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Document Name:	Document No.:	FHCPOL4526	Document Type:	POLICY
CLIENT / PATIENT DIGNITY, PERSONAL PRIVACY & CONFIDENTIALITY	Effective Date:	20/10/2017	Version No.:	V2.0
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CLIENT / PATIENT DIGNITY, PERSONAL PRIVACY & CONFIDENTIALITY

In accordance with the Australian Privacy Principles Scope Focused Health Care (FHC) affirms and respects the right of each client/patient/carer to privacy and confidentiality in all aspects of his/her life. Services are delivered in ways that respect the dignity of clients/patients/carers. Focused Health Care acts in accordance with the Privacy Act 1988 and Australian Privacy Principals contained in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 to protect client/patients/carers, privacy and ensure that the collection, storage, use and disclosure of any personal information collected complies with the law.

OBJECTIVE

To ensure services are delivered in ways that respect the dignity of clients/patients/carers in accordance with:

- the National Home Care Standards
- Disability Service Standards;
- National Safety & Quality Health Service Standards

To ensure personal information that is collected from clients/patients/carers in the process of delivering services is handled in accordance with

- the Privacy Act (Commonwealth) 1988
- the Privacy Amendment (Private Sector) Act 2000
- the Australian Privacy Principles

COLLECTION OF PERSONAL INFORMATION FROM CLIENTS/PATIENTS/CARERS & FAMILIES

'Personal Information' is information or opinion in any form, whether true or not, that identifies or enables identification of an individual. FHC collects only personal information that is necessary for one or more of its functions or services and ensures that all information is collected by fair and lawful means.

Only information necessary for one or more functions or services of the company is collected. All personal information is only used for the purposes for which it was collected except where legal exemptions exist.

All information collected by the company is collected by lawful and fair means and is, where practical to do so, collected directly from the individual. The individual is informed of who is collecting the information (Focused Health Care), how it is stored and what it is to be used for.

Personal information is collected by staff through completion of various intake, referral/application or service delivery forms utilised in FHC services. Generally, such forms are completed by the client/patient/carer, with assistance if necessary, by the Team Leader or referring agency with the permission of the client/patient/carer or the person responsible. All forms used for the collection of

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information are approved by the management of Focused Health Care for compliance with the Australian Privacy Principals (APPs).

Information may also be collected, reviewed or updated through face to face meetings, interviews, telephone calls, fax transmission or Email.

In accordance with FHC policy, clients/patients/carers, and/or their families may be refused service where they do not disclose or give permission for disclosure of personal information necessary for protection of the safety of staff and clients/patients/carers. Refer to Policy Difficult Behaviour Management Policy.

KINDS OF PERSONAL INFORMATION COLLECTED FROM CLIENTS/PATIENTS/CARERS & FAMILIES

FHC collects and holds various kinds of personal information including but not limited to:

- Client/patient/carers identifying information (name, age, address)
- Identification and contact details for next of kin/person responsible/ guardian or advocate
- Details of medical conditions/disability

Where the personal information collected and held includes sensitive information including but not limited to:

- Information about an individual's racial or ethnic origin
- Health information such as details of an individual's medical history, including details of specific medical conditions, disabilities and medication history

DISCLOSURE OF INFORMATION TO THOSE OUTSIDE OF THE AGENCY

"Disclosure" is the transfer of information to a third party outside the organisation.

Personal information is not disclosed to a person, body or agency (other than the individual concerned) unless:

- It is for the main reason it was collected (the primary purpose) or for a related secondary purpose e.g. an onward referral with the clients/patients/carers consent
- The client/patient/carers, guardian or "person responsible" has consented to the disclosure
- It is required by or under law or requested by a Board or Tribunal with a legal authority
- Where client/patient/carers confidentiality is deemed to be diminished by a serious or imminent threat to the life, health or safety of the individual or of another person.

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Client/patient/carers are informed of the Privacy and Confidentiality Policy as well as being provided with a copy of the policy if requested, upon entry to any service of Focused Health Care. Potential limitations to the rights to privacy or confidentiality may result from:

- Court subpoenaing of client/patient/carers files or records
- Any requirement for staff to testify under oath
- The use or disclosure is necessary to prevent or lessen a serious or imminent threat to the life, health or safety of the individual concerned or of another person
- The use or disclosure is necessary to prevent or lessen a serious or imminent threat to public health and public safety
- Where authorised by or under law; or
- The individual concerned is reasonably likely to expect that information of that kind is usually passed to that person, body or agency.

Where personal information is disclosed for the purpose of urgent medical treatment client/ patient/ carer are informed of the necessity to release confidential information when it is required.

Where it is regarded as beneficial to the client/patient/carer to disclose information, either verbally or in writing to an outside person, body or agency this occurs in accordance with the following procedures:

- The permission of the client/patient/carer, parent, person responsible, enduring power of attorney or guardian is obtained if necessary in writing
- The information is collected for a purpose that is lawful and of direct relevance to those receiving it and no extraneous information is forwarded
- Those in receipt of the information are informed of its confidential nature
- Where written information is forwarded, a record containing a note of the disclosure should be included and a record kept of the information disclosed and who received the information.

The Privacy Act does not prohibit collection and transmission of de-identified statistical data (where an individual cannot be reasonably re-identified). Unless otherwise requested by a client/patient/ carer, or person responsible FHC therefore includes such de-identified information in data returns for the purposes of accountability to government funding bodies.

USE OF INFORMATION WITHIN THE AGENCY

"Use refers to the handling of information within an organisation. The use of personal information regarding client/patient/carer is restricted to those within the agency who have a legitimate "need to know".

Information contained in client/patient/carer files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

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Client/patient/carers are informed verbally of persons who have access to their file upon acceptance to a service or agency of FHC. Only staff members within the service, their supervisors and senior managers have access to the client/patient/carers file and/or information relating to the client/patient/carer, unless the client/patient/carer gives prior written permission.

FHC staff (including casual and volunteers) are instructed to refrain from discussing personal details regarding individual client/patient/carers with other staff members, other client/patient/carer and persons outside the service. It is accepted that all FHC staff members may discuss personal client/patient/carer details with their supervisor or a senior manager for the purpose of supervision, determination of work, health and safety issues or to ensure the proper service to support of the individual.

Where it is necessary for members of the Executive to be given information pertaining to a client/patient/ carer issue, every effort is made to:

- Where appropriate protect the privacy of the client/patient/carer by not disclosing his/her identity
- Disclose only information relevant to the matters under discussion
- Ensure that the information is passed on only to those persons who have a legitimate need to know

Executive Committee reports and other written internal documentation do not identify individual client/patient/ carer.

CLIENT/PATIENT/CARERS ACCESS TO PERSONAL INFORMATION

Individuals have the right to access their personal information, except where access may present a threat to an individual or is deemed unlawful.

- Personal information held by FHC is available for the individual to access on request and is generally provided unless:
  - The information poses a serious threat to the life, health or safety of any individual or compromises the privacy of other individuals; or
  - Access would be deemed unlawful or a request to deny access has been refused by an enforcement body; or
  - Other reasons outlined within the Australian Privacy Principles

Information may be accessed upon request by the individual following confirmation of their identity. A client/patient/carer, or the person responsible, can ask that personal information be corrected, if it is inaccurate, incomplete or out of date.

SECURITY

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FHC takes all reasonable steps to protect personal information against misuse and provide

safeguards to ensure against loss, unauthorised access, misuse, modification or disclosure.

FHC takes all adequate precautions to protect personal information from any unauthorised access, modification or disclosure.

Personal information held by FHC on databases, file servers or personal computers are password protected to restrict unauthorised access.

Personal records are secured in locked cabinets.

All Emails sent from the organisation contain a privacy statement and security disclaimer.

RECORD KEEPING

Access to client/patient/carer records is restricted to those who have legitimate "need to know" or a legal right to access.

Information contained in client/patient/carer files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

Personal information kept by FHC is regularly updated and reviewed to ensure the information is accurate, up to date and only used for intended purposes.

STAFF TRAINING & COMPLIANCE

Staff are trained in implementation of the company's Privacy, Dignity and Confidentiality Policy and breaches of these requirements may be considered a serious disciplinary issue.

The need to abide by relevant policy is included in the Job Contracts of all staff.

PRIVACY & INFORMATION OF OTHERS

FHC collects information from other sources that may be considered personal or sensitive and is therefore covered by the Privacy Act. Such information may be about:

- Job applicant
- Staff members
- Volunteers
- Contractors

Information relating to individuals may be collected via letters, resumes, application forms, face to face meetings, interviews or by Email or fax. In some instances, FHC may receive information about an individual from a third party e.g. reference checks, criminal record checks.

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FHC warrants that it uses the information only for the purposes for which it has been collected and when the information is no longer required destroys it in a manner commensurate with privacy requirements.

Resumes and other information from job applicants is destroyed or returned within three months from completion of an interview process unless the person is advised of and agrees to their application being included on an eligibility list for subsequent employment.

FHC's policy does not apply to its treatment of employee files which are exempted under the Privacy Act.

MAINTAINING PERSONAL PRIVACY, RESEARCH & SURVEILLANCE

Client/patient/carers are free of surveillance and protection beyond that clearly needed to enable the person to function in reasonable safety and health on a FHC designated worksite.

Clients/patient/carers may choose whether or not to participate in any research project or survey.

RELATED POLICIES

Grievance Policy
Sexual Harassment Policy
Client/ Patient Intake, Entry and Exit
Delivery of Service
Challenging Behaviour in Clients Management of
Client/Patient Files
Employee Code of Conduct

RELATED PROCEDURES

WHS Manual
Safe Home Visits

RELEVANT LEGISLATION AND /OR GOVERNMENT POLICY:

- Privacy Act (Commonwealth) 1988
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Australian Privacy Principles.