

# PRIVACY AND INFORMATION MANAGEMENT POLICY AND PROCEDURE

## STATEMENT

The Privacy Act 1988 (Privacy Act) is an Australian law that regulates the handling of personal information about individuals by private sector organisations.

Amendments were made to this legislation in 2012 (the Privacy Amendment Act 2012), which updated the Australian Privacy Principles (APP) and came into effect in March 2014.

The amendment requires an organisation to explicitly state how they will adhere to the APP and inform their participants on how their privacy will be protected.

The APP covers the collection, use, storage and disclosure of personal information and access to and correction of that information.

To support the privacy and confidentiality of individuals, MyLinks Support Services is committed to the following:

- Complying with the privacy requirements of the Privacy Act, the Australian Privacy, the Principles and Privacy Amendment (Notifiable Data Breaches) as required by organisations providing disability services.
- Complying with the consent requirements of the NDIS Quality and Safeguarding Framework and relevant state or territory requirements.
- Providing all individuals with access to information about the privacy of their personal information. Each individual has the right to opt-out of consenting to and providing their personal details if they wish. Each individual has the right to request access to their personal records by requesting this verbally or in writing with their contact person.
- Reporting to government funding bodies if the information provided is non-identifiable and any information related to services and supports, including, but not limited to, hours provided, age, disability, language, and nationality.
- Ensuring that personal information will only be used by us and will not be shared outside our organisation without the participants' permission or authorisation unless required by law (e.g., reporting an assault, abuse, neglect, or where a court order is issued).

- Ensuring that images or video footage of participants will not be used without their consent.

## PURPOSE

This policy aims to ensure MyLinks Support Services protects and handles personal information in accordance with the NDIS and relevant privacy legislation.

We acknowledge an individual's right to privacy while recognising that personal information is required to be collected, maintained and administered in order to provide a safe working environment and a high standard of service quality.

The information MyLinks Support Services collects is used to provide services to clients and participants in a safe and healthy environment with individual requirements, to meet the duty of care obligations, to initiate appropriate referrals, and to conduct business activities to support those services.

MyLinks Support Services also collects personal information from staff members and other stakeholders, including employees, whether permanent or casual, contractors, volunteers, key personnel, business partners, their family members and/or next of kin, and our participants' families and support network.

## SCOPE

This policy and procedure apply to all staff, participants and their families and support network whose personal information and sensitive personal information, including the personal information, has been collected by MyLinks Support Services.

## DEFINITIONS

Term	Definition
<b>Personal information</b>	It means information (or an opinion) we hold (whether written or not) from which a person's identity is either clear or can be reasonably determined.

<b>Sensitive information</b>	It is a particular type of personal information - such as health, race, sexual orientation or religious information.
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## POLICY

MyLinks Support Services will comply with the Privacy Act 1988 and the Privacy Amendment Act 2012, and any other applicable State and Territory legislation to protect the privacy of our participants" and staff members' personal information.

MyLinks Support Services has systems in place governing the appropriate collection, use, storage and disclosure of personal information, access to and correction and disposal of that information.

At MyLinks Support Services, we will ensure the following:

- Compliance with legislative requirements governing the privacy of personal information.
- All participants are satisfied that their personal information is kept private and only used for the intended purpose.

## PROCEDURE

MyLinks Support Services ensures all staff understand the Privacy and Confidentiality requirements as follows:

- The management team will review this policy and procedure at least annually and ensure all staff understand their responsibility to protect the privacy of individuals' personal information.
- All staff will undergo training related to Privacy and Confidentiality policy and procedure, processes and requirements at the time of induction and then annually.

### 1. MANAGING PRIVACY OF PARTICIPANT INFORMATION STORAGE

To manage the privacy and confidentiality of information, MyLinks Support Services will:

- Keep the participant information collected in an individual record.
- Assign a unique identification number to each participant record. Each participant record must include at least their personal information, service



agreement, service or support plan, and any other report or document created in the course of service delivery.

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

Participant-related information or any papers identifying a participant are destroyed by shredding and deleting from the computer and all databases.

User access to all computers and mobile devices holding participant information is managed by passwords and automatic inactive logouts and authorised by the Director/s or their delegate.

## **2. CONSENT TO MANAGING INFORMATION**

This policy and procedure are also included in the participant's *Service Agreement*.

The *Service Agreement* includes five consents plus other pertinent consents provided during the provision of supports and services:

- Consent for sharing and obtaining information
- Consent for receiving services
- Consent for photography
- Consent to participate in Participant Satisfaction Surveys
- Consent to participate in Quality Management Activities.

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

Persons contacting MyLinks Support Services with an enquiry do not need to provide personal details. However, once a decision is made to progress to utilising MyLinks Support Services' personal and sensitive information will need to be collected following our internal processes and this policy and procedure.

MyLinks Support Services may need to share pertinent participant information with other service providers (e.g., Coordinator) when determining service or 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 service delivery as/if required.

Personal information is not disclosed to third parties outside of MyLinks Support Services 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 MyLinks Support Services to share information without their consent.

### **3. KEEPING ACCURATE INFORMATION**

Participants are informed of the need to provide us with up-to-date, accurate and complete information.

MyLinks Support Services staff update information on the participant record at the time of reviews or when they become aware of a change in information.

MyLinks Support Services staff update the participant record as soon as practical after the delivery of services to ensure the information is accurate and correct.

### **4. USING INFORMATION FOR OTHER PURPOSES**

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

### **5. ACCESS TO INFORMATION**

Participants have the right to access the personal information MyLinks Support Services holds about them at any time. To do this, participants must contact the Director/s or their delegate directly or any staff member who must raise this access request to their manager or supervisor.

### **6. SECURITY OF INFORMATION**

A Firewall is used in MyLinks Support Services computer system as a means of protecting information stored on the computer. Other security-related procedures,

such as user access passwords, and multi-factorial authentication, also assist with the protection of information.

Paper records are kept in locked, fireproof cabinets.

To keep information secure, MyLinks Support Services management team will:

- Take reasonable steps to protect the personal information we hold against misuse, interference, loss, unauthorised access, modification and disclosure;
- Ensure personal information is accessible to the participant and is able for use only by relevant staff members;
- Ensure security for personal information includes password protection for IT systems, locked filing cabinets and physical;
- Put access restrictions in place with only authorised personnel permitted access.

## **7. MANAGEMENT OF A PRIVACY COMPLAINT**

If a person raises a complaint regarding the way in which their personal information is being handled by MyLinks Support Services, in the first instance, they are to contact the Director/s or their delegate.

The complaint will be dealt with as per our Complaints Management Policy and Procedure.

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. MyLinks Support Services will provide every cooperation with this process.

## **8. DATA BREACHES**

A data breach happens when personal information is accessed or disclosed without authorisation or is lost. Under the Privacy Act 1988 and the Notifiable Data Breaches (NDB) scheme, MyLinks Support Services must notify affected individuals and the Office of the Australian Information Commissioner (OAIC) when a data breach involving personal information is likely to result in serious harm.

As part of information security responsibilities, MyLinks Support Services will:

- Take reasonable steps to reduce the likelihood of a data breach occurring, including storing personal information securely and accessible only by relevant staff members.
- Take reasonable steps to reduce the chance of harm and advise our participants of a data breach if we know or suspect their personal information has been accessed by unauthorised parties and we think this could cause any harm. The notification to participants must include recommendations about the steps they should take in response to the data breach. The Director/s or their delegate is responsible for notifying both the participants and their families/support network when a data breach occurs.
- Notify the Office of the Australian Information Commissioner within the given timeframe. The Director/s or their delegate is responsible for notifying the OAIC using the online [Notifiable Data Breach form](#). For more information, see [Report a Data Breach](#).

A breach of privacy and confidentiality is an incident, and the Incident Management Policy and Procedure must be followed. An investigation will be conducted by the management team.

Any intentional breach will result in disciplinary action up to and including termination of employment.

## RELATED DOCUMENTS

- Code of Conduct
- Complaints Management Policy and Procedure
- Incident Management Policy and Procedure
- Service Agreement
- Staff Handbook

## REFERENCES

- Privacy Act 1988 (Cth)
- Disability Inclusion Act 2014 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Health records and Information Privacy Act (NSW)