

Policy

Lifely is committed to protecting and promoting individuals' right to privacy and confidentiality concerning their personal information, including their image and voice. This policy ensures access to and the collection and use of personal information are managed responsibly through compliance with legislation.

"Confidentiality" relates to the treatment of information disclosed during a professional relationship. We all are obligated to refrain from disclosing information given in confidence. Confidentiality is a balance between safeguarding the rights of individuals, discharging the professional duty of care and weighing up the need for others to know.

"Privacy" relates to an individual's ability to control the extent to which their personal information, enabling identification, is available to others.

"The *Privacy Act 1988 (Privacy Act)* defines personal information" as:
Information or an opinion about an identified or reasonably identifiable individual, whether the information or opinion is accurate and whether the information or opinion is recorded in a material form.

Under the Privacy Act, images and voice recordings are also treated as personal information where the person's identity is apparent or can reasonably be worked out from that image. Images of individuals may also contain sensitive information if, for example, the individual's racial or ethnic origin or religious beliefs are apparent.

This policy binds all workers, volunteers and board members. A worker includes any contractor or sub-contractor, a labour-hire worker, an apprentice or trainee, a student, or a volunteer, including board members.

Lifely will ensure that:

- All personal information collected will be on a "need to know" basis and only to provide a safe, secure environment for all participants.
- If any personal information is to be transmitted to another agency, this is always done with the participant's informed consent.
- Workers are sensitive to the participant's right to privacy and confidentiality when discussing their details with any other party.
- Written information about a participant is limited to what is relevant and necessary to that person's involvement in Lifely.

- Families/participants are aware of and may access the information kept about them. Their informed verbal or written permission will be obtained before releasing information.
- Disposal of out-of-date information will be carried out securely.
- No personal identifying information or photographs are transferred or posted unless informed permission is gained.
- All workers sign a Confidentiality Agreement or Confidentiality clause in their employment contract.

Participants:

The personal information Lifely collects and how it is collected

Lifely collects information from participants, family or nominees and health and disability providers, for example, the NDIS. Lifely may also be given personal information from an organisation supporting the participant.

Participant information is collected during the registration process and annually during the registration review. This information enables Lifely to provide participants with the requested services.

Lifely collects information from workers throughout the recruitment process and their time with Lifely.

The purpose for which Lifely collects, holds, and uses personal information

The information that the participant has provided will be used: -

- To enable Lifely to provide the highest standard of support possible for each participant
- To ensure the utmost safety and wellbeing of participants whilst being supported by Lifely
- To meet funding and other legislative requirements

When is personal information disclosed?

There are periods for funding obligations where Lifely are requested to provide details of workers and Participants. Sharing of personal information will only occur with the individual's informed consent unless there is a legal requirement to disclose.

There may be times that an individual's image or voice may be shared for marketing and communication purposes. In these instances, the individual or nominee must first provide informed consent by indicating their willingness to participate in the intake process or in the form of a completed authority to use images form.

Storage, Security and Disposal

Personal information is stored securely and password protected by Lifely per the relevant Public Record Office Victoria (PROV) Standards to protect personal information from loss, misuse, unauthorised access, modification or disclosure. Lifely workers are required to maintain the confidentiality of personal information. When personal information is no longer required, it is stored in secure archives for the legislated time. Records which can be disposed of are disposed of via independent, secure shredding specialist organisations.

Access and Accuracy

Workers and Participants can access their records at their request.

Complaint about a breach of this policy

Lifely promotes a culture which encourages the acceptance of complaints as an opportunity to review and improve the quality of services. Complaints about a breach of privacy or confidentiality should be reported, and complete a complaint form or communicated with a Lifely representative.

Participants dissatisfied with the response provided by Lifely can contact the [NDIS Quality Safeguards Commission](#) or the [Office of the Australian Information Commissioner](#).

Should a worker be dissatisfied with how a privacy or confidentiality matter is handled, they can seek further support from the [Fair Work Ombudsman](#) or the [Office of the Australian Information Commissioner](#).

Outcome:

That Lifely has a process ensuring participants' and workers' privacy and confidentiality is maintained.

Policy Links:

- [HR 002 - Counselling and Disciplinary Warnings Procedure](#)
- [HR 003 - Bullying, Discrimination, and Harassment Procedure](#)
- [Org 005 - IT Internet Email and Social Media Policy](#)
- [Org 012 - Notifiable Data Breach Procedure](#)
- [Org 021 - Child Safe Code of Conduct](#)
- [Org 022 - Code of Conduct](#)
- [Org 026 - Complaints Management and Resolution Procedure](#)

References:

- DSS (n.d.). *National Disability Insurance Scheme (Quality Indicators) Guidelines 2018*. [online] www.legislation.gov.au. Available at: <https://www.legislation.gov.au/Details/F2018N00041> [Accessed 21 Jul. 2020].
- *Health Records Act, 2001*
- [Ndiscommission.gov.au](http://ndiscommission.gov.au). (2019). *NDIS Code of Conduct (NDIS Providers) | NDIS Quality*

and Safeguards Commission. [online] Available at:
<https://www.ndiscommission.gov.au/providers/ndis-code-conduct>

- *Privacy and Data Protection Act, 2014;*
- *Privacy Amendment (Public Health Contact Information) Bill 2020*
- National Privacy Principles
- *Public Records Act 1973*

Standards:

NDIS Quality and Safeguard Standards

- NDIS Practice Standards – Rights and Responsibilities
- NDIS Practice Standards – Provider Governance and Operational Management
- NDIS Practice Standards – Provision of Supports

Community Care Common Standards

- Standard 1 – Effective Management
- Standard 3 – Service user rights and responsibilities

National Quality Standards - Education and Care Service National Regulations - OSHC

- Quality Area 7 – Governance and leadership

Child Safe Standards

- Standard 1 - Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
- Standard 2 - Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Standard 3 - Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
- Standard 5 - Equity is upheld and diverse needs respected in policy and practice.
- Standard 11 - Policies and procedures document how the organisation is safe for children and young people.

Departments:

- All Departments