

POLICY

Privacy and Personal Information Management

1. Policy Statement:

As is the entitlement for all members of society, Breakaway Toowoomba Inc. is committed to safeguarding the privacy, dignity and confidentiality of clients, families and significant others. All information relating to a client's personal or health information will be collected and managed in accordance with the Australian Privacy Principles, *Privacy Act 1988* and *Privacy Amendment (Private Sector) Act 2000* and the *Information Privacy Act (Qld) 2009*.

2. Objectives:

The objectives of this policy are:

- Breakaway Toowoomba Inc. will make available to client's information about privacy rights and how to access or amend their personal information
- clients are aware of their rights regarding privacy and confidentiality and are aware of the means to access or amend private information held about them
- client's information is received, recorded, accessed and stored appropriately to maintain confidentiality and compliance with the *Privacy Act 1988* (as amended), *Information Privacy Act (Qld) 2009* and with any other Breakaway Toowoomba Inc. Policies and Procedures related to the collection, storage or other use of personal information; and
- any personal information collected is directly related to Breakaway Toowoomba Inc. service provision or activities.

3. Definitions:

Personal Information as defined by the *Privacy Act 1988* (as amended) is 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.

Sensitive Information is information or opinion (that is also personal information) about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices or criminal record or health, genetic, biometric information or biometric templates, that is also personal information.

Privacy means freedom from damaging publicity, public scrutiny, secret surveillance or unauthorised disclosure of one's personal data or information, as by a government, corporation or individual.

Dignity is the right of a person to be valued and respected and to be treated ethically.

Significant Others includes the Appointed Guardian, Substitute Decision Maker and friends and people who have a significant role in the participant's life.

4. Principles:

Breakaway Toowoomba Inc. is committed to the following principles:

- clients have a right to privacy, dignity and confidentiality
- personal information will be collected in order to provide a service to clients however personal information will not be collected unless it is necessary for the functions or activities of Breakaway Toowoomba Inc.
- information about privacy and personal information will be provided in language and terms that the client is most likely to understand
- clients will be asked to sign a consent for Breakaway Toowoomba Inc. to collect personal information about them including consent or non-consent to the possible recording in audio and/or visual format
- clients can choose not to disclose personal information, however, if this impacted on the ability of Breakaway Toowoomba Inc. to provide service provision in a safe manner, then Breakaway Toowoomba Inc. may refuse to provide support to the client
- this right will always be upheld through practices of sharing and providing information in a discrete manner and on a need-to-know basis
- personal information will not be collected unless it is necessary for the functions or activities of Breakaway Toowoomba Inc.
- if it is necessary to obtain or share information about the client with a third party, reasonable steps will be taken to inform the client of this and the purpose for which this information has been shared or collected (subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*).
- all personal information will be disposed of securely after the retention period has expired
- the Australian Privacy Principles will guide all processes and procedures (verbal, paper or electronic) at all times; and
- being respectful, ethical and professional in all matters pertaining to confidential or private information held about a client.

5. Management of Privacy and Personal Information:

This policy should be read in conjunction with Breakaway Toowoomba Inc. Privacy and Personal Information Management Procedure.

6. Scope:

This policy applies to clients, families, and significant others who receive services from Breakaway Toowoomba Inc.

Employees have a responsibility to uphold and respect the rights of all as they apply under Australian Privacy Principles and *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*.

7. Reporting:

There is no general reporting, however if there is a breach of privacy the incident is to be recorded in the Incident Register.

8. Roles and Responsibilities:

Chief Executive Officer is responsible for:

- ensuring information is available to clients about their privacy rights and how to access or amend their personal information
- ensuring information about privacy and personal information will be provided in language and terms that the client is most likely to understand
- ensuring client's information is received, recorded, accessed and stored appropriately to maintain confidentiality and compliance with relevant legislation and with any other Breakaway Toowoomba Inc. Policies and Procedures related to the collection, storage or other use of personal information
- ensuring any personal information collected is directly related to Breakaway Toowoomba Inc. service provision or activities
- if a client chooses not to disclose personal information required to provide a service in a safe manner, deciding if Breakaway Toowoomba Inc. can in fact provide a service
- ensuring that when information needs to be shared it is communicated discretely and, on a need-to-know basis (subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*)
- ensuring that when information is shared or collected from a third party, reasonable steps have been taken to inform the client prior to this occurring and the reasons for this subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*
- ensuring employees, volunteers and contractors sign confidentiality agreements
- ensuring employees are trained in receiving, recording, accessing and storing personal information and how to appropriately maintain confidentiality and be compliant with the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*
- addressing issues where a client's rights to privacy, dignity and confidentiality have been breached and taking appropriate action
- being respectful, ethical and professional in all matters pertaining to confidential or private information held about clients; and
- disposing of all personal information securely after the retention period has expired.

Operations Manager, Accommodation Manager and Respite Manager are responsible for:

- ensuring information is available to clients about their privacy rights and how to access or amend their personal information
- ensuring information about privacy and personal information will be provided in language and terms that the client is most likely to understand
- ensuring client's information is received, recorded, accessed and stored appropriately to maintain confidentiality and compliance with relevant legislation and with any other Breakaway Toowoomba Inc. Policies and Procedures related to the collection, storage or other use of personal information

- ensuring any personal information collected is directly related to Breakaway Toowoomba Inc. service provision or activities
- ensuring that when information needs to be shared it is communicated discretely and, on a need-to-know basis (subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*)
- ensuring that when information is shared or collected from a third party, reasonable steps have been taken to inform the client prior to this occurring and the reasons for this subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*
- ensuring employees, volunteers and contractors sign confidentiality agreements
- ensuring employees are trained in receiving, recording, accessing and storing personal information and how to appropriately maintain confidentiality and be compliant with the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*
- addressing issues where a client's rights to privacy, dignity and confidentiality have been breached and reporting such incidents to the Chief Executive Officer
- ensuring all breaches or issues are recorded in the Incident Register; and
- being respectful, ethical and professional in all matters pertaining to confidential or private information held about clients.

Client Liaison Officers are responsible for:

- ensuring information is available to clients about their privacy rights and how to access or amend their personal information
- ensuring information about privacy and personal information will be provided in language and terms that the client is most likely to understand
- ensuring that when information needs to be shared it is communicated discretely and, on a need-to-know basis
- taking reasonable steps to inform the client prior to sharing or collecting information from a third party and the reasons for this (subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*)
- ensuring client's information is received, recorded, accessed and stored appropriately to maintain confidentiality and compliance with relevant legislation and with any other Breakaway Toowoomba Inc. Policies and Procedures related to the collection, storage or other use of personal information
- ensuring any personal information collected is directly related to Breakaway Toowoomba Inc. service provision or activities
- ensuring employees, volunteers and contractors sign confidentiality agreements
- documenting any requests or changes to personal information by the client
- documenting the consent or non-consent to recordings of audio and/or visual formats by the client
- ensuring employees are trained in receiving, recording, accessing and storing personal information and how to appropriately maintain confidentiality and be compliant with the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*
- addressing and recording issues in the Incident Register where a client's rights to privacy, dignity and confidentiality have been breached and escalating breaches to the Line Manager
- being respectful, ethical and professional in all matters pertaining to confidential or private information held about clients; and
- complying with this Policy.

Support Workers are responsible for:

- ensuring information is available to clients about their privacy rights and how to access or amend their personal information
- ensuring information about privacy and personal information will be provided in language and terms that the client is most likely to understand
- ensuring that when information needs to be shared it is communicated discretely and, on a need-to-know basis
- taking reasonable steps to inform the client prior to sharing or collecting information from a third party and the reasons for this (subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*)
- ensuring client's information is received, recorded, accessed and stored appropriately to maintain confidentiality and compliance with relevant legislation and with any other Breakaway Toowoomba Inc. Policies and Procedures related to the collection, storage or other use of personal information
- ensuring any personal information collected is directly related to Breakaway Toowoomba Inc. service provision or activities
- documenting any requests or changes to personal information by the client
- ensuring consent has been obtained before any recordings of audio and/or visual formats of the client
- being respectful, ethical and professional in all matters pertaining to confidential or private information held about clients; and
- complying with this Policy.

All other Breakaway Toowoomba Inc. employees are responsible for:

- ensuring clients are aware of their rights in regard to privacy and confidentiality and are aware of the means to access or amend private information held about them
- ensuring any personal information collected is directly related to Breakaway Toowoomba Inc. service provision or activities
- taking reasonable steps to inform the client prior to sharing or collecting information from a third party and the reasons for this (subject to any exceptions under the *Privacy Act 1988* (as amended) and the *Information Privacy Act (Qld) 2009*)
- ensuring client's information is received, recorded, accessed and stored appropriately to maintain confidentiality and compliance with relevant legislation and with any other Breakaway Toowoomba Inc. Policies and Procedures related to the collection, storage or other use of personal information
- documenting any requests or changes to personal information by the client
- being respectful, ethical and professional in all matters pertaining to confidential or private information held about clients; and
- complying with this Policy.

Parents, family members and significant others are responsible for:

- respecting the person as an adult or child and their right to privacy and dignity

In co-tenancy arrangements:

- respecting the privacy and dignity of co-tenants
- respecting that a co-tenancy living arrangement is the home of all tenants

- respecting that any decision made relating to their living arrangement is a joint decision made by all tenants i.e. no one individual can make a decision relating to the living arrangements without the other co-tenants; and
- respecting that all goods and services within the household are paid for by all tenants.

9. Authority:

Privacy Act 1988

Privacy Amendment (Private Sector) 2000

Information Privacy Act (Qld) 2009

Australian Privacy Principles

National Disability Insurance Scheme Act 2013

National Disability Insurance Scheme Quality and Safeguards Practice Standards 2018

Disability Services Act (Qld) 2006

10. Related Legislation, Procedures and Guidelines:

Privacy and Personal Information Management Procedure

Privacy - Receiving, Recording, Accessing and Storing Personal Information Training

Consent Forms

Privacy Act 1988

Privacy Amendment (Private Sector) Act 2000

Information Privacy Act (Qld) 2009

Australian Privacy Principles

National Disability Insurance Scheme Act 2013

National Disability Insurance Scheme Quality and Safeguards Practice Standards 2018

Disability Services Act (Qld) 2006



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