

### CONFIDENTIALITY, PRIVACY and DATA MANAGEMENT POLICY

#### Background Information

- Bestlife Respite Care will uphold the protection of personal information of individuals, as required by state law, federal law and the NDIS Commission Standards.
- This policy applies to all participants and staff.

#### Defining Personal Data

All participants, families and carers of Bestlife Respite Care rely on our staff to manage their private and confidential information securely. Information may include amongst other things:

- Privacy of location
- Privacy of funding levels
- Privacy related to disability and medical information
- Privacy related to records of traumatic incidents that may have occurred to participants and/or their family members
- Privacy related to police records
- Privacy of any personal information disclosed either spoken or written.

This can be:

- Spoken information is defined here as any information relating to a participant either verbally disclosed directly to Bestlife Respite Care staff or in their presence/hearing.
- Written information is defined here as any written information relating to a participant in either hard copy or digital form that can be accessed by Bestlife Respite Care staff as part of our records, records passed over to us or records accidentally disclosed.
- Incidental information is defined here as any other information relating to a participant that is not directly disclosed but can be either observed or inferred. For example, details relating to a participant's home or family observed while picking them up.

### Staff Obligations

All Bestlife Respite Care staff have a **Confidentiality Clause** in their Service Agreement when being inducted into Bestlife Respite Care as a staff member (whether as a paid employee, contractor or as a volunteer) and agree to abide by this Confidentiality, Privacy and Data Management Policy.

Passing on personal and private information gained through working at Bestlife Respite Care to other people in the community including other parents/carers or participants without prior permission (in writing) **is not permitted**.

### When Disclosures Are Required

All staff are obligated by law to provide information as required in the following situations:

- Medical or safety emergencies when information needs to be passed urgently to medical staff, rescue, police or child safety workers to guard the safety of participants or others. In these cases, emergency workers are also bound by confidentiality commitments within their organisations.
- To other staff members providing care for the participant to provide continuity of care.
- To the members of the Management team of Bestlife Respite Care who must make decisions in the best interest of participants within the context of them using Bestlife Respite Care services.
- To the NDIS Commission in **Reportable Incident** cases (Please see the BESTLIFE RESPITE CARE Reportable Incident Form and procedures).
- When requested to do so as part of a legal process.

### Communication of Policy to Participants

Each participant is advised of confidentiality policies using the language, mode of communication and terms that the participant is most likely to understand as part of our intake process.

This policy will be available to view on our website, and Bestlife Respite Care is happy to further communicate or explain this policy when required or requested.

### Information Storage and Access

Documents are stored with appropriate use, access, transfer, storage, security, retrieval, retention, destruction and disposal processes relevant and proportionate to the scope and complexity of supports delivered.

Bestlife Respite Care will store all physical copies of documents in secure office areas at all sites, so that only appropriate Bestlife Respite Care staff members are able to access them. All records directly relating to participants will be stored securely for the required term of 7 years following their discontinuation with Bestlife Respite Care. These records will be available to access by the participant along with nominated persons/organisations. Access to records will be facilitated within the quickest reasonable time as organised with the requester, but Bestlife Respite Care reserves the right to take up to seven working days to affect this as necessary.

Bestlife Respite Care will store all digital documents and data between works laptops only that have sufficient antivirus and internet security software. This will be available to all necessary staff via a personal secure works login (for each system/device as necessary). Data transfer should only occur from secure works devices to secure systems and vice versa. Document transfer should not occur from Bestlife Respite Care databases/devices to any personal device, and this should not be necessary for the viewing of any required information (as this can take place within the database systems without the downloading of digital copies).

### Data Communication

Where appropriate, and with the consent of the participant, participant information will be communicated to family members, carers, other providers and relevant government agencies. Where agreed in the service agreement, and with the participant's consent or direction, links are also developed and maintained through collaboration with other providers to share information and meet participant needs. This will also apply to participants transitioning to or from Bestlife Respite Care.

### Amending and Updating Personal Information

Participants and staff have the right to amend their personal information and are required to keep crucial personal information up to date.

This can be done as required by email request or in person and over the phone with administration staff (a note of change will be made).

Participants (or nominated representatives) are also able to update their personal information by contacting Bestlife Respite Care office by phone to 0438633362 or by email [info@bestliferespice.com.au](mailto:info@bestliferespice.com.au), and are prompted to do so at regular times (for example, following NDIS plan review).

### Bestlife Respite Care Use of Social Media

Bestlife Respite Care may use pictures taken in the course of Bestlife Respite Care activities on social media as a way of providing visual feedback to our participants and their wider community as well as for promotional purposes. This will only occur when the Permission to Photograph, Video and Post on Social Media Form has been explained and signed by the participant or their representative as part of the participant intake process. No other personal data should be released in conjunction with these pictures. Bestlife Respite Care will also honour requests by participants to either not use or to remove specific images, or to remove all images of participants if the Permission to Photograph, Video and Post on Social Media is formally rescinded.

### When Breaches Occur

There are times when breaches to privacy and confidential information occur. This can happen innocently and without any intention to provide a breach or to harm another person.

Bestlife Respite Care Management understands the nature of 'grey areas' and the times when breaches occur unwittingly.

If you are aware of a breach of privacy that has occurred either by yourself or another staff member, please discuss with your relevant service coordinator or Bestlife Respite Care who will make a judgement about whether the issue is minor or an issue which needs to be brought to the attention of the parties involved. This is not a witch hunt, but an opportunity to improve and to remind individuals of the necessity to keep confidences and protect others privacy.

Be aware also that breaches in privacy occur often when people are overloaded and stressed and need to debrief but fail to debrief with the right people within the Service.

Persons found to breach this policy will be counselled by the managers and will then may be required to do one or all of the following:

- Make the situation known and apologise to the offended party.
- Make some mutually agreed recompense for the offence (this may occur through informal or formal mediation processes).

- Be dismissed from the organisation.

As an organisation Bestlife Respite Care will then:

- Assess the severity of the breach as an incident
- Determine the ongoing safety situation due to the breach
- Take practical steps where necessary to ensure any damages from the situation are minimised or mitigated (e.g. escalating to other agencies)
- Assess procedures around confidentiality, privacy and data management and amend as necessary to reduce the likelihood of repeat breaches of data.
- Engage in further training of staff as required.

### Record Keeping

Records of Conversation

Incident Reports

### Notifiable Persons

Manager: Margaret Green

### Related Documents

Bestlife Respite Care has a number of documents which assist us with the implementation of this policy.

1. Confidentiality Clause (part of staff induction)
2. Permission to Photograph, Video and Post on Social Media (participant service agreement)

Staff will sign their service agreement which has the Confidentiality Clause and be inducted into Bestlife Respite Care and this policy will be explained.

The Permission to Photograph, Video and Post on Social Media Form is necessary for participants and families to sign when they enter the Service as this is our visual method of sharing experiences, building relationships and celebrating successes that occur at Retreats. It is our 'family's' photograph album, but it is understood that this becomes very public and can be re-shared in the larger community. For this reason, comments on Facebook will not include last names of participants or identify any other information that can identify their whereabouts.

This policy is freely available on our service website [www.bestliferespite.com.au](http://www.bestliferespite.com.au)