

Privacy Policy (E-4) addendum to G-PO-02 Code of Conduct

Domain	Governance
Policy Number	E-4
Version	2
Approval Date	28 June 2023
Review Date:	June 2026
Scope:	All employees, volunteers, contractors and the Board
NDIS Practice Standard	Core Module 1: Participant rights Core Module 2: Governance and Operational Management

Policy

HomePlace is committed to protecting and upholding the right to privacy of participants, staff, volunteers, members of the Board and representatives of organisations we deal with. In particular we are committed to protecting and upholding the rights of the people we support to privacy in the way we collect, store and use information about them, their needs and the supports/ services we provide to them.

HomePlace requires staff, volunteers and Board members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

HomePlace is subject to the Privacy Act 1988, including the requirements imposed by the *Privacy Amendment (Notifiable Data Breaches) Act 2017*, to strengthen the protection of personal information. We will follow the guidelines of the *Australian Privacy Principles* in all of our information management practices.

We will ensure that:

- we meet our legal and ethical obligations as an employer and service provider in relation to protecting the privacy of participants and staff
- participants are provided with information about their rights regarding privacy
- participants and staff are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature
- all staff, Board members and volunteers understand what is required in meeting these obligations
- it will adhere to all requirements imposed under the *Privacy Act 1988*,

Definitions

The Privacy Act defines personal information as:

....." information or an opinion (including information or an opinion forming part of a data base) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion."

Personal information may include, but is not restricted to, participant file notes; "MYP" records in ArmPro, Pocketwatch, GOMs or other module; reports; medical information; financial information; family details; email addresses, phone numbers and addresses.

Sensitive information includes information or an opinion about:

- Racial or ethnic origin
- Health or medical information
- Political opinion
- Membership of a political association, professional or trade organisation or trade union.
- Religious belief or affiliation
- Philosophical beliefs
- Sexual preferences or practices
- Criminal record
- Genetic information

The Privacy Act includes 13 Australian Privacy Principles. The act does not regulate the way personal information is handled and principles are applied according to each agencies specific situation. Principles cover:

- Consideration of personal information privacy
- Collection of personal information
- Dealing with personal information
- Integrity of personal information
- Access to and correction of personal information
- Obligations on agencies to handle sensitive information with particular care.

Procedures

Dealing with personal information

In dealing with personal information, staff will:

- ensure privacy for participants, staff, volunteers or Board members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation and its activities
- use fair and lawful ways to collect personal information
- collect personal information only by consent from an individual
- ensure that people know what sort of personal information is held, what purposes it is held it for and how it is collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure. Staff who are not involved in providing support to a participant, must not access, read, interpret information regarding that participant. We use security technologies and procedures to safeguard personal information. Printing and transport of printed copies of personal information should be avoided. If transport of printed personal information is

essential, it should be transported in a locked bag.

- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired
- notify individuals and the Office of the Australian Information Commissioner (OAIC) when there has been a data breach (or suspected breach) of personal information, if it is likely to result in serious harm to individuals whose privacy has been breached.

Responsibilities for managing privacy

- All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- The Chief Executive (CE) *or their delegate* is responsible for content in publications, communications and web site and must ensure the following:
 - appropriate consent is obtained for the use of any personal information about any individual including staff
 - information being provided by other agencies or external individuals conforms to privacy principles
 - that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website
- The CE is responsible for safeguarding personal information relating to staff, Board members, volunteers, and contractors
- The CE, *or their delegate*, is HomePlace's Privacy Contact Officer: The CE is responsible for:
 - ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information
 - ensuring that participants and other relevant individuals are provided with information about their rights regarding privacy
 - handling any queries or complaint about a privacy issue

Privacy information for participants

During the time of support planning and HomePlace service agreement discussions, participants who will transition to HomePlace for support will be told what information is being collected, how their privacy will be protected and their rights in relation to this information.

Privacy for interviews and personal discussions

To ensure privacy for participants or staff when discussing sensitive or personal matters, HomePlace will ensure that private interview or meeting space will be provided for interviews and personal discussions.

Participants in research projects

People being invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time

- informed about the purpose of the research project, the information to be collected, and how information they provide will be used
- given copies of any subsequent publications

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified.

HomePlace participants in research projects will generally be identified in the research, unless the nature of a particular project requires anonymity or an organisation specifically requests it.

Information Sharing Guidelines

HomePlace follows the SA Government Information Sharing Guidelines (ISG) for Promoting Safety and Wellbeing.

To do this HomePlace will work closely with other agencies to coordinate the most appropriate and safest support for an individual.

Under the ISG, informed consent for the sharing of information will be requested and respected in all situations unless:

- It is unsafe or impossible to gain consent or
- Consent has been refused; and without information being shared, it is anticipated a child, young person or adult will be at risk of serious harm, abuse or neglect, or pose a risk to their own or public safety.

In the event of a threat to safety or well-being safety will override privacy.

Examples include:

1. An ambulance arrives to provide assistance to a person who is unconscious, information can be given to SAAS
2. A person needs urgent medical assistance however they are refusing to cooperate with SAAS, and the individual's guardian/OPA is not available – information can be given to SAAS.

Sources of Information

Where possible, HomePlace will collect the information directly from individuals. HomePlace acknowledges that there is no obligation for an individual to provide personal information. However, if an individual chooses not to provide HomePlace with personal details provision of a full range of services may be compromised.

Complaints or Disputes

If an individual has any concerns regarding the privacy and/or accuracy of personal information, then the individual may make a complaint to the Chief Executive who will then endeavour to resolve the complaint.

Links to Third-Party Websites

Our website may contain links to third-party websites. We are not responsible for the privacy practices or content of those websites.

Related Documents and Further Information

- National Privacy Principles 2014
- Privacy Act 1988
- Information Sharing – Guidelines for promoting safety and well-being. Ombudsman SA
- HomePlace Information Sharing Guidelines
- Written Communication Policy (A-10)

Julie Bowman

Chief Executive

28 June, 2023

Signed

Position

Date

Version control and change history

Version	Date	Change	Approved by
1	1 December 2016	Creation	Shirley Paterson
2	June 2023	Update to reflect NDIS Practice standards & privacy legislation	Julie Bowman