

Privacy

(Facility & Level 2 Home Care Packages - CDC)

Regulatory References: *Standards and Guidelines for Residential Aged Care Services: 2.4 – 2.17, 3.6, 3.7, 3.8, 4.4.*

Packaged Care Program Guidelines

Policy & Procedural References: *Policy No 36 Privacy within Association*

Policy No 15 Confidentiality

CROATIAN, UKRAINIAN & BELARUSIAN AGED CARE ASSOCIATION OF S.A. Incorporated

Cc. Facility Admission Pack

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Review/Auth by: C.E.O.
Review Dates: December

Purpose of the Policy

Privacy is about the right of a person to know of and to control information recorded about them as an individual. All persons have a right to have access to such information and to have a say in what happens to information they reveal about themselves. They have a right to withhold that information but often need to reveal facts about themselves for many reasons. If they do reveal information about themselves they have a right to know how such information is to be used and that it will be respected. They are entitled to know why the information is required, who has access to it and how it is to be kept. They are entitled to know what information is held about them and whether that information is correct. If the information held is incorrect, they are entitled to have that error rectified.

This policy has been developed to assist all levels of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s management structure to ensure that the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. and staff recognise the rights of clients and others to privacy and to ensure that such rights are respected.

The guide is developed in accordance with the **Australian Privacy Principles** as contained in **Schedule 1** of the Commonwealth **Privacy Act 1988**.

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Introduction

This Croatian, Ukrainian & Belarusian Aged Care Association of S.A. recognises the rights of its employees and clients to privacy. This policy document represents the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s commitment to respecting the rights of the individual with respect to privacy considerations and puts in place procedures to ensure that such rights are respected. The policy identifies those rights and the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. obligations to individuals, the community, employees and government.

This Policy is written in accordance with **Australian Privacy Principle 5** which requires the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. to develop a document explaining its policies on handling personal information. It has been devised following an examination of the ways and means by which information is collected by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A., the reasons for that collection, the way in which such information is stored and the use to which the information is put. It is designed to clearly define and identify the considerations which need to be made to address all areas of risk to the rights of individuals with respect to the collection, storage and use of information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.

The system must be reflective of current best practice and accepted standards and therefore shall be reviewed on a continuing basis.

Privacy is integral to all aspects of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s dealings with its employees, clients and others who, from time to time, provide information to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.

This Policy must, to be effective, be systematic and applied continuously.

Privacy issues may be addressed at various levels;

- Board and senior management (policy development and compliance)
- Privacy Officer (operational systems supportive of strategic goals)
- Individual.

At all levels the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s obligation, mission statement and objectives with respect to privacy issues must be known and met. This guide addresses strategies that should be considered under the following general areas to ensure that the National Privacy Principles are complied with;

- Commitment
- Planning
- Implementation
- Monitoring and Evaluation
- Review

This document sets out the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s Privacy. It identifies matters to be considered when managing privacy issues regularly dealt with by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. and exists to assist in the identification and management of additional issues that may become apparent from time to time. It is intended that this Policy be read along with the Australian Privacy Principles and that it be referred to by all personnel of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. to ensure that best practice standards in the recognition of privacy matters are adhered to at all times.

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Commitment

The Board shall document its policy with respect to privacy issues. The policy shall include the objectives and the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s commitment to maintaining the right to privacy of all persons with respect to whom the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. collects, stores, uses or disseminates personal information.

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This Croatian, Ukrainian & Belarusian Aged Care Association of S.A. recognises its obligation to comply with the National Privacy Principles. The Croatian, Ukrainian & Belarusian Aged Care Association of S.A. acknowledges and is committed to meeting its obligations under those principles to its clients, staff, contractors and the Community.

The Croatian, Ukrainian & Belarusian Aged Care Association of S.A. has established and will maintain systems relevant to the collection, use and disclosure, quality, security, accuracy and correction of personal information provided to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. in all areas of its operations and Practice.

Definitions

The following definitions, unless otherwise specified are taken from the **Privacy Act 1988** (the "Act").

Directly Related Secondary Purpose, refers to the use of information which use is directly related to the primary purpose for which the information was collected and the use of the information in the intended manner would be within the reasonable expectation of the person providing the information.

Employee Record, in relation to an employee, means a record of personal information relating to the employment of the employee. Examples of personal information relating to the employment of the employee are about the employee and personal information about all or any of the following:

- (a) the engagement, training, disciplining or resignation of the employee;
- (b) the termination of the employment of the employee;
- (c) the terms and conditions of employment of the employee;
- (d) the employee's personal and emergency contact details;
- (e) the employee's performance or conduct;
- (f) the employee's hours of employment;
- (g) the employee's salary and wages;
- (h) the employee's membership of a professional or trade association;
- (i) the employee's trade union membership;
- (j) the employee's recreation, long service leave, sick, personal, maternity, paternity or other leave;
- (k) the employee's taxation, banking or superannuation affairs.

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Health Information: means:

- (a) information or opinion about:
 - (i) the health or a disability (at any time) of an individual; or
 - (ii) an individual's expressed wishes about the future provision of health services to him or her; or
 - (iii) a health service provided, or to be provided, to an individual, that is also personal information; or
- (b) other personal information collected to provide, or in providing, a health service; or
- (c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances.

Health Service: means:

- (a) an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the person performing it:
 - (i) to assess, record, maintain or improve the individual's health; or
 - (ii) to diagnose the individual's illness or disability or suspected illness or disability; or
 - (iii) to treat the individual's illness or disability or suspected illness or disability; or
- (b) the dispensing on prescription of a drug or medicinal preparation by a pharmacist.

Australian Privacy Principle: means the principles contained in the Privacy Act 1988. These Principles are set out in Schedule A to this policy.

Person Responsible: A person is responsible for an individual if the person is:

- (a) a parent of the individual; or
- (b) a child or sibling of the individual and at least 18 years old; or
- (c) a spouse or de facto spouse of the individual; or
- (d) a relative of the individual, at least 18 years old and a member of the individual's household; or
- (e) a guardian of the individual; or
- (f) exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health; or
- (g) a person who has an intimate personal relationship with the individual; or
- (h) a person nominated by the individual to be contacted in case of emergency.

Personal Information: means information or an opinion (including information or an opinion forming part of a database), 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.

Primary Purpose: is the main or dominant reason for which the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. collects personal information

Secondary Purpose: any reason for which information is collected or used that is not the Primary Purpose for its collection and/or use referred to above.

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Sensitive Information: means:

- (a) information or an opinion about an individual's:
 - (i) racial or ethnic origin; or
 - (ii) political opinions; or
 - (iii) membership of a political association; or
 - (iv) religious beliefs or affiliations; or
 - (v) philosophical beliefs; or
 - (vi) membership of a professional or trade association; or
 - (vii) membership of a trade union; or
 - (viii) sexual preferences or practices; or
 - (ix) criminal record that is also personal information; or
- (b) health information about an individual.

Key Concepts

ACCESS: Involves the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. allowing an individual to access records containing personal information held about them by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. This may include inspecting personal information held or providing a copy of the information.

COLLECTION: The Croatian, Ukrainian & Belarusian Aged Care Association of S.A. collects personal information if it gathers, acquires or obtains personal information from any source and by any means. This includes information not requested or obtained in error.

DISCLOSURE: In general terms information is disclosed when the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. releases information to third parties. Disclosure does not include giving information to an individual about themselves – that is “Access”.

USE: This refers to the handling of information within the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.

Scope

This policy applies to all areas and functions of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. which collect, use, disclose, store and/or provide access to **personal information**, including **sensitive information** and **health information** about an individual and includes the areas and functions listed below:

- Client Admissions
- Client Care
- Diagnosis and Opinions
- Care Plans
- Client Assets, property and resources
- Financial arrangements
- Health and infection control
- Information systems, computers and technology
- Human resources
- Work Health & Safety
- Security
- Croatian, Ukrainian & Belarusian Aged Care Association of S.A. Records
- Purchasing and contract management
- Professional advice

Health Information is both **personal** and **sensitive information**. This Policy covers all information collected by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. where such

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information may fall within any of these definitions. The policy covers all forms of records maintained by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. and applies to staff, contractors, clients and others who do or may have reason to use any information collected and held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.

This Policy does not apply to a staff **Employee Record** access to which may be gained through the Grievance Policy of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. Where staff attend the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. for the provision of a **Health Service** any information retained from that attendance is **health information** and is covered by the terms of this Policy.

Objectives

The objectives of the Policy are to ensure:

1. The only personal information collected is that required by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. for the purpose of effectively and properly dealing with the individual concerned in the provision of services to that Client.
2. Personal information which is collected is collected lawfully, fairly and openly, where possible, directly from the individual concerned.
3. The person or persons from whom the personal information is collected know the reason for the information being requested, including any **secondary purpose**, and of any law requiring the collection of the information.
4. To ensure that all persons from whom personal information is collected are informed of the identity of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. and how to contact the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. with their concerns on privacy matters including how to access personal information held about them.
5. That all persons from whom the personal information is collected are informed of their rights to obtain the records of information provided to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.
6. That there is no unauthorised use or disclosure of personal information.
7. That all personal information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. is kept secure.

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Responsibilities and Accountabilities

1. The CEO and Board of Management will be responsible for the establishment and maintenance of the Privacy Policy.
2. The CEO will be accountable to the Board for the day to day oversight of information management including the collection, access, correction, storage, use and disclosure of personal information.
3. The CEO with the approval of the Board shall appoint a "Privacy Officer" who shall be responsible to manage the collection, access, correction, storage, use and disclosure of personal information and may seek advice from such appropriate professionals as deemed appropriate including specialist consultants, legal counsel and/or other persons qualified to assist in privacy issues.
4. Managers, including the CEO, will be responsible to consult and communicate with relevant personnel on issues relating to privacy.
5. All employees of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. will be responsible and accountable for their role in ensuring that privacy principles are complied with.

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Procedure

Collecting Information

1. Staff of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. are authorised to collect only that information which is necessary for the performance of the service requested of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. by the client. If information is given to staff that is irrelevant to such purpose or purposes it should not be recorded or if recorded shall be destroyed by the staff member as soon as possible after its collection. **(See “Destruction of Information” below).**
2. Information should be collected directly from the client. If it is not possible for any reason to collect the information from the client directly a companion, relative or friend may be requested to provide the information needed. **(See “Collection of Information from Third Parties” below).**
3. At any time staff collect personal information, or as soon as possible thereafter, staff shall identify themselves to the client by their first name and shall identify their position in the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. and the purpose for which they are collecting the information.
4. When personal information is initially being collected from an individual staff requesting such information shall:
 - (a) Identify themselves and their position within the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. and, if necessary, give the name of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.;
 - (b) If not already done so, provide details to the client on how the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. may be contacted;
 - (c) Advise the client of the primary purpose for which the information is being collected and any **Directly Related Secondary Purpose** for which such information may be used or disclosed;
 - (d) Advise the client of their right to access information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. in respect to them;
 - (e) If the information being collected is to be passed on to another Croatian, Ukrainian & Belarusian Aged Care Association of S.A. the staff shall advise the client accordingly and seek the client's consent for the information to be passed on. Such consent shall be placed on the file with the information recorded and, if reasonably possible, checked by the client and signed by them to authorise such disclosure;
 - (f) If any legal requirement has been imposed requiring the collection of information from the client this fact is to be identified to the client;
 - (g) The client should be advised of the consequences likely to flow to the client if any information requested of the client is not provided.
 - (h) The client should be requested to advise of any circumstance which may lead to inadvertent release of information to persons who the client does not want information to be released to **(See Contact Procedures below).**
5. Where the consent of the individual is requested for the use and or disclosure of personal information such consent must be given separately from any consent for treatment or other service provided by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. – **Forms B & C.** Consent given with respect to treatment is not consent to deal with information about the individual.

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6. Where possible, prior to the client attending the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. written advice on the need to collect personal information, its storage, use and disclosure shall be provided to the client – **Form A**. Such advice shall include information required by the client to access their record for the purpose of ensuring its accuracy and correction if necessary.
7. Where, in the course of providing services to clients, information is recorded such as clinical notes, plans, charts, records of diagnostic tests, records of treatment and medication such information is to be recorded accurately and only in prescribed files. Only information relevant to the needs of the client is to be recorded.

Collection of Personal Information from Third Parties

1. Where information is obtained from a third party or, for whatever reason, required personal information cannot be obtained directly from the client, persons who are requested to provide information on behalf of the client are to be identified, particularly where the person is a **Person Responsible** for the individual, and a record, including contact details, kept of the circumstances of their attendance and the information obtained – **Form B**.
2. Where possible, as soon as is reasonably practicable after the collection of information from third parties, including a **Person Responsible**, the Privacy Officer or a person delegated by the Privacy Officer to perform the task shall refer all information provided to the client for verification of its accuracy and completeness – **Form B & C**.
3. Staff should remain mindful that personal information, in particular sensitive information including health information, required to be collected may not be known to the third party being requested to provide information. Third parties, including a **Person Responsible**, should not be requested to confirm such information previously obtained except where consent to discuss such information with the third party is recorded on the file or in the case of a serious threat to the health or welfare of the client.

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Retention of Information

1. As a general rule all Information collected by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. for use in providing a service to its clients will be retained by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. for seven (7) years following the date of the last service provided to the client.
2. Personal information collected which is not relevant to the services requested will not be retained but shall be destroyed as soon as practicable after collection.
3. At the time any file maintained by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. is considered to be finalised such files are to be referred to the Privacy Officer for a determination of the period the file is to be retained.
4. Health records of adult clients are to be maintained for seven (7) years following the date of the last recorded service provided to the adult client. In the case of clients under 18 years of age files are to be maintained for seven (7) years following the date of the client's 18th birthday or the date of the last recorded service provided to the client, whichever is the latter.

Verification of Information

1. As soon as possible after the collection of personal information a copy of the recorded information provided by the client or third party is to be given to them for review to ensure that the information recorded is correct – **Form B & C**.
2. On each occasion a client returns to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A., any existing records are to be retrieved and verified against any further information received to ensure all records are accurate, complete and up-to-date.
3. Except in the circumstances outlined in "**Collection of Information from Third Parties**" no review of information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. will be undertaken with a third party without the specific authorisation, in writing, of the individual.
4. An individual may, at any time, request access to information held by them for the purpose of verifying the information held (**See Minor Requests below**).

Contact Procedures

Staff of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. may often have cause to contact persons about their record. In such situations the fact that a record has been collected may be revealed to a third party leading to a breach of privacy. This may occur when making follow up calls to check on a client's progress or in submitting accounts to the client on Croatian, Ukrainian & Belarusian Aged Care Association of S.A. letter head.

- (a) If specifically requested contact with a client by mail will not be sent in labelled envelopes. All staff collecting information will ensure that clients are advised of the usual procedure in sending mail in labelled envelopes.
- (b) Staff contacting the client by telephone shall identify the client before identifying the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. to which they belong in any telephone contact so as to ensure the client's privacy is not compromised. Messages should not be left on answering machines or with third parties without the consent of the client.

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Security of Information

1. Only staff specifically authorised or required to use or refer to it may have access to any personal information in respect of clients held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. Any unauthorised disclosure or use of personal information by staff will result in disciplinary action which may include instant dismissal from employment.
2. All personal information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A., which may contain any sensitive information, shall be secured, where practicable, in lockable filing cabinets or similar facilities. Where this is not practicable, for example where access is required continually, all records used in such circumstances are to be maintained under the constant supervision of a responsible staff member and access limited to persons requiring access to the record for the provision of services by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.
3. Sensitive information retained in safe storage shall be removed from such safe storage only for the use of staff members tending to the provision of services to the client or for other legitimate reference.
4. The Privacy Officer shall be consulted prior to any personal information held on files being copied or disclosed to third parties. The Privacy Officer shall determine whether the written consent of the client is required before personal information can be released. Copies of information made in accord with this policy are to be treated as if they were original records.
5. Any breach by staff of items 2 to 4 above may result in disciplinary action being taken by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.

Destruction of Information

1. All personal information no longer required which is in written or paper form is to be destroyed by means of shredding, pulping, burning or disintegration of the written documents.
2. A suitable contractor who provides a guarantee of secure destruction may be engaged to dispose of information held in written or paper form.
3. Electronic records are to be overwritten before deletion. All electronic data storage devices, including back up devices, are to be audited at least once every 18 months to ensure no non-essential data is retained in electronic form.
4. All discs, including hard drives, are to be degaussed prior to sale or disposal so as to ensure no electronic data continues to be stored thereon.
5. Should the original of any of the following be found on any file relating to a client such original document must not be destroyed at any time without legal advice. If such information is found steps shall be taken to locate the client or their representative immediately:
 - Any Will or Power of Attorney, Power of Guardianship or Medical Power of Attorney;
 - Any Certificate of Birth, Death, Marriage or Divorce;
 - Any other legal document purporting to have continuing effect.

Openness

1. The Croatian, Ukrainian & Belarusian Aged Care Association of S.A. is bound by this policy to comply with the Australian Privacy Principles and all staff of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. shall comply with such Principles and respect the rights of clients to privacy and access to their records.

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2. All persons providing personal information to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. shall be provided with written advice on the reasons for the collection of the personal information, the purpose for which the information is to be used and the person's rights of access to and, if necessary, correction of, any information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.
2. Staff are authorised to and shall, on request of any person, advise that person in general terms of the kind of personal information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. as follows:
 - Medical records;
 - Nursing notes;
 - Pharmacy records;
 - Address details;
 - Emergency contact details including names of next of kin.
3. Any persons requesting access to personal information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. shall be advised of the requirements of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s access policy.

Access to Records

1. On all occasions on which personal information is collected the client, or the person from whom the Personal Information is collected shall be shown the original record or be provided with a copy of the personal information collected for the purpose of verifying the accuracy of the information recorded.
2. With the exception of **Minor Requests for Information** (See Below) as a general rule persons requesting access to information held by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. shall be asked to put their request in writing identifying themselves and their contact details and stating the information required – **Form D**.
3. Upon receipt of a request for access to information the Privacy Officer shall undertake all reasonable steps to ensure the identity of the person requesting the information and, if the person is a responsible person, confirm that person's identity and status as a responsible person.
4. On satisfying themselves as to the identity and status of the party requesting access the Privacy Officer shall enter details of the request into a record maintained for the purpose of recording requests for access, shall record the details of the person requesting the information and any subsequent action in respect of each request – **Form E**.
5. The Privacy Officer shall assess all requests for access to personal information to determine that no information requested or for which release is proposed identifies or impacts upon the privacy of any other person. In such case any information which tends to identify another person shall be deleted prior to release.
6. Prior to release of information to an individual the Privacy Officer may, if deemed by them to be appropriate and if acceptable to the person requesting the information, arrange an opportunity to discuss the information to be provided in order that the information may be properly understood and is not taken out of context particularly where such information may be distressful to the individual concerned.
7. Information will not be released if the release of such information is likely to endanger the life, health or safety of any individual, including the person requesting the information and the person about whom release of the information is sought.

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8. Information of a commercial nature will not be released unless management of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. approves such release.
9. The Croatian, Ukrainian & Belarusian Aged Care Association of S.A. will not, except on advice from competent legal counsel, release personal information under this policy if the purpose of the request is to obtain information respecting the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. which may be used against the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. in legal proceedings and is not otherwise discoverable in pre-trial proceedings.
10. The Privacy Officer may refrain from responding to a request for release of or access to personal information if, in the opinion of the Privacy Officer after consultation with the CEO such request is frivolous or vexatious. The Privacy Officer shall maintain a record of all such requests and their reasons for refusing release.
11. Information the release of which is prevented by law or release of which is likely to prejudice lawful enquiries will not, following consultation with the policing authority, be released without authority.
12. Where a request for the release of information is refused the Privacy Officer shall (unless requested to withhold the information by a law enforcement body) advise the person requesting release of the information the reason for the refusal to release the information sought and the avenues of appeal available to them.
13. Where possible receipt of a request for release of or access to personal information shall be acknowledged immediately and the information requested provided to the person requesting it within 14 days of receipt of the initial request.
14. Information provided in response to an application may, if requested by the person, be transmitted by facsimile or electronic means only if the Privacy Officer is satisfied that the information to be provided will be received in a secure environment.
15. Where possible information will be personally delivered to the person requesting the information. Where delivery by mail is requested information shall be posted by registered mail at the cost of the person requesting the information.
16. Information will be provided to third parties, e.g. legal representatives, only on receipt of a signed authority from the person in respect of whom the information is held. The original of such authorities will be retained by the Privacy Officer and a copy placed on the client file with a record of the date and information provided.
17. Unless specifically instructed by the client to the contrary medical records may be passed to non-treating medical practitioners if considered to be a **Directly Related Secondary Purpose** for the care and welfare of the client for the purposes of obtaining specialist advice and/or opinions respecting the clients care and proposed medical procedures, tests and similar purposes.
18. Upon receipt of a request for release of or access to personal information the Privacy Officer shall assess the request and the costs involved in providing the information. The Privacy Officer shall, after estimating the cost, contact the person requesting access and advise them of the likely cost of providing the information requested. The person requesting access may then amend their request or confirm their request on the basis of the amount to be charged. The amount charged will not exceed the actual cost of providing the information requested.
19. If, upon provision of information, the person provided with the information advises of an error in the information provided the Privacy Officer shall take written instructions of the nature and

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details of the error or errors reported and shall append such written instructions to all documents which are or are likely to be affected by the error.

20. As a general rule original documents will not be provided in response to an application for access unless such are specifically requested. If original documents are requested the Privacy Officer shall ascertain the need for such access and shall obtain legal advice before releasing original documents.

Minor Requests for Access

1. A Minor Request for Information is made when a person seeks to view their record in person merely to check information readily available. The purpose of such access is to allow the person requesting access to verify information held.
2. A Person may have access to their record if such records are readily available at the time of the request.
3. The staff member of whom the request has been made, upon establishing that the person requesting access is the person about whom the information has been recorded and that the person only wishes to view the information shall allow the person access to the information.
4. Access granted in this manner shall be supervised by a staff member and the record kept under control of the staff member at all times. The staff member may answer any questions asked by the individual and may explain the meaning and context of the information viewed.
5. Photocopies of limited documents may be taken.
6. A record of such access shall be recorded consisting of the date of the access, details on how the person's identity was established, a record of any copies of documents taken and any amendments advised.
7. Amendments should be advised and such advice recorded but no alteration to any documentation permitted.
8. Any questions in respect of Minor Requests must be referred to the Privacy Officer.

Correction of Records

1. Following a grant of access to a record a person about whom personal information is held may request in writing that the personal information held be amended or corrected.
2. All requests to amend or correct personal information held are to be referred to the Privacy Officer who shall record details of the request in a register maintained for the purpose of recording requests for access,
3. The Privacy Officer on receipt of a request to amend or correct personal information shall append to any original written record details of the correction requested in such a manner that the amendment is readily apparent as a correction.
4. At no time is a written record to be altered or the original record be obscured, erased, cut out or otherwise made unreadable.
5. No subsequent use and/or disclosure of any written record is to occur without use and/or disclosure of the amendment.

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6. In the case of electronic or other forms of data storage a new record shall be made recording the date of effect as the date the correction or amendment was made and shall be cross referenced to the original record in order that the original of the record may be accessed if required.

Identifiers

The Croatian, Ukrainian & Belarusian Aged Care Association of S.A. will assign each client, where necessary, a unique identifying cypher that may be used for reference within the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. This cypher shall bear no resemblance to any existing number used by any other Croatian, Ukrainian & Belarusian Aged Care Association of S.A. or agency, e.g. Social Security number, Medicare number or Tax File Number.

Anonymity

1. Unless required by law or for the provision of services to the person, no personal information tending to identify the person shall be requested or recorded by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.
2. All persons attending the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. are to be advised that information provided to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. may be given anonymously.
3. All persons attending the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. are to be advised that while they have a right to remain anonymous certain information will be required and that services cannot be provided to them unless their identity is recorded used or disclosed.

Complaints

1. Any complaint, written or oral, respecting any privacy issue is to be referred immediately to the Privacy Officer who shall record and investigate the details of the complaint and maintain a statistical record of the type of complaint, section involved, form of breach (if any) and other details relevant to ensure an accurate assessment of the operations of the Policy.
2. The complainant is to be contacted by the Privacy Officer immediately the complaint has been received or within 24 hours weekdays, the following Monday for complaints received on weekends, and such contact is to be recorded on the relevant file and shall record the complainant's version of events and their expectations.
NOTE: The Privacy Officer should follow the **Contact Procedure** above.
3. On being contacted by the Privacy Officer the complainant is to be advised of the Privacy Officer's role to investigate the complaint, procedures to be followed and advice on how to contact the Privacy Officer directly and if necessary, being given the Privacy Officer's contact number to enable follow up of the complaint.
4. The Privacy Officer must assure themselves of the identity of the complainant who should be asked to put their complaint in writing if this has not already been done.
5. The Privacy Officer shall investigate the complaint and may question staff in respect of the matter, examine documentation and systems to identify any shortcomings in procedures and/or this policy and to satisfy themselves as to any action needed to prevent any further breach of privacy.
6. Upon completion of the Investigation the Privacy Officer shall prepare a report to the Chief Executive Officer with any recommendations for changes of procedure, this policy, disciplinary action or any other matter considered relevant by the Privacy Officer.

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7. Upon completion of the investigation the complainant is to be advised of the results and any corrective action to be taken. As considered appropriate by the Privacy Officer this report may be given in writing, by face to face contact or by telephone with a record of the advice given to the complainant and their response recorded on the file.
8. If the matter cannot be resolved following investigation the complainant is to be advised of their rights under the Privacy Act or any relevant code and a report prepared for the appropriate body.
9. All complaints are, at all times, to be handled in a respectful manner with due consideration to be given to the rights of the complainant.
10. In the event that a complainant behaves in a vexatious, unreasonable or disrespectful manner the Privacy Officer may, at their discretion, discontinue the investigation, but in such case must record their reasons for so doing on the relevant file.
11. In the event that the Privacy Officer finds a complaint to be frivolous or unfounded after investigation this fact shall be recorded on the relevant file including the reasons for reaching the belief the complaint is frivolous.
12. The Privacy Officer shall keep a record of all complaints received and provide a statistical report to the CEO each month with such reports to be included in the annual review of the Policy.
13. The Privacy Officer and the CEO shall monitor the statistics on complaints to ensure that recurring problems are effectively dealt with.

Policy Review

The application of this policy will be monitored and reviewed by the Privacy Officer through the conduct of internal and external audits and monitoring of the complaints system. Internal system audits will be conducted annually by the Privacy Officer and relevant employees. A report on the findings of such internal and external audits shall be provided to the Board of Management.

Relevant personnel, to ensure compliance with privacy principles, will conduct quarterly inspections of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s documentary security facilities and procedures including waste disposal and submit reports to the Privacy Officer who will submit a quarterly report to the Board of Management on the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s compliance with this policy and the Australian Privacy Principles.

External audits will be conducted by:

- Relevant statutory authorities
- Privacy Consultants approved by the Board of Management
- Industry Bodies

Staff Training

All new staff shall be instructed in this policy and the importance of adhering to privacy Principles in their initial induction training. Adherence to this policy and the privacy principles is a fundamental term of each employee's contract of employment a breach of which will lead to disciplinary action including, if warranted after investigation, dismissal from employment.

Outcomes

Risks to the privacy of clients and their records arising out of deliberate or inadvertent breaches of the National Privacy Principles will be identified, assessed and controlled.

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References

Privacy Act 1988

Guidelines on Privacy in the Private Health Sector – Office of the Federal Privacy Commissioner, October 2001.

Endorsed:

CEO (on behalf of the Board)

Privacy Officer

Date:

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Form A

PRIVACY

You have chosen to attend upon us for the provision of services. In order that we may properly attend to your needs we will need to request information from you that may be of a personal nature. The Croatian, Ukrainian & Belarusian Aged Care Association of S.A. respects your right to privacy and this document has been prepared to advise you of how we deal with information which we collect about you. If you want to know more please do not hesitate to ask us to discuss our Policy with you.

What information about you do we collect?

Prior to or at the time of your admission we will be asking questions about you to assist in the provision of our services to you. The information we need may include but is not necessarily limited to the following:

- Your name and address details;
- Your date of birth;
- Details of your medical practitioner(s);
- Information with respect to your current health;
- Your medical history;
- Some financial information and Health Insurance details;
- Details of Family members including spouse, next of kin and persons we may need to contact in an emergency;

We will only ask for information that we need to provide services to you.

While you are receiving services from us we may also be recording information about you that is necessary for us to provide services to you.

What do we do with the information we collect?

Any information we may collect about you is placed on a file which is kept secure at all times. We endeavour to ensure that no one who does not have a need to read your file gets access to it. The information we collect is used to help us in providing a service to you.

We may need to collect some information for purposes that are not related to the reason you came to us. Some of this information may need to be provided to government agencies under particular laws or we may need to use the information ourselves for other purposes. If we do need to use information about you for any other purpose than what you have come to us for we will tell you and obtain your consent before we use the information for these secondary purposes.

Who has access to the information collected?

Only those people who need to refer to your file will have access. This will include staff who attend on you. Staff and others who may from time to time need to refer to your file to assist in providing services to you. This may include some people who are not staff of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. but whom it is necessary for us to discuss your case in order to properly provide a service to you.

How is information about me protected?

All personal information held about you will be continually supervised. Written records will be stored in locked filing cabinets or in other locked storage. Information held on computer will be password protected. We will undertake to ensure that information held in electronic form from all electronic

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databases is removed from such databases before the equipment leaves our control. All written information will be destroyed by burning, pulping or shredding if it is no longer needed. Only authorised staff will have access to your records while we hold the information.

Can I access my records?

You may at any time request access to information we hold about you. That is your right. We will not charge you for access but if you wish to have copies of your record you may be requested to pay the costs in obtaining such copies.

If you only wish to see your record this may be arranged with our staff. If you wish to have a greater degree of access we have a form we would like you to complete so that we may retrieve your file and keep a record of your request.

You may wish to correct information held by us about you. That is your right. If you find an error in your records please advise us, in writing, of the error and we will include your advice on our records. Should the record need to be disclosed to others your correction will be forwarded with the original record.

What if I have a complaint?

In the event that you have any complaint about the way we deal with privacy issues, please contact us first. If we cannot resolve the issue you do have a right to contact the Privacy Commission to address the issue. We hope that you will have no complaint with us but please advise us if we can do better.

If you wish to know more about how we deal with privacy issues ask to see our Privacy policy. It is available for you to read at your request.

Our contact details are:

[CROATIAN, UKRAINIAN & BELARUSIAN AGED CARE ASSOCIATION OF S.A.]

Address: 41 Burley Griffin Boulevard, BROMPTON, SA 5007
Telephone: 08 8346 0955
Fax: 08 8346 1992
e-mail: admin@cubs.org.au

Signed:
CEO.

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Pre-admission Consent Form (Privacy)	Document: CEO39
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Form B

NOTE – The consent given on this form relates ONLY to the use and disclosure of personal information given to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. Your consent on this form applies to no other purpose.

RM No:

SURNAME:

GIVEN NAMES:

D.O.B. / /

If you are not the person being admitted please provide the following information:

YOUR NAME:

RELATIONSHIP OF PERSON TO CLIENT:
 Client Parent Spouse Relative (over 18) Guardian
 Power of Attorney Person nominated as emergency contact

Are you known to the Client? []

Staff Use Only

Has the Client verified the information provided? []
 Date of Verification: / / 20.....

How was verification achieved?

Has the Client had the privacy and their rights under the *Privacy Act 1988* explained to them? []
 Has the client given consent for the collection, use and disclosure of information? []
 Has the Client indicated any restriction on the use and or disclosure of personal information held about them? []
 If yes provide details:

Attach further folio if required.

This document is to be recorded on the Client file and notes of the information
 The client's signature on the attached **PRIVACY CONSENT AND CLIENT INFORMATION FORM** was witnessed by me after the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s privacy and the client's rights had been explained to them by me.

.....

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Staff Member

<h2>Consent and Client Information Form (Privacy)</h2>	Document : CEO21
	Page: 1
	Issue No: 1
	Authorised By: C.E.O.
	Review Dates: July

Form C

I consent to the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. collecting personal information about me. I understand that the purpose of the collection of this information is required for use in providing services to me.

I understand the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. may use the information for purposes related to their services and may disclose information to other persons such as specialist medical practitioners or other organisation which require the information to provide services directly related to the service I am receiving. I have no objection to this.

I do not wish the following persons to have information disclosed to them.

.....

.....

.....

.....

I do not consent to information about me being used for any **Secondary Purpose**. []

I do consent to information about the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s services/products/fund raising activities etc. being sent to me []

I have signed this consent after:

- (a) A member of the Croatian, Ukrainian & Belarusian Aged Care Association of S.A.'s staff has fully explained to me the need for information about me to be collected, the nature of that information, the purposes for which it will be used and how it will be protected;
- (b) The secondary purposes referred to above have been explained to me;
- (c) I have been given the opportunity to read the Policy;
- (d) I have had explained to me my rights to verify information held about me and my rights to access that information;
- (e) I believe that I fully understand my rights to privacy in respect of information collected, used and disclosed about me and my rights of access to that information.

.....
 Signature of Client

.....
 Staff Member

Dated

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Request for Information	Document: CEO44
	Pages: 1
	Issue No: 2
	Authorised By: C.E.O.
	Review Dates: July

Form D

(To be completed by Patient or Representative)

Name: **RM:**

(Of person in respect of whom information is requested)

Address: **Post Code:**

..... **D.O.B.** / /

Telephone Contact (Home): **(Work):** **(Mobile):**

Are you the Person about whom the information is requested? Yes No

If you answered no to the above question, what is your relationship to the person about whom the information is requested?

Parent Spouse Relative (*over 18*) Guardian Power of Attorney

Person nominated as emergency contact

Other (please Specify relationship)

Person Requesting Information:

Name:.....

Address:

Telephone Contact (Home): **(Work):** **(Mobile):**

Details of Information Requested:

.....

.....

.....

I wish to inspect the documents:.....

I require a copy of the documents:.....

I require access to the documents:.....

I acknowledge that while the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. does not charge for the release of information I will be liable for the reasonable administrative costs incurred by the Croatian, Ukrainian & Belarusian Aged Care Association of S.A. is providing to me the information requested.

..... **Date:** / / 20____

signature

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Request for Information Action Record (Privacy)

Document: CEO43
Pages: 1 of 2
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Review Dates: July

Form E

Resident / Client Name: **RM:**
 (if applicable)
Address:
 **Post Code:**
TELEPHONE (Home): **(Work):** **(Mobile):**

DETAILS OF REQUEST

DATE REQUEST RECEIVED: _____ / _____ / 20_____

REASON GIVEN FOR REQUEST:

NAME OF PERSON MAKING REQUEST:

RELATIONSHIP OF PERSON TO CLIENT:

- Client Parent Spouse Relative (*over 18*) Guardian
 Power of Attorney Person nominated as emergency contact
 Other (please Specify relationship)

Is this person known to the Client? Yes/No
Has the client given consent for this person to access the client record? Yes/No

How was identity of Person Making Request established?

Drivers Licence (licence Number:) Passport
 Known to Staff: Yes / No **Other:**

Interview: Yes/No (Date _____ / _____ / 20_____) Access Granted: Yes/No

Record of Interview attached:

Reason for Refusal:

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Request for Information Action Record (Privacy)	Document: CEO43
	Pages: 2 of 2
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	Review Dates: July

Date of Access: _____ / _____ / 20_____

Form of Access:
.....
.....

Recorded in Register

Correction to Record: **No/Yes, if yes has record been amended?** **Yes/No.**

Comments:
.....
.....
.....

(Attach separate sheet if required)

Privacy Officer:

Date: _____ / _____ / 20_____