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PRINCIPLES FOR THE COLLECTION OF CONSUMER INFORMATION

Kogarah Community Services (KCS) is committed to the principles outlined in the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012¹. We have in place procedures that ensure compliance with the legislation including the protection of sensitive information including health information. We are guided by the OAIC documents, Protecting Customer's Personal Information² and the Guide to Health Privacy³ in the implementation of our privacy plan and processes.

KCS has an ethical and legal responsibility to protect the privacy and confidentiality of children, consumers and their families as outlined in Early Childhood Code of Ethics, National Education, Aged Care Quality Standards - Standard 1 Consumer dignity and choice and Care Regulations and the Privacy Act 1988 (Cth).

All staff members will maintain confidentiality of personal and sensitive information to foster positive trusting relationships with our children, consumers, their families and the community.

PURPOSE

To ensure that the confidentiality of information and files relating to consumers, children, families, staff, and visitors accessing KCS is upheld at all times. We aim to protect the privacy and confidentiality of all information and records about individual children, families, educators, staff and management by ensuring continuous review and improvement on our current systems, storage, and methods of disposal of records. We will ensure that all records and information are held in a secure place and are only retrieved by or released to people who have a legal right to access this information.

SCOPE

This policy applies to CONSUMERS, children, families, staff, management, and visitors.

PRIVACY PLAN

The KCS Privacy Plan, policies, processes and practices to ensure the privacy of our consumers, children and families is outlined below. The key guidelines for respecting Consumer privacy and confidentiality at KCS include:

- We have clear lines of accountability for privacy management. The Board has approved the Privacy Plan and has delegated day to day responsibility to the CEO. The CEO is directly responsible for privacy and for reporting to the Board on any issues including breaches. The CEO is also responsible for ensuring our policies, processes and practices are implemented and followed and Program Managers report any issues to the CEO. Staff with any privacy issues or queries can approach their immediate supervisor or Program Manager
- Management, staff and volunteers are provided with training and information as needed on the rights of consumers, children and families to privacy and confidentiality and the processes to support this. Periodic reviews of the information are carried out and if there are any concerns highlighted then further discussion and practice reviews take place at staff meetings (see 7.4.3 staff education and training/education and training strategies/mandatory training). The OAIC Guide to Health Privacy is utilised as a reference for senior management in the management of privacy⁴
- Program handbooks outline our approach to maintaining privacy and confidentiality of information. Aged Care consumers and Children's Services families are provided with a copy of the relevant program handbooks on commencing with KCS and whenever the information substantially changes.

¹ Australian Government Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012

² Australian Government Office of the Australian Information Commissioner [Protecting Customers Personal Information](#) Accessed 8 August 2019

³ Australian Government Office of the Australian Information Commissioner (OAIC) Guide to Health Privacy September 2019 Accessed February 2020

⁴ A copy of the OAIC Guide to Health Privacy is maintained in our Resources folder

- We only collect information about consumers, children and families that is relevant to the provision of care and we explain why we collect the information and what we use it for. Information collected can include contact details, family details, medical history, health care provider details, financial information, assessments, clinical notes, medications, Medicare/healthcare fund details, specialist reports, test results and referral information
- We take steps to correct information where appropriate and regularly review consumer, children and family information with them directly or their representative to ensure it is accurate and up to date
- Consumers, children and families can ask to see the information that we keep about them and are supported to access this information (see 'Consumers, children and families Right to Access Information' below) subject to the Grounds for Refusing Access specified in the Privacy Act 1988
- Consumers, children and families are supported by KCS should they have a complaint or dispute regarding our privacy policy or the management of their personal information
- All information relating to consumers, children and families is confidential and is not disclosed to any other person or organisation without the consumer's consent except in cases of serious threat to the consumer where they are not able to provide consent
- Except with the written consent of the person, personal information is not disclosed to any other person other than:
 - for a purpose connected with the provision of aged care to the consumer by us; or
 - for a purpose connected with the provision of aged care to the consumer by another approved provider; or
 - for a purpose for which the personal information was given by or on behalf of the consumer; or
 - for the purpose of complying with an obligation under the Aged Care Act 1997, the Aged Care (Transitional Provisions) Act 1997 or any of the principles⁵
 - for the purpose of complying with an obligation under the Children and Young Persons (Care and Protection) Act 1998 and Chapter 16A of the NSW Children and Young Person (Care and Protection) Act 1998 (See KCSP028 Child Protection policy)
- The provision of information to people outside the service is authorised by the relevant Manager
- We do not discuss consumers, children and families or their care needs with people not directly legally required to know
- Any discussions between staff about consumers, children and families are held in a private space
- Any references to individual consumers, children and families in meeting minutes refer to the consumer by initials only or another unique identifier, such as their consumer number
- Electronic information is securely stored on our server and securely backed up daily (see KCSP016 Information Management). Any hardcopy consumer files are stored in secured filing cabinets and archived in our secure archives area
- We confidentially destroy any personal information held about our consumers, children and families when it is no longer necessary to provide care (see KCSP016 Information Management 8.11.6 Archiving)
- We have a comprehensive data breach response plan to be implemented in the event of a data breach (see KCSP016 Information Management 8.11.7 Information Technology and Cyber Security)
- Our Privacy Plan and policies, processes and practices are reviewed and updated through our regulatory compliance and continuous improvement processes including the review of Policies and Procedures over a three-year period and ongoing audits of all processes. (see KCSP013 Regulatory Compliance and KCSP014 Continuous Improvement.)

In addition to the above, further points related specifically to Aged Care:

⁵ Australian Government Aged Care Quality and Safety Commission [Charter of Aged Care Rights](#) webpage accessed May 2020

- The information in the Handbook including our privacy policy is explained to Aged Care consumers during the Service Commencement Meetings and at any consent collection process
- We ensure a three-point identification check is conducted when making face to face and telephone contact with new consumers including validating their name, address and date of birth. We seek support from carers and family (who are also identified) if the consumer cannot self-identify. We use other identifying information (e.g., from referral information, such as Medicare number, pension and other documentation) to validate identification
- Reviews are always conducted in private with the consumer and the relevant team member unless the consumer consents to their carer, advocate or another person being present
- During consumer assessments and reviews the relevant team member asks the consumer about any privacy requirements they have such as their preference for a male or female support worker. These are noted on their assessment form and on the support plan.

STAFF RESPONSIBILITIES

All KCS staff must:

- ensure KCS policies and procedures are adhered to
- ensure KCS obtains written consent from consumers, parents and/or guardian of children who will be photographed or videoed by the service
- ensure consumers, their nominated carer and children's legal guardians only have access to the files and records of their own children or consumer
- ensure that information given to staff will be treated with respect and in a confidential and professional manner
- ensure only necessary information regarding a child's day-to-day health and wellbeing is given to non-primary contact educators within the Children's Services program; for example, food allergy information
- ensure consumers, staff, volunteers and families are aware of the privacy and confidentiality policy
- not share information about the individual or service, management information, or other staff as per legislative authority.

In addition, Management, Coordinators and Supervisory staff to

- ensure staff, volunteers, students, and families are aware of the privacy and confidentiality policy.

AUSTRALIAN PRIVACY PRINCIPLES – PERSONAL INFORMATION

Kogarah Community Services Inc. is committed to protecting personal information in accordance with our obligations under the Privacy Act 1988 and Privacy Amendments (Enhancing Privacy Protection) Act 2012.

Personal information includes a broad range of information, or an opinion, that could identify an individual.

Sensitive information is personal information that includes information or an opinion about a range of personal information that has a higher level of privacy protection than other personal information.

Source: OAIC-Australian Privacy Laws, Privacy Act 1988

Personal information will be collected and held securely and confidentially to assist KCS in the provision of quality service delivery, support and care.

CONFIDENTIALITY OF COMPLAINTS AND DISPUTES

As far as possible, the fact that a Consumer has lodged a complaint and the details of that complaint are kept confidential amongst staff directly concerned with its resolution. Similarly, information on disputes

between a Consumer and a staff member or a Consumer and a carer is kept confidential. The Consumer's permission is obtained prior to any information being given to other parties whom it may be desirable to involve in the resolution of the complaint or dispute.

CONSUMERS, CHILDREN AND FAMILIES RIGHT TO ACCESS INFORMATION

Consumers, children and families of KCS have a right to read any personal information kept about them. A request from a Consumer (or their advocate) to access information is referred to the relevant team member who confirms the request with the Coordinator and then arranges for the Consumer to view their information within 30 days of the request.

Information is provided in a format accessible by the Consumer. The Consumer can nominate a representative to access their records held by us.

A team member is available to assist the Consumer in understanding the information and to explain terminology or other assistance.

On advice from our legal representative, access to a Consumer's record may be denied subject to the Grounds for Refusing Access specified in the Privacy Act 1988. This is discussed with the Consumer/advocate should this situation arise.

COMPLIANCE

NATIONAL QUALITY STANDARD (NQS) QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service
7.1.1	Service philosophy and purposes	A statement of philosophy guides all aspects of the service's operations.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.
EDUCATION AND CARE SERVICES NATIONAL REGULATIONS		
168	Education and care services must have policies and procedures	
181	Confidentiality of records kept by approved provider	
181-184	Confidentiality and storage of records	

AGED CARE QUALITY STANDARDS	
1	Consumer Dignity & Choice (1.6 Privacy & Confidentiality)

PROTECTION

Staff of the organisation, and volunteers dealing with restricted information, shall be required to sign a confidentiality agreement (see KCSF024)

RECORD OF REVISIONS

Unless the Policy specifically states otherwise, the Policy does not form part of your employment agreement with KCS. KCS may unilaterally vary, remove or replace this Policy at any time. To the extent that this Policy imposes any obligations on KCS and/or purports to provide any right or benefit to you, those obligations are not contractual and do not give rise to any contractual rights. The Employee is required to be familiar with the content of the Policy and comply with the terms at all times.

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Version Number	Modified or Reviewed by	Modifications Made/Notes			Date	STATUS (Internal, External, Archived)
V1	MT	GGJ Version - Formatted to reflect KCS branding			15/11/2021	DRAFT
V2	MT	GGJ Update 17/11/21			19/11/21	DRAFT
V3	MT	GGJ Split			13/5/22	DRAFT
V4	MT	Made into whole of KCS document (previously GGJ ACP106 & CSP012)			2/8/22	DRAFT
V5	Board	Ratified at Board meeting			29/8/22	Live