

Purpose

To detail how Noah's Inclusion Services protects clients' privacy and confidentiality and meets the requirements of relevant privacy legislation and principles. Areas covered include explanations provided to clients; consent; how information is obtained, used and stored; involvement of family and others; how personal information can be accessed and updated; conditions for disclosing information to third parties; staff requirements, data breach response; and documentation and review.

Policy Statement

Noah's Inclusion Services collects, records and maintains a variety of information to enable effective service delivery and to meet business requirements.

Noah's Inclusion Services ensures that all information is maintained, used and stored in accordance with the Privacy Act 1988, the Australian Privacy Principles 2014, the NDIS Practice Standards 2018 and the Health Records and Information Privacy Act 2002 in a manner that protects an individual's right to privacy, dignity and confidentiality.

Noah's Inclusion Services meets the requirements of relevant privacy legislation by ensuring:

- Information is collected for lawful purposes and only when it is directly related to the service to be provided or to meet business requirements.
- Where possible Noah's Inclusion Services collects personal information directly from the person or their person responsible unless it is not practical or reasonable to do so.
- Where a person is not able to provide the information it is obtained from another person or organisation that is authorised to provide the information.
- Individuals are informed of the information that is collected, the purpose it is collected for and who will have access to it.
- Client information is provided to staff based on what is needed to ensure safe, effective service provision and the requirements of their role.
- Clients are provided with support to access their own personal information (including a child they are responsible for) as needed.
- Information will not be provided to a third party without consent from the client.
- Noah's Inclusion Services information systems are maintained and controlled in a way to protect unauthorised access or use.

Operational Procedures

1. Client's right to privacy and confidentiality

1.1. The Team Leader will:

- 1.1.1. Obtain consent from the client to provide service and collect and exchange information where required (Refer *Policy and Procedure Service Intake; Client Service Agreements; Client Rights & Responsibilities*).
- 1.1.2. Work only with those representatives that the client has consented to and once received, involve the client's representative in the matters they have been consented to be involved in.
- 1.1.3. Notify and explain to the client and their representative their right to privacy and confidentiality, how information will be collected, what it will be used for, who will have access to it (including any third parties) and how it will be securely stored and backed up.
- 1.1.4. Obtain personal information, where possible, directly from the client. Where this is not possible or reasonable, collect personal information from individuals or organisations authorised or legally responsible for the person.
- 1.1.5. Collect only information that is relevant to the service provided or necessary for Noah's Inclusion Services to meet legal and business requirements.
- 1.1.6. Follow the requirements of Policy and Procedure *Client Files & Records* to ensure records and information is treated in a way that protects clients' privacy and confidentiality.

1.2. Noah's Inclusion Services will not use identifiers such as Medicare or Tax File Numbers as identifiers for clients or their personal information.

1.3. Clients will be permitted to remain anonymous, wherever practical, in their dealings with Noah's Inclusion Services which will be explained to clients as part of their initial assessment (Refer *Policy and Procedure Client Assessment & Management; Client Service Agreements; Complaints*).

2. Collection and use of information

2.1. Noah's Inclusion Services collects, records and maintains a variety of information to enable effective service delivery and to meet business requirements. Information may include:

- 2.1.1. Personal information;
- 2.1.2. Medical records;
- 2.1.3. Assessment and support requirements;
- 2.1.4. Daily support notes;
- 2.1.5. Complaints;
- 2.1.6. Incidents;
- 2.1.7. Reports/information from other agencies;
- 2.1.8. Communications with clients, families and carers;
- 2.1.9. Information to meet funding or government requirements; and/or
- 2.1.10. Administrative information.

2.2. Necessary sensitive information will be collected where:

- 2.2.1. The person has consented;
- 2.2.2. The collection is required by law;
- 2.2.3. The collection is necessary to prevent or lessen a serious or imminent threat to the life or health of a person; and/or
- 2.2.4. It is collected in the course of providing service and the person understands that the information will not be disclosed without their consent;
- 2.3. Personal information will, where possible, be obtained directly from the parent/carer or child. Where this is not possible or reasonable staff may collect personal information from individuals or organisations authorised or legally responsible to provide such information.
- 2.4. Information regarding a parent/carer or child may be obtained from third parties (eg. Government agencies, medical professionals or brokerage agencies) but only where the parent has consented to such collection, would reasonably expect information to be obtained in this way or if it is necessary to enable service to be provided.
- 2.5. Where unsolicited information is obtained, Noah's Inclusion Services will verify:
 - 2.5.1. Verify the information is relevant to Noah's Inclusion Services operations;
 - 2.5.2. The information is valid;
 - 2.5.3. The collection of the information is in accordance with the client's right to privacy and confidentiality. Relevant legislation and principles; and
 - 2.5.4. It is used and maintained in accordance with privacy principles.
 - Where unsolicited information does not meet these requirements Noah's Inclusion Services will destroy the information or ensure it is de identified.
- 2.6. Noah's Inclusion Services may use personal information for direct marketing to current and past clients. This may include:
 - 2.6.1. Newsletters, annual reports or updates to keep client's informed of Noah's Inclusion Services activities;
 - 2.6.2. Information on upcoming events, activities or changes in Noah's Inclusion Services programs that may be of benefit to the client now or into the future; and/or
 - 2.6.3. Other information from time to time that may be deemed to be of relevance or interest to the client.
- 2.7. Noah's Inclusion Services will only use personal information for direct marketing to clients where the information has been collected from the client or their representative;
 - 2.7.1. The client will be removed from any direct marketing lists where requested.
 - 2.7.2. Noah's Inclusion Services will not provide information to third parties for direct marketing unless it is consented to by the client or the disclosure is in accordance with legislation, principles or government requirements (eg. funder requirements)

3. Access to and updating of personal information

- 3.1. Noah's Inclusion Services staff will only have access to information that is needed to undertake their role and fulfil their responsibilities. This means:
 - 3.1.1. Information stored electronically will be secured by password. Relevant Noah's Inclusion Services staff will be issued with an individual, unique password that allows access only to information that is required for their duties.

- 3.1.2. Hard copy information kept in offices will be stored in a locked file cabinet. The keys and access will be maintained by the Team Leader or their delegate.
- 3.2. Clients will be supported to access their own information when necessary or requested. The request is made by the client to the Team Leader who will organise as needed.
 - 3.2.1. Open access will be permitted other than in circumstances where the access is in conflict with a duty of care, legal or public interest.
 - 3.2.2. Where information is withheld from access, the client will be provided with the reason the access is denied and advised of options to follow to gain access. (Refer *Policy and Procedure Complaints*).
 - Clients may be able to access withheld information through a request in accordance with the Freedom of Information Act 1989.
- 3.3. If a client requests changes to information held, these changes will be made unless there is a sound reason for not making the changes requested. If it is not agreed to make the change the client may make a statement about the requested change, which will be attached to the record. The client will be supported to raise a complaint if necessary. (Refer *Policy and Procedure Complaints*).
- 3.4. Noah's Inclusion Services will keep client information current and accurate. Where a notification of change of details for a client is received the Team Leader will ensure the information is updated on all relevant documents in each of the client's files.

4. Disclosure of Information to third parties

- 4.1. Information will only be used for the purposes for which it was provided, for purposes that are directly related to service delivery or necessary business requirements.
- 4.2. Information will not be provided to other individuals, agencies or organisations unless:
 - 4.2.1. The person has consented.
 - 4.2.2. The person would reasonably expect, or has been told, that information of that kind is usually passed to those individuals, agencies or organisations.
 - 4.2.3. The other individual, agency or organisation is working with Noah's Inclusion Services as an agent, contractor or subcontractor and/or is otherwise authorised to access the information.
 - 4.2.4. It is required or authorised by law.
 - 4.2.5. It will prevent or lessen a serious and imminent threat to a person's life or health.
 - 4.2.6. Where another agency is providing support or the client transfers to another provider relevant information will be passed on with the consent of the client to enable appropriate service to be provided (Refer *Policy and Procedure Referrals & Working with other Agencies*).
- 4.3. Noah's Inclusion Services has no known reason to disclose personal information to overseas recipients. If this is required Noah's Inclusion Services shall ensure:
 - 4.3.1. The client is fully informed as to what information is to be disclosed, to whom and for what purpose;
 - 4.3.2. There are reasonable practices and systems in place to protect the privacy and confidentiality of the information in accordance with Australian legislation and principles;
 - 4.3.3. The client has consented to the disclosure or transfer of information.

5. Requirements for staff

5.1. All staff will:

- 5.1.1. Be required to sign and adhere to the requirements of Noah's Inclusion Services Code of Conduct and Confidentiality agreements.
- 5.1.2. Only access and use information for service or Noah's Inclusion Services business related matters.
- 5.1.3. Not discuss or comment on the past, present or future support requirements of a client with any person outside of those authorised and relevant to the service being provided.

6. Data Breach Response

A data breach is an incident in which information is compromised, disclosed, copied, transmitted, accessed, removed, destroyed, stolen or used by unauthorised individuals, whether accidentally or intentionally.

- 6.1. Noah's Inclusion Services staff will determine whether an eligible data breach has occurred and whether that data breach would be likely to result in serious harm to an individual whose personal information was part of the data breach. The four key steps required to respond to a data breach are:
 - 6.1.1. Contain the breach
 - 6.1.2. Evaluate the associated risks
 - 6.1.3. Notify affected individuals by telephone, letter email or in person
 - 6.1.4. Prevent a repeat
- 6.2. Noah's Inclusion Services CEO will notify the Office of the Australian Information Commissioner (OAIC) of any breach of data.

7. Documentation and Review

- 7.1. The Team Leader will remind clients of their right to privacy and confidentiality and the process Noah's Inclusion Services implement to protect this as part of their scheduled reviews.
- 7.2. Staff will reinforce Noah's Inclusion Services privacy and confidentiality practices to clients as part of ongoing service delivery.
- 7.3. Where a suspected or actual breach of privacy and/or confidentiality occurs staff will complete an Incident Report and follow the requirements of the *Policy and Procedure Incident Reporting & Management*.



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Relevant Legislation and Standards (used to develop policy and procedure)	NDIS Practice Standards 2018 National Disability Service Standards – Standard 1, 2, 3, 4, 5 Disability Services Act 1993 Anti-Discrimination Act 1977 Disability Discrimination Act 1992 Privacy Act 1988 Australian Privacy Principles 2014 Information Privacy Act 2002 Children and Young Persons (Care and Protection) Act 1998 Children and Young Persons (Care and Protection) Regulation (2000) Work Health & Safety Act 2011		
Related Policies	Client Assessment & Case Management Client Files & Records Individual Plans Client Rights & Responsibilities Client Service Agreements Complaints Consent Incident Reporting & Management Quality References & Practices Referrals & Working with Others Service Intake		
Related Policies, Procedures and Work guides	Procedures attached: <ol style="list-style-type: none"> 1. Client's right to privacy and confidentiality 2. Collection and use of information 3. Access to and updating of personal information 4. Disclosure of Information to third parties 5. Requirements for staff 6. Documentation and Review Forms Nil		
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EVERY CHILD
EVERY OPPORTUNITY.

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Privacy & Confidentiality**
