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1.6 Privacy and Confidentiality

*NDIS Outcome: Each Client accesses supports that respect and protect their dignity and right to privacy.*

* Consistent processes and practices are in place that respect and protect the personal privacy and dignity of each client.
* Each client is advised of confidentiality policies using the language, mode of communication and terms that the client is most likely to understand.
* Each client understands and agrees to what personal information will be collected and why, including recorded material in audio and/or visual format
  1. 1.6.1 Principles for the Collection of Client Information

Morrissey is committed to the principles outlined in the Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012 [[1]](#footnote-1)and has in place procedures that ensure compliance with the legislation including the protection of sensitive information including health information. The Client Handbook outlines our approach to maintaining privacy and confidentiality of Client information. We use the OAC document, 10 Steps to Protecting Other People’s Privacy, as a guide to our privacy processes[[2]](#footnote-2).

Management, staff and volunteers are provided with annual training and information on the rights of Clients to privacy and confidentiality and the processes to support this, and as needed when new staff/volunteers commence employment (see Section 7: Human Resource Management).

The key guidelines for respecting Client privacy and confidentiality in Morrissey are:

* Clients are provided with information on our privacy policy in the Client Handbook and our privacy statement is read to Clients during the consent collection process
* Client files and other information are securely stored
* When a Client or Carer is not personally recognized by the staff member and they are asking for private information. We ensure a three-point identification check is conducted when making face to face and telephone contact with new Clients including validating their name, address and date of birth. We seek support from other representatives including Carers and family (who are also identified) if the Client cannot self-identify. We use other identifying information (e.g. from referral information, such as Medicare number, pension and other documentation) to validate identification
* We take steps to correct information where appropriate and regularly review Client information to ensure it is accurate and up to date
* We only collect information about Clients that is relevant to the provision of support and we explain to Clients why we collect the information and what we use it for
* Clients can ask to see the information that we keep about them and are supported to access this information (see 1.6.3 Clients Right to Access Information)
* Clients and their representatives are encouraged and supported to provide feedback, make complaints or suggest improvements regarding the collection, use, storage and sharing of personal information (see 6.1 Feedback and Complaints Guide and 8.9 Continuous Improvement)
* All information relating to Clients is confidential and is not disclosed to any other person or organisation without the Client’s 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 client us; or

for a purpose connected with the provision of aged care to the client by another approved provider; or

for a purpose for which the personal information was given by or on behalf of the client; 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 principles[[3]](#footnote-3)

* The provision of information to people outside the service is authorised by the relevant manager
* We do not discuss Clients or their support with people not directly involved in supporting them
* Reviews are always conducted in private with the Client and the relevant Liaison unless the Client consents to their carer, advocate or another person being present
* During Client assessments and reviews the relevant team member asks the Client about any privacy requirements they have. These are noted on the Client assessment form and support plan
* Any discussions between staff about Clients are held in a private space
* Any references to individual Clients in meeting minutes refer to the Client by initials only or another unique identifier, such as their Client number
* We confidentially destroy any personal information held about our Clients when it is no longer necessary to provide support (see 8.11.6 Archiving).
* Breaches of personal information will be managed in line with Morrissey’s policy obligations (see 8.11.7 Information Technology and Cyber Security)

(See 2.3.6 Assessment and Support Planning Practice and 2.6 Client Documentation and Information Sharing).

* 1. 1.6.2 Confidentiality of Complaints and Disputes

As far as possible, the fact that a Client 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 Client and a staff member or a Client and a Carer is kept confidential. The Client’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.

* 1. 1.6.3 Clients Right to Access Information

Clients of Morrissey have a right to read any personal information kept about them. A request from a Client (or their representative) to access information is referred to the relevant Liaison who confirms the request with the Manager and then arranges for the Client to view their information within 30 days of the request.

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

The Liaison is available to assist the Client in understanding the information and to explain terminology or other assistance.

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

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1. Australian Government Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012 [↑](#footnote-ref-1)
2. Based on: Australian Government Office of the Australian Information Commissioner [Protecting Customers Personal Information](https://www.oaic.gov.au/privacy/guidance-and-advice/protecting-customers-personal-information/) Accessed 8 August 2019 [↑](#footnote-ref-2)
3. Australian Government Department of Health [*Home Care Packages Program Operational Manual A Guide for Home Care Providers Version 1 March 2020*](https://www.health.gov.au/resources/publications/home-care-packages-program-operational-manual-a-guide-for-home-care-providershttps:/www.health.gov.au/resources/publications/home-care-packages-program-operational-manual-a-guide-for-home-care-providers) Rights of clients – Part 4.2 in the Aged Care Act 1997 Information and record keeping p 121 (Click on link for latest version) [↑](#footnote-ref-3)