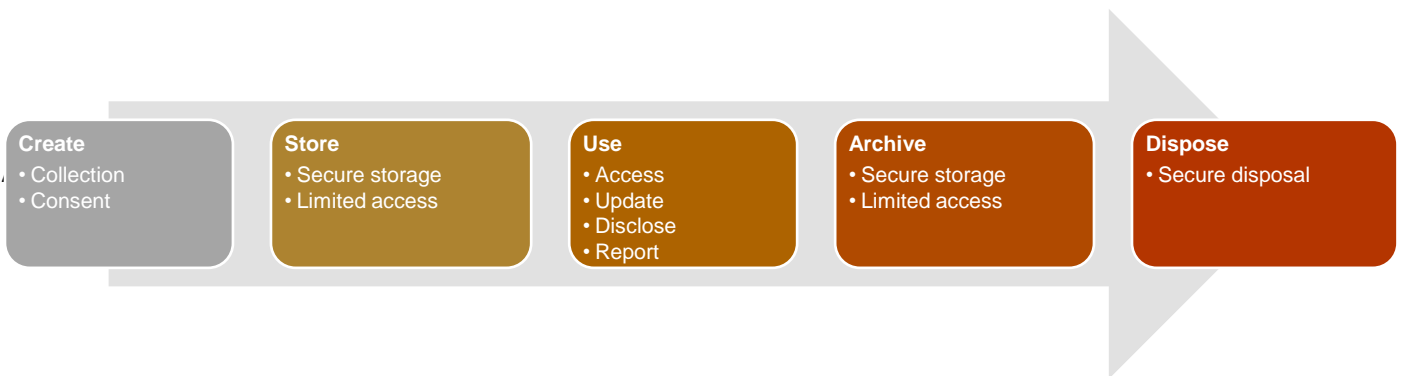


PRIVACY AND CONFIDENTIALITY

Policy

OneLife NQ recognises, respects, and protects everyone’s right to privacy, including the privacy of clients and staff. All individuals have the right to decide who has access to their personal information.

OneLife NQ’s privacy and confidentiality practices support and are supported by records and information management processes (see the *Records and Information Management Policy and Procedure*). Privacy and Confidentiality processes interact with the information lifecycle in the following ways:



Purpose and Scope

This policy and procedure outlines staff responsibilities relating to collecting, using, protecting, and releasing personal information, in compliance with privacy legislation. It applies to all:

- OneLife NQ staff.
- aspects of OneLife NQ’s operations; and
- staff and client personal information.

This policy and procedure must be read in conjunction with OneLife NQ’s *Records and Information Management Policy and Procedure*. It meets relevant legislation, regulations and Standards as set out in Schedule 1, Legislative References.

Applicable NDIS Practice Standards

Information Management

Outcome

Management of each participant’s information ensures that it is identifiable, accurately recorded, current and confidential. Each participant’s information is easily accessible to the participant and appropriately utilised by relevant workers.

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Indicators

- Each participant’s consent is obtained to collect, use, and retain their information or to disclose their information (including assessments) to other parties, including details of the purpose of collection, use and disclosure. Each participant is informed in what circumstances the information could be disclosed, including that the information could be provided without their consent if required or authorised by law.
- Each participant is informed of how their information is stored and used, and when and how each participant can access or correct their information and withdraw or amend their prior consent.

Privacy and Dignity

Outcome

Each participant accesses supports that respect and protect their dignity and right to privacy.

Indicators

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

Interaction of Applicable Legislation and Associated Definitions

Privacy Act 1988 (Cth) - regulates how personal information about individuals is handled. The Act includes thirteen Australian Privacy Principles (APPs). The APPs set out standards, rights, and obligations for the handling, holding, use, accessing and correction of personal information. The Act protects the privacy of an individual's information where it relates to Commonwealth agencies and private businesses (including not-for-profit organisations) with a turnover of more than \$3 million. **All** organisations that provide a health service and hold health information (other than in a staff record) are covered by the Act.

Health Information – personal information about:

- The health, including an illness, disability, or injury, (at any time) of an individual.
- An individual’s expressed wishes about the future provision of health services to the individual; or
- Health service provided, or to be provided, to an individual.

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Personal Information – information about an identified individual, or an individual who is reasonably identifiable, whether the information is recorded in a material form or not.

Sensitive Information – personal information about an individual life can include but is not limited to the following.

- Racial or ethnic origin.
- Membership of association/s.
- Religious beliefs or affiliations.
- Philosophical beliefs.
- Membership of a professional or trade association.
- Sexual orientation.
- Criminal record.

The State of Queensland and the National Disability Insurance Scheme Act 2013 (Cth) – regulates how personal information about NDIS participants is handled by the National Disability Insurance Agency. This limits how the Agency collects and uses personal information and when and to whom information can be disclosed. The Agency, Private and Public Health Sectors must comply with the *Privacy Act 1988 (Cth)*.

The **Queensland Office of the Information Commissioner** receives and conciliates complaints related to the privacy of health information.

The **Queensland Health Ombudsman** can receive and investigate complaints about health services and health service providers, including registered and unregistered health practitioners.

The **NDIS Quality and Safeguards Commission** are also an organisation that investigates complaints for NDIS participants.

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Procedures

General

The Manager is responsible for ensuring OneLife NQ complies with the requirements of the *Privacy Act 1988 (Cth)*. This includes developing, implementing, and reviewing processes that address:

- why and how OneLife NQ collects, uses, and discloses personal information.
- what information OneLife NQ collects about individuals and its source.
- who has access to the information.
- information collection, storage, access, use, disclosure, and disposal risks
- how individuals can consent to personal information being collected, withdraw, or change their consent and change information about them held by OneLife NQ.
- how OneLife NQ safeguards and manages personal information, including how it manages privacy queries and complaints; and
- how information that needs to be updated, destroyed, or erased is managed.

All staff are responsible for complying with this policy and procedure and their privacy, confidentiality, and information management responsibilities. Staff must keep personal information about clients, other staff, and other stakeholders confidential, in accordance with the confidentiality provisions in their employment employee handbook in addition to a signed confidentiality agreement during the onboarding process.

As per OneLife NQ’s *Human Resources Policy and Procedure*, all staff must undergo Induction, which includes training in privacy, confidentiality, and information management. Staff knowledge and application of confidentiality, privacy and information management processes is monitored on a day-to-day basis and through Annual Performance Reviews Additional formal and on-the-job training is provided to staff where required.

OneLife NQ’s *Privacy Statement* is included in OneLife NQ’s *Client and Employee Handbooks*, displayed in the OneLife NQ office and at Myrtle’s Place.

A full copy of this policy and procedure must be provided upon request.

Photos and Videos

Photos, videos, and other recordings are a form of personal information. Staff must respect people’s choices about being photographed or videoed and ensure images of people are used appropriately. This includes being aware of cultural sensitivities and the need for some images to be treated with special care.

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Information Collection and Consent

Client Information Collection and Consent

OneLife NQ will only request personal information that is necessary to:

- assess a potential client’s eligibility for a service.
- provide a safe and responsive service.
- monitor the services provided; and
- fulfil government requirements for non-identifying and statistical information.

Personal client information that OneLife NQ collects includes, but is not limited to:

- contact details for clients and their representatives
- details for emergency contacts and people authorised to act on behalf clients
- clients’ health status and medical records
- medication records
- service delivery intake, assessment, monitoring and review information
- assessments, reviews, and service delivery records
- external agency information
- feedback and complaints
- incident reports
- consent forms

Prior to collecting personal information from clients or their representatives, staff must explain in a format that is tailored to support their individual communication needs

- that OneLife NQ only collects personal information that is necessary for safe and effective service delivery.
- that personal information is only used for the purpose it is collected and is stored securely.
- what information is required.
- why the information is being collected and how it will be stored and used.
- the occasions when the information may need to be shared and who or where the information may be disclosed to.
- the client’s right to decline providing information.
- the client’s rights in terms of providing, accessing, updating, and using personal information, and giving and withdrawing their consent; and
- the consequences (if any) if all or part of the information required is not provided.

After providing the above information, staff must use a *Consent Form* to:

- confirm the above information has been provided and explained; and
- obtain consent from clients or their legal representatives to collect, store, access, use, disclose and dispose of their personal information.

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Clients and their representatives are responsible for:

- providing accurate information when requested.
- completing Consent Forms and returning them in a timely manner.
- being sensitive and respectful to other people who do not want to be photographed or videoed; and
- being sensitive and respectful of the privacy of other people in photographs and videos when using and disposing of them.

All client access or correction requests must be directed to a relevant staff member responsible for the maintenance of the client’s personal information. All staff access or correction requests must be directed to the Manager

NDIS Audits

OneLife NQ complies with the requirements of the *National Disability Insurance Scheme (Approved Quality Auditors Scheme) Guidelines 2018* whereby clients are automatically included in audits against the NDIS Practice Standards. Clients may be contacted at any time by an NDIS Approved Quality Auditor for an interview, or for their client file and plans to be reviewed.

Clients who do not wish to participate in these processes can notify any staff member, who must inform the Manager in writing. Their decision will be respected by OneLife NQ and will be documented in their client file. Upon commencement of any audit process, OneLife NQ notifies its Approved Quality Auditor of clients who have opted-out of the audit process.

Staff Information Collection and Consent

Personal staff information that OneLife NQ collects includes, but is not limited to:

- tax declaration forms
- superannuation details
- payroll details
- employment / engagement contracts
- personal details
- emergency contact details
- medical details
- NDIS Worker Screening Checks, Police Checks and Working with Children Checks
- qualifications
- First Aid, CPR, Anaphylaxis, and other relevant certificates
- personal resumes

Where relevant, forms used to collect the above information will also obtain the staff member’s consent to collect, store, access, use, disclose and dispose of their personal information.

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Storage

Refer to the *Records and Information Management Policy and Procedure* for details on how OneLife NQ securely stores and protects staff and client personal information.

Access

Staff personal information must only be accessed by the Manager (or delegates), who may only access the information if it is required to perform their duties.

Staff must only access clients' personal information if it is required to perform their duties.

Staff and clients have the right to:

- request access to personal information OneLife NQ holds about them, without providing a reason for requesting access.
- access this information; and
- make corrections if they believe the information is not accurate, complete, or up to date.

Disclosure

Client or staff personal information may only be disclosed:

- for emergency medical treatment.
- to outside agencies with the person's permission.
- with written consent from someone with lawful authority; or
- when required by law, or to fulfil legislative obligations such as mandatory reporting.

Reporting

Other Reporting Requirements

The Manager must immediately notify the NDIS Commission and Queensland Office of the Information Commissioner if they become aware of a breach or possible breach of privacy legislation.

Data breaches may also trigger reporting obligations outside of the *Privacy Act 1988*, such as to:

- OneLife NQ's financial services provider.
- police or other law enforcement bodies.
- the Australian Securities and Investments Commission (ASIC).
- the Australian Taxation Office (ATO).
- the Australian Transaction Reports and Analysis Centre (AUSTRAC).
- the Australian Digital Health Agency (ADHA).
- Federal, State or Territory Government departments.
- professional associations and regulatory bodies; and
- insurance providers.

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Archiving and Disposal

Refer to the *Records and Information Management Policy and Procedure* for details on how OneLife NQ archives and disposes of clients' personal information.

Relevant Policies and Procedures

- *Records and Information Management Policy and Procedure*

Supporting Documents

Documents relevant to this policy and procedure include:

- *Consent Form*
- *Continuous Improvement Register*
- *Client Handbook*
- *Employee Handbook*

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Monitoring and Review

This policy and procedure will be reviewed at least every two years by the Management Committee. Reviews will incorporate staff, client, and other stakeholder feedback.

OneLife NQ's feedback collection mechanisms, such as staff and client satisfaction surveys, will assess:

- satisfaction with OneLife NQ's privacy and confidentiality processes.
- whether stakeholders have received adequate information about privacy and confidentiality.

OneLife NQ's *Continuous Improvement Register* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of OneLife NQ's service planning and delivery processes.

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