
CONFIDENTIALITY POLICY

Introduction

Red Hen Speech Pathology is committed to protecting the privacy of personal or sensitive information relating to an individual, staff member or the general public. In order to accurately or effectively undertake assessment or intervention, Red Hen Speech Pathology may need to obtain personal or sensitive information about a client. This policy sets out Red Hen Speech Pathology's practices relating to the collection, holding, use and disclosure of personal and sensitive information relating to an individual, as required by the Australian Privacy Principles (APPs) under the Privacy Act 1988, and Speech Pathology Australia's Code of Ethics (2020).

Policy

Red Hen Speech Pathology is committed to fully comply with our legal obligations as stipulated in the Privacy Act 1988 (as amended 2018) which sets out thirteen Australian Privacy Principles which regulate how the business collects, holds, uses and discloses personal information and how such information can be accessed and corrected.

Definitions

Government contract (Federal/State) is any funding agreement between a government agency and Red Hen Speech Pathology that requires Red Hen Speech Pathology to disclose personal and/or sensitive information about individuals to that agency.

Government record Personal or sensitive information collected by Red Hen Speech Pathology in connection with a government contract.

Consent is a voluntary and informed agreement by an individual to something Red Hen Speech Pathology does. Consent may be sought from the client, parents, guardians or client representative.

Direct marketing refers to the promotion of Red Hen Speech Pathology advertising of educational resources or programs or informing families of resources or issues relating to disability or therapy services generally.

Client records Personal and/or sensitive information that Red Hen Speech Pathology may collect for the purpose of assessment clients, providing intervention or in relation to human resource issues.

Personal information Information or a professional opinion, about an individual who is reasonably identifiable, whether or not that information is documented. Personal information includes but is not limited to contact details, address, date of birth, medicare or NDIS number, medical or developmental history and personal financial information.

Sensitive information is part of personal information and includes information Red Hen Speech Pathology may collect such as racial or ethnic origin, religious beliefs, or criminal record.

Principles

Open and Transparent management of personal information

Red Hen Speech Pathology collects and holds personal information that is reasonably necessary to provide services and for administrative and internal business purposes.

Anonymity and pseudonymity

The client has the right to use a pseudonym or remain anonymous, however this may limit the services that Red Hen Speech Pathology can provide, or the availability of funding/rebates.

Collection of solicited personal information

Red Hen Speech Pathology will only collect sensitive information that is reasonably required to perform the functions/treatments required and will only be done with the consent of the client or their guardian.

Dealing with unsolicited personal information

If Red Hen Speech Pathology identifies personal information that has not been solicited as per above, the information will be de-identified and destroyed.

Notification of the collection of personal information

Personal information collected by Red Hen Speech Pathology will be disclosed and discussed with the client/guardian during consultation and development of an intervention plan.

Use or disclosure of personal information

Red Hen Speech Pathology will not disclose personal information about an individual to an overseas recipient unless they believe that:

- The information is subject to law;
- Consent from the information owner has been obtained,
- Or the information is required or authorised by or under an international agreement

Adoption, use or disclosure of government related identifiers

Red Hen Speech Pathology will not adopt the use of government related identifiers (eg. Medicare Number, NDIS number) as client IDs. However, Red Hen Speech Pathology is required to include client NDIS numbers on their reports for the NDIS, and Medicare numbers on reports as part of CDMP reporting requirements.

Quality of personal information

Red Hen Speech Pathology will ensure all personal information used or disclosed is accurate, up-to-date, complete and relevant.

Security of personal information

Red Hen Speech Pathology will ensure the security of personal information and protect it:

- From misuse, interference and loss; and
- From unauthorised access, modification, or disclosure; and
- By way of enforcement of this Confidentiality Policy and the use of IT security

Access to personal information

- Red Hen Speech Pathology will release personal information on request by the client/guardian in accordance with the Privacy Act
- Exceptions to the release of personal information will align with the stipulations contained within the Privacy Act.

Correction of personal information

Should Red Hen Speech Pathology identify information that is inaccurate, out-of-date, incomplete, irrelevant or misleading, or an individual in question requests that such incorrect information be amended, then Red Hen Speech Pathology will take all reasonable steps to correct the information and update records.

Procedures

1. Copy of Red Hen Speech Pathology Confidentiality Policy will be available on the website and on request.
2. All staff will be provided with a copy of the Confidentiality Policy upon commencement.
3. Upon registration as a client of Red Hen Speech Pathology, a Release of Information form will be completed by the client or their guardian. This will specify which agencies or individuals Red Hen Speech Pathology may seek information from or release information to. Furthermore, Red Hen Speech Pathology will where practical, advise the client/guardian before contacting any agency/individual in relation to the client. This will be stored electronically in the client file on Cliniko.
4. Red Hen Speech Pathology may disclose personal or sensitive information regarding a client to the following:
 - a. Guardians or legal representatives
 - b. Health professionals involved in the client's treatment
 - c. To liaise with your health fund, Medicare or the Department of Veteran's Affairs and where required provide information to your health fund, Medicare or the Department of Veteran's Affairs to verify treatment provided to the client;
 - d. Medical Practitioner. Under the terms of the Medicare Chronic Disease Management Program, a report must be sent by Red Hen Speech Pathology to the referring GP.
 - e. NDIS. Red Hen Speech Pathology may be required to provide reports on intervention or outcomes to the NDIS or the client's Specialist/Support Coordinator;
 - f. In relation to invoicing, billing and account management;
 - g. As required to complete quality assurance processes, accreditation, audits, risk and claim management, staff education and training;
5. All client data will be recorded within the client management system, Cliniko, which can be accessed only through 2 factor authentication.
6. Any paper-based client files will be stored in a locked filing cabinet when not in use.
7. Client names or other identifying information will not be displayed in a location that is visible to other clients or the general public.

8. Photographic, video, or other identifying images will not be displayed or aired publicly without the written prior consent of the client or their legal guardian. This consent will be reviewed annually or in relation to a specific purpose that differs from that which it was originally granted.
9. Red Hen Speech Pathology staff will not discuss personal details of clients in public areas.
10. If Red Hen Speech Pathology holds personal information about an individual, and the individual or their parent/guardian requests access to that information, Red Hen Speech Pathology will provide the individual with access to that information unless any of the following exceptions apply:
 - Red Hen Speech Pathology believes that providing access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
 - would have an unreasonable impact upon the privacy of another individual;
 - the request is frivolous or vexatious;
 - unlawful;
 - the information relates to existing or anticipated legal proceedings between Red Hen Speech Pathology and the individual, and the information would not be provided by the process of those proceedings.
11. Clients or their families/guardians may seek correction of personal information by contacting the Director, Manda Hollins on 0417855226 or via manda@redhenspeech.com.au
12. Any complaints regarding the collection, management, storage or disclosure of personal or sensitive information should be made via the Complaints Management System.

Related policy and procedures

Complaints Management Policy and Procedures
Child Safety Policy

Related legislation, regulations and standards

Australian Privacy Principles (APPs) under the Privacy Act 1988 www.oaic.gov.au
Speech Pathology Australia Code of Ethics

Approvals

Date of approval: 26/12/21

Date of review: 26/12/22

Director: Manda Hollins