

PRIVACY AND DIGNITY POLICY AND PROCEDURE

Purpose

Disability Support Unlimited will manage and ensure that our organisation provides the participant access to services and supports that respect and protect their dignity and right to privacy.

Scope

This policy applies to all Staff.

Policy

Disability Support Unlimited is committed to protecting and upholding all stakeholders right to privacy and dignity; including participants, Staff, management, and representatives of agencies, we deal with.

Disability Support Unlimited is committed to protecting and upholding the participants right to privacy and dignity as we collect, store and handle information about them, their needs and the services provided to them.

Disability Support Unlimited requires Staff and management to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

Disability Support Unlimited is subject to NDIS (Quality and Safeguards) Commission rules and regulations. Disability Support Unlimited will follow the guidelines of the Australian Privacy Principles in its information management practices.

Disability Support Unlimited will ensure that each participant understands, and agrees to, what personal information will be collected and informed of the reason for the collection. The participant will be informed and agree to this information is being recorded material in an audio and/or visual format.

Disability Support Unlimited will advise each participant of privacy policies using the language, mode of communication and terms that the participant is most likely to understand. (*Easy Read documents are made available to all participants*).

Disability Support Unlimited will ensure that:

- It meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of participants and organisational personnel.
- The participants are provided with information about their rights regarding privacy and confidentiality.
- The participants and organisational personnel are provided with privacy, and confidentiality is assured when they are being interviewed or discussing matters of a personal or sensitive nature.
- All Staff, management and volunteers understand what is required in meeting these obligations.
- Participants are advised of Disability Support Unlimited's confidentiality policies using the language, mode of communications and terms that are most likely to be

understood. Disability Support Unlimited will attempt to locate interpreters and will use easy access materials.

This policy conforms to the Federal Privacy Act (1988) and the Australian Privacy Principles, which govern the collection, use and storage of personal information. This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

Procedures

The Managing Director is committed to ensuring that Disability Support Unlimited follows the Federal Privacy Act (1988), as well as any other relevant government and territory laws and specifications.

Which can include but is not limited to:



It is the responsibility of all Disability Support Unlimited staffs to read and comply with the state and federal legislation concerning privacy and confidentiality, including this policy and procedure. This includes:

- Collection/Creation
- Process
- Storage
- Utilisation
- Disclosure
- Disposal

Disability Support Unlimited is required to give staffs appropriate training regarding their knowledge of systems in place for the confidentiality of company data; this will be done through performance reviews. If it is found that a staff does not encompass correct knowledge, extra training may be given to ensure consistency throughout Disability Support Unlimited, with conjunction with the Human Resources Policy and Procedure. The Disability Support Unlimited Privacy Statement must be in the Disability Support Unlimited Participant Handbook.

Dealing with personal information

Disability Support Unlimited is required to provide staffs with consent forms for personal information, which will be considered respectfully, and no information will be used without consent.

Personal information includes but is not limited to:

- Photographs
- Films
- Recordings

In dealing with personal information, Disability Support Unlimited Staff will:

- Ensure privacy for the participants, Staff, or management when they are being interviewed or discussing matters of a personal or sensitive nature.
- Only collect and store personal information that is necessary for the functioning of the organisation and its activities.
- Use fair and lawful ways to collect personal information.
- Collect personal information only with consent from the individual.
- Ensure that people know of the type of personal information being held, the purpose of keeping the information and the method it is collected, used, disclosed, and who will have access to it.
- Ensure that personal information collected or disclosed is accurate, complete, and up-to-date, and provide access to the individual to review information or correct wrong information about themselves.
- Take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification, or disclosure.
- Destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.
- Ensure that participants understand and agree with what personal information will be collected and why.
- Ensure participants are informed when any recordings occur in either audio and/or visual format. The participant's involvement in any recording must be agreed to in writing.

Participant Records

Participant records will be kept confidential and only handled by Staff directly engaged in the delivery of service to the participant. Information about participants may only be made available to other parties with the consent of the participant, or their advocate, guardian or legal representative. A written agreement giving permission to the recording must be maintained in the participant's file.

A participant is also entitled to supply, access, update and use any personal information if necessary to ensure correct information is in the system, they may refuse to disclose some information and have the right to revoke their consent to disclose personal information. All hard copy files of participant records will be kept securely in a locked filing cabinet, in the office space.

Personal participant information that Disability Support Unlimited collects. Involves but is not limited to:

Incident reports | Emergency contact details | Consent forms

Health status | Contact information | Medical Documents

Immunisation records | Organisation information

Development of records, plans, portfolios and observations

Intake of delivery services, assessment and data review

Responsibilities for Managing Privacy

All Staff is responsible for the management of personal information to which they have access. Director is responsible for the content in Disability Support Unlimited publications, communications and on the website and must ensure the following:

- Appropriate consent is obtained for the inclusion of any personal information about any individual, including Disability Support Unlimited personnel (Consent Policy and Procedure)
- Information being provided by other agencies or external individuals conforms to privacy principles
- That the website contains a Privacy Statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.

The Director is responsible for safeguarding personal information relating to Disability Support Unlimited's Staff, management and contractors. The Director will be responsible for:

- Ensuring that all Staff is familiar with the Privacy Policy and administrative procedures for handling personal information.
- Ensuring that participants and other relevant individuals are provided with information about their rights regarding privacy and dignity.
- Handling any queries or complaints about a privacy issue.

Privacy Information for Participants

At the first interview, participants will be notified of the type of information is being collected about them, how their privacy will be protected, and their rights in relation to this data. Disability Support Unlimited only gathers the necessary personal information of participants for the protected and adequate provision of services. Information sharing is

part of our legislative requirements. Participants must give consent to any information sharing between our organisation and government bodies. The participant is offered to opt-out of any NDIS information sharing during audits.

Audit

A NDIS approved quality auditor has the right to request an interview from any participant file that requires assessment. Disability Support Unlimited must ensure they are abiding by the standards outlined in the 2018 National Disability Insurance Scheme (Approved Quality Auditors Scheme) Guidelines. This automatically includes participants in the NDIS Practice Standards audits. However, a participant may refuse to participate in audits with a written notice directed to the Managing Director.

Privacy for Interviews and Personal Discussions

To ensure privacy for participants or Staff when discussing sensitive or personal matters, Disability Support Unlimited will only collect personal information which is necessary for the provision of supports and services and which:

- Is given voluntarily; and
- Will be stored securely on the Disability Support Unlimited database.

When in possession or control of a record containing personal information, Disability Support Unlimited will ensure that the record is protected against loss, unauthorised access, modification, or disclosure, by such steps as it is reasonable in the circumstances to take. If it is necessary for that the record be given to a person in connection with the provision of a service to Disability Support Unlimited, everything reasonable will be done to prevent unauthorised use or disclosure of that record. Disability Support Unlimited will not disclose any personal information to a third party without the individual's consent unless that disclosure is required or authorised by or under law.

Monitoring and Review

Disability Support Unlimited may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. Generally, this entire policy will be reviewed in consultation with people using the service, their families and carers and staffs every year.

All service planning, delivery and evaluation activities will include staffs, participants and other stakeholders and their feedback.

All activities related to service planning, delivery, and evaluation will include staffs, participants, and other stakeholders, and their feedback.

CONFIDENTIALITY POLICY AND PROCEDURE

Purpose

The purpose of this policy and procedure is to ensure Disability Support Unlimited upholds each participant's individuality, dignity, and privacy. The policy sets out Disability

Support Unlimited’s responsibilities relating to the collection and protection of participant’s information.

Definition

Terminology	Description
Health information	Any information or an opinion about the physical, mental, or psychological health or ability (at any time) of an individual.
Personal information	Recorded information (including images) or opinion, whether true or not, about a living individual whose identity can reasonably be ascertained.
Sensitive information	Information or an opinion about an individual’s racial or ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, or criminal record.

Policy

Privacy and confidentiality of participant’s information are of paramount importance to Disability Support Unlimited.

Disability Support Unlimited will only collect information necessary for effective service delivery.

Disability Support Unlimited will only use information collected for the purpose it was collected and secure it appropriately.

Disability Support Unlimited will collect, use and disclose information in accordance with relevant state and Federal privacy legislation.

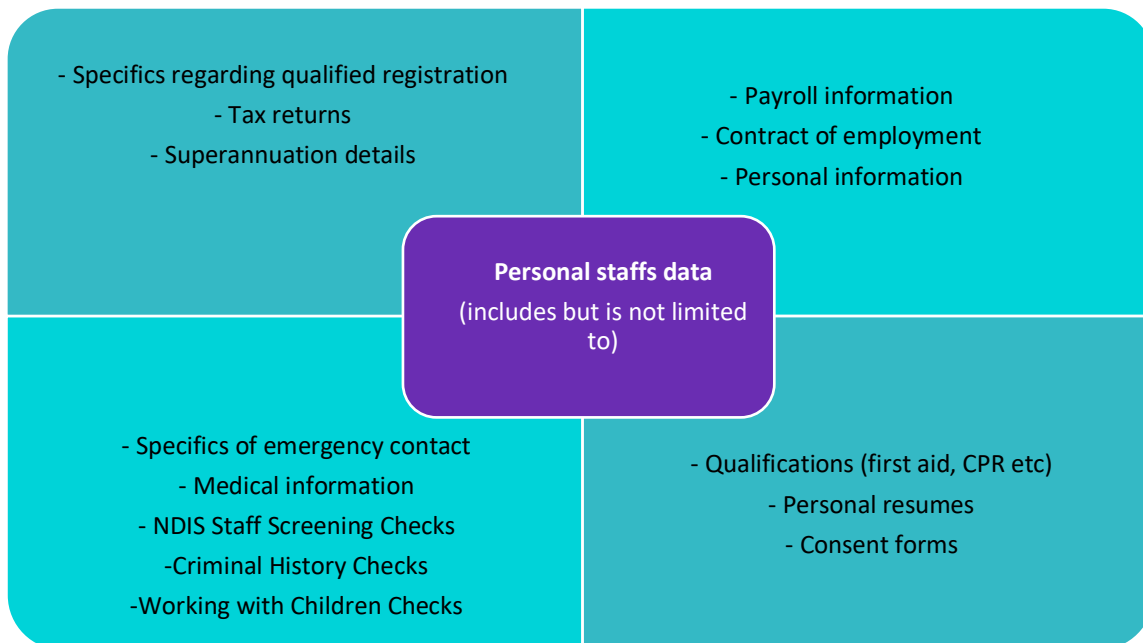
Procedure

- Disability Support Unlimited will keep participants informed of their rights.
- Disability Support Unlimited will ensure participant and or their authorised representative has access to participant personal information.
- Disability Support Unlimited will keep participant information secure.
- Computers and laptops will be protected by user access credentials.
- Disability Support Unlimited will not release information related to participants to other individuals or services without the consent of the participant or their representative.
- Disability Support Unlimited will respect participant’s right to withdraw from consent at any time.
- Disability Support Unlimited will collect, use, and disclose information in accordance with relevant state and Federal privacy legislation.
- All Staffs are responsible for upholding Company’s privacy and confidentiality responsibilities.
- Management will make arrangements for participants with special needs to assist with protecting their privacy and dignity.
- Disability Support Unlimited will give due consideration to individuals and groups with special needs when upholding their privacy, dignity, and confidentiality.

- Disability Support Unlimited will capture participant information the privacy of their home or in our office and ensure that it is in an area that prevents other people from hearing their personal details.
- Participant privacy will be respected, and assistance will be given in a dignified and appropriate manner during social outings or in their own home.
- Staff will ensure time and space for participant privacy, respecting and encouraging participant independence.
- Individual choice will be respected regarding clothing and grooming, considering various factors such as the weather to ensure warmth if cold or to avoid overheating during hot seasons.
- Staffs will show respect for the participant's home and participant belongings.
- Company will collect, use, and disclose information in accordance with relevant state and Federal privacy legislation.
- Participant Information will not be collected or released to other individuals or services without informed consent from the participant or their representative, or in exceptional circumstances i.e., where legislation requires, in case of life threatening emergency.
- Clinical records to be kept in a locked filing cabinet when not being used in the office; if a home file is kept this is to be kept discretely and privately in the participant's home where the participant wishes to keep it.
- Company will not provide participant information over the phone as it is difficult to determine the identity of the caller(s).
- Company will ensure improvements identified through Staff and participant feedback, are actioned through the company's Continuous Improvement Plan.
- Company will monitor Staff knowledge and application of confidentiality and privacy principles on-the-job and through yearly Performance Reviews.
- Company will provide additional on-the-job and formal training to Staff where required.

Staff Privacy and Confidentiality

Staff information Disability Support Unlimited collects include, but is not limited to tax declaration form; employment / engagement contract; personal details; emergency contact details; medical details; Police and Working with Children Check records; Qualifications; First Aid, CPR and Anaphylaxis certificates; medical history; personal resume; payroll information; and Superannuation details



Staff's information may be accessed the Management Team.

Staffs have the right to request access to personal information Disability Support Unlimited holds about them, without providing a reason for requesting access; access this information; and make corrections if they consider the information is not accurate, complete, or up to date.

If an individual requests access to or the correction of personal information, within a service benchmark of 2 working days (and no more than 45 days after receiving the request), Staff will provide access, or reasons for the denial of access; correct the personal information or provide reasons for the refusal to correct the personal information; or provide reasons for the delay in responding to the request for access to or correction of personal information.

Staff personal and health information will only be disclosed for medical treatment or emergency; with written consent from the Staff member; or when required by Commonwealth Law, or to fulfil legislative obligations such as mandatory reporting.

Storage and Access

View Disability Support Unlimited's Records and Information Management Policy and Procedure for additional details on exactly how Disability Support Unlimited systems are able to ensure privacy for storing, and protection of private data.

Both the Managing Director and staffs will only access the personal information if it is necessary to fulfil any responsibilities or services for the Disability Support Unlimited. All stakeholders can request access to any information regarding themselves. Any participant access or modification demands must be presented to the individual of Disability Support Unlimited who is responsible for monitoring the Participant's personal information. All staffs have the same access to or requests for modification as participants.

For any access or correction of information, the Managing Director should be notified immediately, within two business days. The individual responsible for the acceptance status of information will either accept or reject with reasoning as to why.

A request for access or correction may be rejected as it would have an unwarranted impact on the privacy and confidentiality of other individuals. The request is thoughtless and annoying. It may cause a dangerous threat to any individual's life or wellbeing. All participant requests for access or correction refused by the Managing Director must be authorised and documented in the participant's file. Any staffs who have been refused access or correction requests must be approved by the CEO/ Director and recorded in the individual's file.

Monitoring and Review

Disability Support Unlimited Management Team will review this policy and procedure at least annually. This process will include a review and evaluation of current practices and service delivery types, contemporary policy and practice in this clinical area, the Incident Register and will incorporate Staff, participant, and another stakeholder feedback. Feedback from service users, suggestions from Staff and best practice developments will be used to update this policy.

Disability Support Unlimited Continuous Improvement Plan will be used to record and monitor progress of any improvements identified and where relevant feed into Disability Support Unlimited service planning and delivery processes.

Related documents

- NDIS Practice Standards and Quality Indicators 2018
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- Workplace Health Safety Policy and Procedure
- Incident Management Policy and Procedure

References

- [National Disability Insurance Scheme Act 2013](#)
- [National Disability Insurance Scheme \(Quality Indicators\) Guidelines 2018](#)
- [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](#)
- [Privacy Act 1988](#)

[NDIS Quality and Safeguarding Framework](#)