



# Privacy and Confidentiality Policy

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*"I have the right to understand what information is being collected and what it will be used for" – client voice*

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## Introduction

My Choice Group is committed to safeguarding the confidentiality of personal or sensitive information collected with regard to the people they support. My Choice Group respect and protect each client's dignity and right to privacy as well our team members.

Each person is advised of the confidentiality policies using the language, mode of communication and terms that they are most likely to understand.

My Choice Group has developed specific procedures to effectively manage personal information, including sensitive information, in the context of the services provided.

## Scope

All management, team members, contractors, students and volunteers of My Choice Group have a responsibility to ensure that personal information is handled in accordance with this policy and that any personal and/or sensitive information accessed in the course of their duties are bound by their commitment to confidentiality.

## Policy context

This policy sets out how My Choice Group complies with obligations under the Privacy Act 1988, including the Australian Privacy Principles to ensure legal and ethical obligations are met to respect the rights and privacy of clients and team members.

This policy regulates how My Choice Group collects, uses, and discloses personal information. It also details how individuals may access that information and have it corrected if it is wrong.

My Choice Group abides by its record-keeping obligations as per legislative contexts listed below.

## Legislative context

Legislation that relates to privacy is:

- Privacy Act 1988
- Public Records Act 1988
- National Security Legislation Amendment Act (no.1) 2014
- Privacy Amendment (Private Sector) Act 2000



- National Privacy Principles (2001)
- Privacy and Personal Information Protection Act, 1988
- NDIS (Protection and Disclosure of Information) Rules 2013

## Principles

My Choice Group is respectful of client's information and the clients right to privacy. My Choice Group strives to achieve the safest and most highly protected methods of securing information to protect the privacy of clients and team members (see also *Information Management Policy*).

## Collecting and holding personal information

My Choice Group will take all reasonable steps to ensure that the personal and/or sensitive information it collects, uses or discloses is accurate, complete and up to date. Personal and/or sensitive information about clients will only be collected when it is directly relevant and needed to provide support services to that person, or where My Choice Group are required to collect that information.

## Procedure

My Choice Group has procedures to allow clients and team members to access information kept about them, update and or amend their information on file.

## Information generally collected about a person includes:

Personal information collected and held by My Choice Group may include, but is not limited to, name, date of birth, gender, address, residency status, contact number, e-mail address, emergency contact details, NDIS plan, audio/visual information and cultural background. Information may also include specific behaviour support needs or medication requirements. Progress notes will also be held by the organisation.

## Health information collected may include:

- Medical information, when this is collected or used in connection with delivering services to clients, or when it is predictive of a client's ongoing health
- Information generated by a health service provider, such as management plans, medication and any professional advice about a client and their health.

## My Choice Group may collect personal information:

- Directly from the client – verbally or in writing
- From third parties, such as medical practitioners, government agencies, a client's representatives, carer, and other health service providers
- From client referrals.

## My Choice Group will:

- Explain what information will be collected and why, including recorded material in audio/and or visual format



- Obtain consent to collect sensitive information, such as information related to health, unless an exemption applies, e.g. the collection is required by law, court/tribunal order or is necessary to prevent or lessen a serious and imminent threat to life or health
- Collect information necessary to support a role, functions or activities within My Choice Group services
- Collect sensitive information directly from the person if it is reasonable and practicable to do so
- Use fair and lawful ways to collect sensitive information, and not in an intrusive manner
- Provide an option of interacting anonymously, if lawful and practicable to do so.

### Who collects this information

Personal and sensitive information (including health information) is collected by My Choice Group team members in the course of their normal duties and for the organisation's own use. My Choice Group generally collect personal and/or sensitive information directly from the relevant person through the use of standard forms, over the internet, via email, face to face meeting or through a telephone conversation. With the person's consent My Choice Group may collect personal and/or sensitive information from third party contractors or agents and government instrumentalities who are involved in the provision of services.

### Collection of personal information – My Choice Group team members

All information supplied by team members will be placed on their personnel file which may be held in both electronic and hard copy format. Both formats are securely held, with access only available to the Directors or for audit purposes.

### Collection of personal information – clients

Clients personal and sensitive information must only be obtained by lawful and fair means from clients, or other sources, as is necessary to support services being received by the client. Should a client request a copy of this Privacy and Confidentiality Policy, it will be provided to them in a form as is appropriate, or as requested by the client (where reasonable).

Why is personal information collected?

Client's personal information is used to:

- Assess and provide the services that are required
- Administer and manage those services
- Evaluate and improve the services offered
- Contact family, carers, or other third parties as and if required
- Meet obligations under any contracts with funding bodies
- Analyse services and client needs with a view to developing new and/or improved services.



Team members or potential team member's information is used to:

- Assess employment applications
- Process payment of salaries and meet legislative obligations such as the payment of superannuation and taxation
- Obtain relevant security clearances required to perform the role
- Provide a duty of care in employment
- Contact family, carers, or other third parties as and if required
- Ensure personnel hold a current driver's licence and private motor vehicle registration as required to perform roles.

If My Choice Group is not able to obtain personal information, it may limit their ability to provide a quality service or meet duty of care and legislative responsibilities as an employer and service provider.

### Unsolicited personal information

Unsolicited information is information received about either a team member, prospective team member, or a client that was not requested or sought.

If this occurs, My Choice Group will determine if they could have collected the information themselves if solicited by disclosing the information to the team member, client or other parties. If it is determined that the information could not have been obtained by My Choice Group then the information must be destroyed, if it is lawful and reasonable to do so. If it is determined the information could have been obtained, then it is to be placed on team member or client file and used in the provision of employment and support functions and activities.

### Disclosing personal information

My Choice Group will uphold a clients' right to privacy and confidentiality, to the extent that it does not impose a serious risk to the client or others. As above, My Choice Group may disclose clients' personal information to other people or organisations with the client's consent.

- This may include disclosure to:
- Medical and allied health service providers
- A 'person responsible' if the client is unable to give or communicate consent. In some instances, verbal consent from a Person Responsible may be necessary and will be documented
- The client's authorised representative/s e.g. legal adviser
- My Choice Group professional advisers (e.g. lawyers, accountants, auditors).

Consent is not required for release of information to:

- Government and regulatory authorities where harm is present
- When required or authorised by law or related to a criminal issue.



Where there is uncertainty as to the direct benefit of the release of information which does not remove the names of individuals and or other identifying characteristics such as home address, or there is doubt that individuals would not consent to the release of information My Choice Group will seek approval from the concerned people or the designated person responsible prior to the release of the information.

### Accessing personal information

Team members and clients can request and be granted access to their personal information, subject to exceptions allowed by law. Any requests for access to personal information must state what information is to be accessed and how they wish to access the information. A request to access personal information should be forwarded to the Directors either verbally, or in writing. Should the Directors decide that access to personal information will not be given, they must put the reasons for the refusal and the mechanisms available to complain in writing to the team member or client within 30 days of receipt of the request. Should access be granted, the Directors are to contact either the team member or client and arrange for access to their personal information, based on the method of access requested within 30 days of receipt of the request. Should My Choice Group not be able to provide the data in the method requested, the Directors are to discuss with the team member or client alternative methods available to access their personal information.

### Photographs and videos

Photographs and videos are classified as personal information under privacy legislation. Upon commencement, clients and team members will be asked to complete a consent form regarding the use of photos, videos and social media which may involve them.

Consent will also be sought on each individual occasion where any media is likely to be shared, ensuring that the client understands and agrees to what will be shared in what kind of format.

### Breach of privacy

Where My Choice Group Services become aware of a breach of privacy, the Directors will immediately notify the relevant bodies, in accordance with legislative requirements.

### Complaints

If a team member has any questions or concerns about privacy, they should discuss this with their supervisor or team leader. If a team members concerns are not able to be resolved and they wish to formalise their complaint about how their personal information is managed, they can write to or email the Director:

[ross@mychoicegroup.com.au](mailto:ross@mychoicegroup.com.au)

## Responsibilities

### The Leadership Team is responsible for:

- Maintaining this policy its related procedures and associated documents
- Ensuring the policy is effectively implemented across the service
- Monitor team members compliance with the requirements of the policy
- Ensure training and information is provided to team members to ensure clients are advised of their right to privacy and information is managed in line with the *Information Management Policy*
- Providing access to client or team information where the person has requested it.

### The Team Leaders, team members, volunteers and students are responsible for:

- Ensuring ongoing security of client information when accessing, storing, retrieving or disposing of client information.
- Reminding clients of their right to privacy
- Not discussing client information outside of their role requirements
- Documenting and notifying the Directors of any suspected instances where there has been a breach of confidentiality has occurred.

This will be investigated in compliance with the My Choice Group *Complaints and Feedback Policy*.

## Related policies and documents

- Information Management Policy
- Risk Management Policy
- Consent Form
- Media Release Form
- Complaints and Feedback Policy
- Human Resources Policy
- Code of Conduct.

## Review

This policy will be reviewed annually or as required by changes to legislation.

Endorsement Date:	Reviewed Date:	Reviewed Date:	Reviewed Date:	Reviewed Date:
April 2021	10/08/2021	7/03/2022	30/01/2023	02/08/2023
Reviewed by / Signature:	<i>Ross Trevean</i>	<i>Ross Trevean</i>	<i>Alison Connoley</i>	<i>Alison Connoley</i>