



## **Privacy and Confidentiality Policy and Procedure**

### **Purpose and Scope**

The purpose of this policy is to ensure services are delivered in ways that respect the dignity of participants by establishing standards of privacy, dignity, confidentiality and data protection in accordance with;

- The Privacy Act (1988)
- Freedom of Information Act (1982)
- Disability Services Act (1993), and the
- Disability Services Standards (2013)

This policy relates to all Soul Services WA activities and applies to all staff, and others who may act on behalf of Soul Services WA.

### **Collection of Personal Information from Participants**

'Personal Information' is information or opinion in any form, whether true or not, that identifies or enables identification of an individual. Soul Services WA collects only personal information that is necessary for one or more of its functions or services and ensures that all information is collected by fair and lawful means.

All personal information is only used for the purposes for which it was collected except where legal exemptions exist.

All information collected by Soul Services WA is collected by lawful and fair means and is, where practical to do so, collected directly from the participant, or their family or stakeholders. The participant is informed who is collecting the information (Soul Services WA), how it is stored and what it is used for.

Personal information is collected by staff through completion of various intake, referral/application or service delivery forms. All forms used for the collection of information are approved by Soul Services WA and are compliant with the Australian Privacy Principles.

Information may also be collected, reviewed or updated through face-to-face meetings, interviews, telephone calls or emails.

Participants may be refused service with Soul Services WA where they do not disclose or give permission for disclosure of personal information necessary for protection of the safety of staff and other providers.

## **Kinds of Personal Information collected from Participants**

The types of personal and/or sensitive information that we collect may include;

- Participant identifying information (Name, age, address)
- Identification and contact details for next of kin/person responsible/carer or guardian
- Referral information
- Details of medical conditions/disability
- Case/progress notes
- Racial or ethnic origin
- Sexual orientation or practices
- Other such information that is relevant for us to provide our services in the manner that the participant has requested, or to comply with the law.

## **Disclosure of Information to those outside Soul Services WA**

'Disclosure' is the transfer of information to a third party outside the organisation.

Personal information is not disclosed to a person, body or agency (other than the individual concerned) unless:

- It is for the main reason it was collected (the primary purpose) or for a related secondary purpose e.g. an onward referral with the participants' consent
- The participant, family or stakeholders have consented to the disclosure
- It is required by/or under law or requested by a board or tribunal with legal authority
- Where the participant, family or stakeholders' confidentiality is deemed to be diminished by a serious or imminent threat to the life, health or safety of the individual or of another person.

## **Use of information within Soul Services WA**

'Use' refers to the handling of information within Soul Services WA, the use of personal information regarding participants is restricted to those within the agency who have a legitimate 'need to know'.

Information contained in participant files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

Only staff members within the service have access to the participant files and information relating to the participants, unless the participant has given prior written permission.

It is accepted that all staff members may discuss personal participant details with their supervisor or senior staff for supervision, determination of work, health and safety issues or to ensure the proper service to support the participant.

## **Participant Access to Personal Information**

Individuals have the right to access their personal information, except where access may present a threat to an individual or is deemed unlawful.

Information may be accessed upon request by the individual following confirmation of their identity.

A participant or carer can ask that personal information be corrected, if it is inaccurate, incomplete or out of date.

## **Security**

Soul Services WA takes all responsible steps to protect personal information against misuse and provides safeguards to ensure against loss, unauthorised access, misuse, modification or disclosure.

Soul Services WA also engage an IT Service Provider ensuring participant information and data security adheres to requirements

Personal information held by Soul Services WA on databases, file servers are password protected to unauthorised access. All emails sent from the organisation contain privacy statement and security disclaimer.

## **Record Keeping**

Access to participant records is restricted to those who have a legitimate 'need to know' or a legal right to access.

The information contained in participant files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

Personal information kept by Soul Services WA is regularly updated and reviewed to ensure information is accurate, up to date and only used for the intended purposes.

## **Staff Training and Compliance**

Staff have access to the company's Privacy and Confidentiality Policy and also referred to in the Staff Handbook. Breaches of these requirements are considered a serious disciplinary issue, which may result in the disciplinary action being taken up to and including termination of employment.

## **Procedures**

### **Ensuring all Soul Services WA staff understand Privacy and Confidentiality Requirements**

1. Directors and all staff will review the Privacy Policy and ensure they understand their responsibility to protect the privacy of individuals' personal information.
2. All Staff are provided with Staff Handbook to include expectations in regard to Privacy and Confidentiality Requirements at the time of induction and reviewed at staff meetings.

### **Managing Privacy of Participant Information Storage**

1. Participant information collected is kept in an individual participant record in Share Point and the Client Management System.
2. A participant record includes: personal information regarding contact details, address, DOB, diagnosis and other contact information. NDIS Plan, Reports, Service Agreements etc.

3. SSWA have an external IT Provider to ensure the computer system is protected to preserve the security and integrity of all information collected. Other security related procedures such as user access passwords, also assist with the protection of information.

4. Paper records are scanned and saved on client management system and hard copies shredded. Participant related information, or any papers identifying a participant are destroyed by shredding

5. Participant information is stored for seven years post the date of last discharge. In the case of participants aged under 18 years, information is kept until their 25th birthday and 7 years post discharge.

6. User access to all computers and mobile devices holding participant information is managed by passwords/passcodes and automatic inactive logouts.

### **Managing Privacy and Confidentiality Requirements of Participants**

- Soul Services WA refers to their Privacy Policy on the participant's NDIS Service Agreement.
- We refer to the privacy policy in the Welcome Pack as well as privacy requirements in the Staff Handbook.
- Participants consent to sharing and obtaining information via Consent and Authorisation Form
- Participants may provide consent for photography
- Participants may provide consent for satisfaction surveys

These consents are discussed with the participant and /or their decision maker in a way they can understand prior to the commencement of service.

Soul Services WA may need to share pertinent participant information with other professional Allied Health Professional at the time of case conferencing or when determining support plans. Information is only shared in order to provide the best service possible and is only shared with those people whose Professional Codes of Ethics include privacy and confidentiality. Permission to share information is sought from the participant prior to the delivery of services and as required at other points of intervention as / if required.

Personal information is not disclosed to third parties outside of Soul Services WA, other than for a purpose made known to the participant and to which they have consented, or unless required by law.

Participants are informed there may be circumstances when the law requires Soul Service WA to share information without their consent.

### **Keeping Accurate Participant Information**

- Participants are informed of the need to provide us with up to date, accurate and complete information.
- Soul Services WA staff update information on the participant record when they become aware of any change in information.
- Soul Services WA update the participant record as soon as practical after the delivery of services to ensure information is accurate and correct. Soul Services WA outlines timely record keeping in the *Support Coordination Process*.

## **Using Participant Information for Other Purposes**

Under no circumstances will Soul Services WA use personal details for purposes other than stated above, unless specific written consent is given by the participant or their representative.

## **Participant Access to Their Information**

Participants have the right to access the personal information Soul Services WA holds about them. To do this, participants must contact the Directors of Soul Services WA.

## **Management of a Privacy Complaint**

If a person has a complaint regarding the way in which their personal information is being handled by Soul Services WA, in the first instance they are to contact the Director. The complaint will be dealt with as per the Complaints Management Policy. If the parties are unable to reach a satisfactory solution through negotiation, the person may request an independent person (such as the Office of the Australian Privacy Commissioner) or the NDIS Quality and Safeguards Commission to investigate the complaint. Soul Services WA will provide every cooperation with this process.

## **Related Documents:**

- Service Agreement
- Welcome Pack
- Staff Handbook
- Services Access Policy
- Code of Conduct