



Home for the Aged

Policy:

PRIVACY POLICY

Purpose

The purpose of this policy is to demonstrate that we respect the consumer's privacy and keep their personal information confidential.

1. Seek Consumer Permission

- Ask permission from consumers before entering their home, room or private areas.
- Provide privacy to each consumer for personal care activities e.g. bathing, toileting, dressing and personal/intimate relationships.
- Make sure consumers have privacy when speaking with visitors and during phone conversations, if the consumer or representative chooses.
- Do not open or read consumer mail unless the consumer requests this or needs assistance.
- Treat all information relating to consumers confidentially.
- The consumers' personal property is their own and staff and other consumers cannot use it unless invited to do so.
- Share confidential information about the consumer, including their records, in a way that maintains the consumer's privacy and confidentiality
- Conduct handovers between shifts in areas where information cannot be overheard by those who should not have access to it. This also applies to information given to health care professionals or representatives involved in the consumer's care or services.
- Any health care professionals who requires access to the consumer's electronic records or personal information must provide request in writing and be approved by the consumer or their representative.
- Staff are educated about privacy and dignity, S7 3c and 3d.

2. Collection and use of Client Information

- The consumer's contract shall ask for consent to collect and share information with relevant professionals for the purposes of their care
- The consumer receives a Collection Statement. It outlines: types of personal information collected, how it is collected and used, how it may be disclosed, the importance of complete and accurate information.
- We collect personal information from the consumer only, unless they consent to collection from someone other than them, or it is unreasonable or impractical to do so.
- Staff must not seek more information about the consumer than is necessary to provide care and services
- Staff will not release consumer information to any third party without consumer consent. Any consumer information is released and/or accessible only to those with a legitimate interest or need as part of their care or service role
- Sometimes other personal information must be collected about the consumer's families and social relationships, personal interests, skills, behaviour patterns and financial affairs, to provide services. We will explain clearly the purpose of this collection to the consumer or representative.

- Staff will not proceed with client assessment, care coordination or planning processes without consumer consent. If the consumer cannot provide consent due to disability, medical condition or other reason, they seek consent from their representative.
- Documentation on all consumer file notes is written objectively, observing
 - respect for the consumer's feelings and dignity
 - the consumers right to request and have access to their own records
 - freedom of information and court requirements that may subpoena consumer files.

3. Advise Consumers Rights to Access Records

- We will inform consumers of their right to access their information in their Client Agreement and Collection Statement, and will remind them from time to time through service reviews and agreement renewal
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4. Seek Consent to use consumer images and audio/visual recordings

- If an image or audio/visual recording is required for any purpose, we will seek consent from the consumer or representative using the Consent to Use Information and Images form.
- We will keep and update a register of consents. On receipt of any written notice of withdrawal of consent, we will check the register before using any image.
- If we intends to use consumer images in communication brochures or similar activities, we must obtain written informed consent from the consumer or representative for that situation only. The image cannot be retained for some possible future use.

5. Advise consumers of right to complain of privacy breach

- We will inform consumers about their right to complain about a privacy breach and the process for making a complaint. This information sets out the way that we manage the complaint.
- Alternatively, the consumer may complain to the NSW Privacy Commissioner OR (not both) the Office of the Australian Privacy Commissioner within 6 months of the breach.

6. Disclosure of personal information to overseas recipients

- When disclosing consumer information to people overseas who are not bound by Australian Privacy Principles, we will inform the consumer or representative that privacy / confidentiality cannot be assured, and they must provide specific consent for that disclosure.

7. Disclosure of personal information to overseas recipients

- If a significant threat to consumer or staff safety affects the consumer's right to privacy and confidentiality, staff safety will prevail.
- We will not provide access to consumer records if:
 - There is a serious threat to the life, health or safety of any individual or public health and safety



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- It would unreasonably infringe the privacy of other individuals
- The information relates to legal proceedings or is in some way illegal or unlawful