

Privacy and Confidentiality

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Background

In order to treat a consumer with dignity and respect, we must respect their privacy. We ensure the behaviour and interactions of the workforce and others do not compromise consumer privacy. We respect each consumer's right to privacy in how we collect, use and communicate the consumer's personal information.

Health information is one of the most sensitive types of personal information. It is essential that we respect a consumer's right to privacy in how we collect, use and communicate health information.

We manage all personal information according to law and best practice.

Applicability

- all categories of employees
- Board of Directors
- all volunteers
- students on placement
- contractors and consultants, whether or not they are employees
- all other service providers

Consumer 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

Pennwood Aged Care Services:

- has a culture of inclusion and respect for consumers
- supports consumers to exercise choice and independence
- respects consumers' privacy.

Documents relevant to this policy

 [Standard 1 - Requirement \(3\) \(f\) Each consumer's privacy is respected and personal information kept confidential](#) 

Policy Commitment

We commit to privacy and confidentiality of the consumer's personal information (including health information). Privacy for consumers may relate to physical environment, possessions, physical needs, personal relationships and personal information.

To achieve this:

- We obtain consent to collect and hold consumer information
- The consumer or their representative are informed about the records we keep and are provided access to their personal information if they wish
- any manual or electronic consumer information is securely stored. Access is restricted according to roles so that only those staff required to access information as part of their usual duties are able to do so
- all staff sign a confidentiality agreement when first employed which commits them to respecting the privacy and confidentiality of each consumer when we:
 - provide care to them
 - discuss a consumer's care and service requirements
 - store a consumer's personal information whether this relates to medical needs or general information

Process Guidance

Outcome

The process below demonstrates we respect the consumer's privacy and keep their personal information confidential.

1 Respect privacy and confidentiality

- Ask permission from consumers before entering their home, room or bathroom, for example
- Respect the consumer's personal property. For example, do not touch their items, use their equipment or open a consumer's mail unless invited to do so
- Provide privacy to each consumer for personal care activities e.g. bathing, toileting, dressing and personal/intimate relationships and other personal activities e.g. when speaking with visitors and during phone conversations
- Treat all information relating to consumers confidentially and when required to share it, do so in a way that maintains their privacy and confidentiality e.g. conduct handovers between shifts in areas where information cannot be overheard by those who should not have access to it. This also applies to information given to health care professionals or representatives involved in the consumer's care or services. Any health care professionals who require access to the consumer's electronic records or personal information must provide a request in writing and be approved by the consumer or their representative.

2 Collection and use of client information

- The consumer's agreement includes obtaining consent to collect and share information with relevant professionals for the purposes of their care
- The consumer handbook outlines the types of personal information collected, how it is collected and used, how it may be disclosed and the importance of complete and accurate information
- We collect personal information from the consumer and/or representative/s. If information is required from another source e.g. GP, specialists, we obtain consent from the consumer and/or representative/s before making contact
- Staff must not seek more information about the consumer than is necessary to provide care and services
- Staff will not release consumer information to any third party without consumer consent. Any consumer information is released and/or accessible only to those with a legitimate interest or need as part of their care or service role.
- Sometimes other personal information must be collected about the consumer's families and social relationships, personal interests, skills, behaviour patterns and financial affairs, to provide services. We will explain clearly the purpose of this collection to the consumer or representative.
- Staff will not proceed with client assessment, care coordination or planning processes without consumer consent. If the consumer cannot provide consent, staff seek consent from their representative.
- Documentation on all consumer file notes is written objectively, observing:

- respect for the consumer's feelings and dignity
- the consumer's right to request and have access to their own records
- freedom of information and court requirements that may subpoena consumer files.

3 Advise consumer of rights to access records

- We will inform consumers of their right to access their information in the agreement and the consumer handbook. We will remind them periodically through resident meetings, emails, newsletters etc
- Consumers must request access to their information in writing. We must respond within 14 days of receipt
- Consumer may request an amendment to their records if they believe they are inaccurate, incomplete, irrelevant or misleading. If the clinical manager does not agree to amend the information, they must discuss it with the consumer, provide written notice with their reason/s and provide information about how the consumer can submit a complaint

4 Seek consent to use consumer images and audio/visual recordings

- The Consent to Use Information and Images form will be offered to the consumer or representative to sign at the commencement of their services. This consent allows Pennwood Aged Care Services to use an image or audio/visual recording of consumers for general purposes such as, social media posts or newsletters, for example
- If we intend to use consumer images in something more substantial, such as marketing materials or promotional activities, we obtain written, informed consent from the consumer or representative for that situation only. The image cannot be used in future marketing or media without obtaining consent again.
- We will keep an up to date register of consents and will check the register before using/posting any images or videos.
- A consumer can withdraw consent at any time

5 Advise consumers of right to complain of privacy breach

- We will inform consumers about their right to complain about a privacy breach and the process for making a complaint
- Alternatively, the consumer may complain to the Office of the Australian Privacy Commissioner within 6 months of the breach.

6 Disclosure of personal information to overseas recipients

- If ever needing to disclose consumer information to people overseas who are not bound by Australian Privacy Principles, we will inform the consumer or representative that privacy / confidentiality cannot be assured, and they must provide specific consent for that disclosure.

7 Exclusions

- If a significant threat to consumer or staff safety affects a consumer's right to privacy and confidentiality, safety of staff and consumers is the first priority
- We will provide access to consumer records without obtaining consent if:
 - there is a serious threat to the life, health or safety of any individual or to the public
 - it unreasonably infringes on the privacy of other individuals
 - the information relates to legal proceedings or is in some way illegal or unlawful.

Suggested Evidence

- Tools and resources used
- Results of consumer feedback dated.

Relevant Legislation

Privacy Act 1988 - Part III, Division 2 Australian Privacy Principles
Notifiable Data Breaches scheme

References

Name	Source
Resources for health service providers	Office of the Australian Information Commissioner