their manager and the QAGM of any non-compliance in relation to information security.

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### 3.8 Quality and Governance Manager (QAGM)

The QAGM is responsible for facilitating incident management: they will receive Information Incidents from 360 Health employees, assist in investigating and reporting those incidents, and provide training & support in incident management.

The QAGM is also responsible for facilitating the Clinical OSH Checklist: where a non-compliance is identified, they should complete a Risk Assessment and add, following approval by the Executive Manager, Clinical Excellence, add the risk to the Clinical Risk Register.

And, the QAGM is responsible for facilitating Clinical Documentation Audits [per the Audit Schedule] in all Programs, to ensure 360 Health client details meet the WA Data Protection Principals.

## 4 Procedure

### 4.1 Individual Privacy.

360 Health recognises the importance of protecting the privacy of personally identifiable information collected about the people that we support and is committed to protecting and upholding people's right to privacy. 360 Health is bound by Australian Privacy Act 1988, Australian Privacy Principles (APP) which impose specific obligations when it comes to handling information.

360 Health will:

- Only collect information about you that is directly relevant to effective service delivery and duty of care responsibilities.
- Not use or disclose personal information about you for a purpose other than:
  - The purpose for which it was collected.
  - A related purpose which you would reasonably expect.
  - A purpose required or permitted by law.
  - A purpose for which we have obtained your consent or the consent of your family member or guardian [where appropriate].
- Take all reasonable steps to make sure that the personal information we collect, use or disclose is accurate and up to date.
- Take all reasonable steps to protect and safeguard the personal information we collect.
- Make available our policies on our management of personal information.
- Provide you with access to your personal information that we hold, except where we are required or entitled by law to refuse access.
- Provide you with the option of being anonymous or using an alias, where it is lawful and practical.
- Tell you if your privacy has or may have been breached and explain what is being done to deal with the breach.

### 4.2 Collection of Personal Information.

360 Health will only collect personal information if it is necessary for us to do so. Situations in which we may collect personal information include, but are not limited to:

- When dealing with any request for services.

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- When surveying people to identify areas of service improvement and/or expansion.
- When presenting seminars, conducting workshops or other functions.
- When dealing with certain government agencies.
- When required by law.
- When dealing with people who contact us regarding our activities or the activities of our members.

Personal information may include sensitive information as defined in the Australian Privacy Act 1988, Australian Privacy Principles (for example, information about your racial or ethnic origin, sexual orientation or practices, your criminal record and health information about you).

### 4.3 Types of Personal Information.

We collect personal information in person, in writing, by telephone, and through other methods of communication with our members, the people we support, their families and guardians.

Our members provide personal information to us when they apply for membership.

The people we support provide personal information to us over the telephone to 360 Health, when they start receiving services from 360 Health and when there are changes in their circumstances.

360 Health occasionally receives information from third parties such as GPs and other referrers regarding people who might like to access our services. It is presumed that the potential clients will have provided their consent for the third party to provide 360 Health with information.

#### 4.3.1 Personal Information Uses.

360 Health takes several steps to ensure the security of information about the people we support and to manage risks. These measures include:

- Password protection of all computers.
- All files are stored in lockable filing cabinets.
- Regular supervision of workers to ensure confidentiality is upheld.
- External quality auditing.

We use personal information to maintain membership records, provide information and enable service provision.

360 Health receives grants from state and commonwealth government and has reporting and audit requirements to our funders. Your file may be reviewed to ensure compliance or personal information from your file may be used as part of reporting requiring by the granting entity.

#### 4.3.2 Personal Health Record

##### Patient Health Record

A patient health record is defined by the organisation as a comprehensive collation of clinical information regarding the physical, mental, and social health of a client. This information includes medical details, family information, name, address, employment and other demographic data, past medical and social history, current health issues and future medical

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care, referrals, results, Medicare number, accounts details and any health information such as a medical or personal opinion about a person's health, disability, or health status.

It includes the formal medical record whether written or electronic and information held or recorded on any other medium e.g., letter, fax, or electronically or information conveyed verbally. Electronic referral templates are available through our clinical software, allowing automated documentation into referral letters. These are all able to be edited prior to a final copy being signed, ensuring only relevant medical information is included.

GP Services at 360 Health + Community also use My Health Record. My Health Record is a secure electronic online summary of medical information that allows individuals, doctors, hospitals, and certain other healthcare professionals involved in a patient's care to view their health information.

Information is not automatically uploaded to your My Health Record and should be discussed between the doctor and patient before any information is uploaded.

The My Health Records Act 2012 limits when and how health information included in a My Health Record is collected, used, and disclosed. All Australians with a Medicare card have a My Health Record. Should you wish to opt out, please contact the My Health Record team on 1800 723 471.

#### 4.3.3 Information Disclosure and Consent.

360 Health may disclose your personal information to third parties. These may include our contractors (including organisations used by us, such as "cloud" data storage contractors, to store information in an electronic format), insurers, and other entities. We will only do so in accordance with the Australian Privacy Act 1988, Australian Privacy Principles, and our Procedure.

There are certain circumstances in which we may be legally required to provide personal information to government agencies, other organisations, or individuals, for example if it will prevent or lessen a serious and imminent threat to somebody's life or health.

In certain circumstances, if your communication with us raises safety concerns, we will try and contact you to check that you and/or others are safe. If necessary, we may need to pass on your contact information (if you have supplied it) to authorities who can help protect you and/or others, such as a crisis service or the police. Where possible we will work with you openly, letting you know if our concerns reach the point where we need to involve other services. We are obliged to try to protect you and/or others if the information you submit tells us that:

- You are being seriously hurt by someone else.
- You are thinking of seriously harming yourself.
- Someone else is being, or is likely to be, seriously hurt by you or another person.

If 360 Health is provided with unsolicited information, 360 Health will not release that unsolicited information to any third party without the written consent of the person providing that information or their guardian.

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We will not share your personal information with anyone outside of Australia (unless under exceptional circumstances that are permitted by law) without your consent.

#### 4.3.4 Collection

360 Health will start to collect your personal information when you first contact us by telephone, email, letter, in person or through another medium. We will take reasonable steps to ensure that an individual is aware of:

- Who we are and our full contact details.
- The purposes for which the personal information is collected.
- The organisations (or types of organisations) we will usually disclose or transfer that personal information to.
- Any law which requires us to collect the personal information.
- The main consequences (if any) if all (or part) of the personal information requested by us is not provided.

#### 4.3.5 Information security.

360 Health has put systems and processes in place to ensure that electronic data is secure including:

- Regular backups of a secure central server to ensure information is not lost.
- Antivirus programs and active firewalls to prevent unauthorised external access.
- Regular installation of computer program updates.
- Education of employees about when access to personal information is permitted and use of emails and websites.
- Use of secure messaging platforms through our clinical software.

As stipulated in the Act, if there is an electronic data breach of any of your personal information that is likely to result in serious harm, 360 Health will notify you whenever possible, within 30 days. This notification will include:

- A description of the data breach;
- The kinds of information concerned; and
- Recommendations about the steps you should take in response.

360 Health will also inform the Australian Information Commissioner.

Examples of data breach that cause serious harm include when:

- A device containing your personal information is lost or stolen;
- A database containing your personal information is hacked; or
- Your personal information is mistakenly provided to the wrong person.

Personal information is considered to be your name, address and/or phone number, and could also include:

- Sensitive information about your health;
- Documents used for identity fraud such as tax file number, Medicare card, driver's licence; or

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- Financial information.

#### 4.3.6 Individual Access to Personal Information.

Requests for access to your personal information should be made in writing to our CEO. If you request, then in most circumstances we will make available to you the personal information about you that we have collected. In certain circumstances we might not allow you access to your personal information. These circumstances include, where:

- It would have an unreasonable impact on the privacy of others;
- The information relates to legal proceedings with you;
- The information would reveal our commercially sensitive decision-making process;
- Providing access to the information would prejudice certain investigations;
- We are required by law not to disclose the information. This includes duties we may have under common law.

We will respond to a request for access to information as a priority. We will seek to acknowledge your request within a maximum of 5 business days where we will advise you of the timeline you should expect to hear back from 360 Health. The complexity of your request will determine the response timeline, but we will always keep you informed of the progress of your request. We will not charge you for requesting access to your own personal information.

If we decide we cannot provide you with information you have requested, we will explain, as far as practicable, why we cannot provide the information. We will also inform you who you can complain to if you are not satisfied with our decision.

If you believe that any information that we hold about you is inaccurate or out of date, please contact us and we will review and update the relevant information.

#### 4.3.7 Dissatisfaction with Information Retention and making a privacy related complaint.

360 Health wants to improve our systems and procedures to give you full confidence in our ability to respect and safeguard the privacy of the personal information you provide to us. If we have not fulfilled our commitment to you, a complaint should be raised in accordance with the “Compliments, Complaints and Feedback Procedure”. Information about making a complaint will be made available to clients, stakeholders and can be found on the 360 Health website. Additionally, a complaint can be taken over the phone by any employee. We take complaints and concerns regarding privacy very seriously.

After receiving your complaint, we will attempt to resolve it in accordance with our “Compliments, Complaints and Feedback Procedure”.

Please send privacy related complaints to  
Business Support & Services Manager  
PO Box 1310  
East Victoria Park 6101  
Phone 08 9376 9200

You may also contact the Office of the Australian Information Commissioner (OAIC).  
For further information visit [www.oaic.gov.au](http://www.oaic.gov.au) or call 1300 363 992

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#### 4.3.8 Breaches of this Procedure

Violation of the law or this Procedure by employees or contractors, may result in disciplinary action up to and including termination of employment, as outlined in our Unsatisfactory Performance and Discipline Procedure.

Disciplinary action may also be taken against any employee who directly approves of or has knowledge of violations of the law or this Procedure.

## 5 Related Organisational Documents

- National Standards for Disability Services Standard 1 Rights.
- Disability Services Act 1986 (Commonwealth), and
- Disability Discrimination Act 1992 (Commonwealth),
- National Standards for Mental Health Services 2010,
- Australian Privacy Act 1988
- My Health Record Act 2012,
- Australian Privacy Principles,
- 360 Health Clinical Governance Framework.

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