



PRIVACY AND CONFIDENTIALITY POLICY

Version: 001

Overview

Respecting a person's privacy is protected under the Australian Privacy Act 1988. Privacy relates to both the personal information collected and held about all people including participants, providers, staff, contractors, and other health professionals and to the physical environment, possessions, physical needs, and personal relationships.

Personal information is defined as 'Information or an opinion about an identified individual, or an individual who is reasonably identifiable':

- whether the information or opinion is true or not and
- whether the information or opinion is recorded in a material form or not.'

Health information is one of the most sensitive types of personal information, so it is essential practices for collecting, storing, and using this protect the privacy of the individual it relates to.

APPLICABLE PARTIES

- all categories of employees
- tess' governing body
- all volunteers
- contractors and consultants, whether they are employees
- all other service providers

PARTICIPANT OUTCOME

I am treated with dignity and respect and can maintain my identity. I can make informed choices about my care and services and live the life I choose.

ORGANISATION STATEMENT

Tess has a culture of inclusion and respect for participants, supports participants to exercise choice and independence and respects participants' privacy.

Policy Review

This policy will be reviewed every 2 years, or more frequently if significant changes occur in legislation or industry standards, to ensure its relevance and compliance.

Feedback from staff and participants is valued and utilised to enhance the effectiveness and clarity of this policy.

Policy Commitment

At Tess, we are committed to safeguarding the privacy of our participants, staff, contractors, and other stakeholders. This Privacy Policy outlines how we collect, use, disclose, and store personal information in accordance with the Australian Privacy Principles (APPs) under the Privacy Act 1988. We ensure that all personal information is handled responsibly and respectfully.

Tess is authorised to collect, use, and disclose certain personal information in accordance with the Aged Care Quality and Safety Commission Act 2018, the Aged Care Act 1997, and the National Disability Insurance Scheme Act 2013 for the purposes of:

- protecting and enhancing the safety, health, well-being, and quality of life of aged care and disability participants
- promoting the provision of quality care and services
- developing and promoting best practice models for engagement between aged care and disability service providers and their participants
- dealing with complaints about aged care and disability service providers and
- regulating and monitoring the provision of aged care and disability services.

Information is provided to participants from the Notice of Collection page on the Aged Care Quality and Safety Commission website and Your privacy and information page of the NDIS Quality and Safeguards Commission.

The consumer understands:

- that they have the right to access their information and correct it, by requesting this in writing. A response will be provided within 14 days of receipt, or a reason given if access is denied.
- that if their information needs to be disclosed to overseas recipients who are not bound by Australian Privacy Principles, their privacy cannot be assured. Tess will seek specific consent for that disclosure.
- that if a significant threat to consumer or staff safety affects the consumer's right to privacy and confidentiality, staff safety will prevail and
- be advised after the fact, that access to their personal information was given without obtaining prior consent, for only the following reasons, i.e.
 - if there is a serious threat to the life, health, or safety of any individual or public health and safety including locating a missing person.
 - it would unreasonably infringe the privacy of other individuals or
 - the information relates to legal proceedings or is in some way illegal.

By choosing Tess, individuals entrust us with their personal information, and we are committed to honouring that trust by safeguarding their privacy and confidentiality.

Policy Guidelines

PERSONAL INFORMATION WE COLLECT

Personal information refers to any data that identifies an individual, whether directly or indirectly. At Tess, we may collect the following types of personal information:

1. **Contact Information:** Including names, addresses, email addresses, and phone numbers.
2. **Identification Details:** Such as date of birth, Medicare number, and other identification numbers.
3. **Health Information:** Relevant medical history, current health conditions, medication details, and healthcare preferences.
4. **Financial Information:** For billing and payment purposes, we may collect financial details.
5. **Employment Details:** For staff and contractors, we collect employment-related information, including background checks, tax file numbers and superannuation information.
6. **Participant Preferences:** Information about preferences, choices, and requirements concerning care and services.

HOW WE COLLECT PERSONAL INFORMATION

We collect personal information through various means, including:

1. **Directly from Individuals:** After we complete an assessment on an individual's capacity to provide informed consent, we may collect information provided by individuals during assessments, care planning, and service provision.
2. **Third Parties:** Information may be collected from authorised representatives, family members, or healthcare professionals involved in the individual's care.
3. **Government Portals:** Information may be collected from My Aged Care, or the NDIA that includes previous assessments, referral codes, notes, and personal information.
4. **Progress Notes:** Staff will record notes objectively on a secure network, respecting the individual's dignity.
5. **Automated Technologies:** We may collect data automatically through technologies such as cookies when individuals interact with our website or online services.

PURPOSE OF COLLECTING PERSONAL INFORMATION

We collect and use personal information for the following purposes:

1. **Service Delivery:** Providing care, services, and support tailored to individual needs and preferences.
2. **Communication:** Contacting individuals regarding appointments, services, or updates.
3. **Billing and Payments:** Managing financial transactions and processing payments.
4. **Quality Improvement:** Monitoring and improving the quality and effectiveness of our services.
5. **Compliance:** Ensuring compliance with relevant laws, regulations, and standards.

6. **Safety and Security:** Protecting the safety, health, and well-being of participants, staff, and others.
7. **Research and Development:** Conducting research to enhance our services and offerings.

DISCLOSURE OF PERSONAL INFORMATION

We may disclose personal information to third parties in the following circumstances:

1. **With Consent:** When individuals provide explicit consent for specific disclosures.
2. **Legal Obligations:** When required by law, court order, or government authorities.
3. **Service Providers:** To trusted third-party service providers engaged in delivering services.
4. **Healthcare Professionals:** Sharing information with healthcare professionals involved in the individual's care.
5. **Emergencies:** In situations involving the health or safety of an individual, information may be shared with emergency services or relevant authorities.

SECURITY OF PERSONAL INFORMATION

We take reasonable steps to protect personal information from unauthorised access, disclosure, alteration, or destruction. This includes secure storage, 2FA, access controls, and encryption where applicable.

ACCESS AND CORRECTION

Individuals have the right to access their personal information held by Tess and request corrections if necessary. Requests for access or corrections can be made by contacting our Privacy Officer (contact details provided at the end of this policy).

TRAINING AND SUPPORTS FOR ALL APPLICABLE PARTIES

All applicable parties are required to undergo rigorous training and receive ongoing support to uphold these fundamental principles. Our training programs cover the following areas:

1. **Understanding Privacy and Confidentiality:** All applicable parties receive comprehensive training on the concepts of privacy and confidentiality, emphasising the legal and ethical obligations associated with handling sensitive participant information.
2. **Respecting Participant Dignity:** Training focuses on the significance of treating participants with the utmost respect, including respecting their privacy during personal care activities and ensuring their dignity is preserved at all times.
3. **Data Protection Laws and Regulations:** All applicable parties are educated about relevant privacy laws and regulations, including the Australian Privacy Principles (APPs) under the Privacy Act 1988. They learn how to comply with these laws in their daily interactions and documentation.

4. **Handling Personal Information:** Training covers proper procedures for collecting, storing, and sharing personal information, including obtaining informed consent, secure record-keeping, and the secure transmission of electronic data.
5. **Confidentiality Agreements:** All applicable parties are required to sign confidentiality agreements, affirming their commitment to safeguarding participant information. These agreements highlight the consequences of breaching confidentiality.
6. **Access Controls:** Training on access controls ensures that all applicable parties understand who can access participant records and under what circumstances. This includes protocols for accessing electronic records and physical files.
7. **Secure Communication:** All applicable parties are educated on secure communication methods, emphasising the importance of encrypted messaging and phone calls when discussing participant information with colleagues or family members.
8. **Handling Inquiries:** All applicable parties learn how to handle inquiries from external parties, such as family members and regulatory bodies, ensuring that only authorised individuals receive specific participant information.
9. **Incident Reporting:** Training includes clear procedures for reporting any breaches of privacy or confidentiality. All applicable parties are encouraged to report incidents promptly and are assured protection from reprisals when reporting in good faith.
10. **Regular Refresher Courses:** Ongoing training and refresher courses are conducted to keep all applicable parties updated on changes in privacy laws, best practices, and organisational policies.
11. **Supervision and Feedback:** Regular supervision sessions provide opportunities for all applicable parties to discuss concerns or challenges related to privacy and confidentiality. Constructive feedback and guidance are provided to reinforce best practices.

By investing in continuous training and creating a culture of awareness and accountability, Tess ensures that all applicable parties are well-informed, confident, and committed to upholding the highest standards of privacy and confidentiality in their interactions with participants and their families.

CONTACT US

For any privacy-related inquiries, requests for access, or complaints, please contact our Privacy

Officer: Melanie McFadden

melanie@tess.support

Ph: 02 4572 0056

1 Oban Close, Windsor Downs NSW 2756

Roles and Responsibilities

Governing Body

The Governing Body is responsible for providing leadership and fostering a culture that respects individual dignity and choice, including protecting privacy and confidentiality. The Governing Body will identify appropriate systems and processes to monitor, review and continuously improve this policy.

Management

Management is responsible for ensuring the workforce (whether employed or contracted) follow this policy and respect the privacy and confidentiality of all individuals. Management is also responsible for monitoring implementation and compliance with this policy including ensuring completion of education and training and providing feedback and performance review where required.

All staff including volunteers and contractors

All staff, contractors, students, and volunteers are responsible for understanding and following this policy and completing all education and training as directed.

SUGGESTED EVIDENCE

- Training Records
- Signed Confidentiality Agreements
- Policy Documentation
- Incident Reports
- Access Control Logs
- Regular Audits and Assessments
- Feedback and Suggestions
- Documentation of Participant Consent

RELATED REGULATIONS

Aged Care Act 1997

Privacy Act 1988 (Cth)

User Rights Principals 2014

Standard 1 (3)(f) Privacy is respected

NDIS Code of Conduct: Respect the privacy of people with disability

References	
Australian Privacy Principles	Office of the Australian Information Commissioner
Notifiable data breaches	Office of the Australian Information Commissioner
Privacy for health service providers	Office of the Australian Information Commissioner
NDIS Legislation, Rules and Policies	NDIS Quality and Safeguards Commission
Aged Care Quality and Safety Commission – Notice of Collection	Aged Care Quality and Safety Commission