

<b>Approved By:</b>	Board of Directors	<b>First Issue:</b>	March 2020
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## **CONFIDENTIALITY OF INFORMATION**

### **1. STATEMENT OF PURPOSE**

The following policy and procedures have been developed and will be implemented to meet the requirements of:

- National Disability Service Standards;
- Other legislative or related provisions [The Privacy and Personal Information Protection Act 1998.

In particular, the policy and procedures seek to ensure that:

- “Each person receives a service that promotes and respects their legal and human rights and enables them to exercise choice like everyone else in the community”.  
[Standards in Action 3<sup>rd</sup> Edition April 2016, Standard 1, Rights]
- “Each person is aware of their rights and can expect to have them respected”.
- “Each person will receive a service that reflects their right to privacy and have their personal records and details about their lives dealt with in an ethical and confidential manner in line with relevant legislation”  
[Standards in Action 3<sup>rd</sup> Edition April 2016, Standard 1, Rights - Practice Requirement 1]
- “Service providers are to uphold and promote the legal and human rights of each person”.  
[Standards in Action 3<sup>rd</sup> Edition April 2016, Standard 1, Rights - Practice Requirement 2]

### **2. PRIVACY AND CONFIDENTIALITY POLICY**

For the purposes of this policy, **all** information about a person [medical, personal, financial or otherwise] who is provided with a service by GOODCAREHEALTH AND DISABILITY SUPPORT SERVICES PTY LTD (GOODCARE) is to be treated in the **strictest confidence**.

Each person provided with a service by GOODCARE will be given the same level of privacy, dignity and confidentiality as expected by other members of the community.

This right also covers information which GOODCARE staff may obtain or be provided with during the course of their duties, concerning the families, friends, advocates or guardians of such individuals.

GOODCARE has a commitment to protect your personal information and agree to comply with the Australian Privacy Principles (APPs) set out in the Commonwealth Privacy Amendment (Enhancing Privacy Protection) Act 2012. This policy sets out the course of action we will follow when dealing with the information of people with a disability and their families, as well as the information of staff employed by GOODCARE.

GOODCARE will also comply with the Health Records and Information Privacy Act 2002 to protect information about your health and your health records.

### 3. POLICY FOR MAINTAINING CLIENT INFORMATION

Each client [or his/her representative] is to be kept fully informed about:

- ☐ what information GOODCARE maintains about the individual;
- ☐ the reasons why such information is being kept;
- ☐ where the information is being kept;
- ☐ who can access the information;
- the right of the individual [or his/her guardian/person responsible] to inspect their personal records and 'file notes'; and,
- the right to complain if the individual's privacy, dignity and confidentiality is not being respected by GOODCARE staff.

Information recorded by GOODCARE staff about an individual, will be the minimum necessary to enable the efficient and effective provision of services to him/her. Such information will be provided to other staff on a '**need-to-know**' basis only. If being aware of particular information about an individual is necessary for a staff person to be able to provide an appropriate service to him/her, then that staff person has a '**need to know**'.

All records and 'file notes' remain the property of GOODCARE and cannot be removed, either in part or whole, by any client or his/her representative.

The written consent of the client [or that of his/her guardian/person responsible], is required before any information about the individual is sought from, or released to, another service agency or external person by GOODCARE staff.

The exceptions to this policy are only those provided for by other agreements or at law. For example:

- ☐ records maintained about the life and circumstances of a client may be subpoenaed by the Courts and must at law be provided by GOODCARE.
- ☐ the provision of certain statistical information on individuals who receive a service[s] from GOODCARE is required by any Government agencies. Such information will however, not identify the particular individuals concerned.

### PROCEDURES FOR OBTAINING, STORING AND MANAGING CONFIDENTIAL CLIENT INFORMATION

#### 3.1 Requesting and Obtaining Confidential Information

- 3.1.1 Obtaining personal information from a client is to take place in an area that provides privacy and confidentiality. Any specific requests from the client as to the privacy requirements in this process should be accommodated eg the preference for the presence of a particular carer, guardian/person responsible or advocate.
- 3.1.2 GOODCARE staff members will only obtain Information regarding a client's personal affairs with the consent of the client or his/her guardian/person

responsible. A "Consent to Release/Request Information Form" must be completed by the staff member identifying the information required and be signed by the client or his/her guardian/person responsible (refer to Attachment 1 for Consent Form). Once signed the consent form will be placed in the appropriate section of the client's file.

- 3.1.3 When GOODCARE staff members request information, the client (or their guardian/person responsible) has a right to withhold information for privacy reasons and cannot be coerced into disclosing information, which they choose to withhold.
- 3.1.4 GOODCARE staff members are to make participants (or their representative) aware that by giving their consent to receive a service from GOODCARE and provide confidential information for that service, the information will be used by GOODCARE only, unless otherwise requested by the client.

### **3.2 Use of Confidential Information**

- 3.2.1 GOODCARE staff members can use client information that does not directly or indirectly identify a client for purposes such as planning, service review and evaluation.
- 3.2.2 GOODCARE staff members will only use information regarding the personal affairs of a client for the purpose for which it was obtained, unless specific consent from the client or his/her guardian or person responsible is obtained. Such information will usually be limited to the assessment of the client's need for a service, personal information identifying the client, medical and diagnostic information and information related to the provision of services to the client.
- 3.2.3 GOODCARE staff members will use client information that does not directly or indirectly identify a client for statistical information with the Minimum Data Set (Department of Justice and Community Services ), Census Data or other information required to be gathered by GOODCARE for statistical purposes.
- 3.2.4 The Manager GOODCARE will ensure that new, casual and Agency staff is only provided with client information that is required to perform their duties without infringing on client confidentiality. This information may include the client profile, specific medication/medical needs, program needs, routine activities and preferences.

### **3.3 Management of Confidential Information**

- 3.3.1 It is the responsibility of the Manager GOODCARE and/or other designated Unit staff to maintain the file and records of a client.
- 3.3.2 Client files and records must be securely stored in a filing cabinet, which is to be kept locked when the Unit office is unattended.
- 3.3.3 Loss or theft of a client file or record must be immediately notified to the Manager GOODCARE, giving information about when it was last seen, where it was stored and the actions taken by the staff member. The Manager GOODCARE will notify the Chief Executive Officer and provide a briefing report on the circumstances and actions taken. Police will be

notified of the theft of a client file or record.

- 3.3.4 The client file is the responsibility and property of GOODCARE and, although the client has the right of access to personal records, it remains the property of GOODCARE when the client exits the service and will be archived.

### 3.4 Access to Confidential Information

- 3.4.1 The Manager GOODCARE will be notified when a client (or their guardian or person responsible) seeks access to their file or records. The Manager GOODCARE must be consulted regarding the arrangements for the release of information and verification of that person's authority to have the power of access must be made.
- 3.4.2 Another person on behalf of the client may also make a request for access with the consent of that client or his/her guardian/person responsible. In such event, the consent of the client must be verified and the purpose for disclosure to the third party must be confirmed with the client or his/her guardian/person responsible. This information must be recorded on the 'Consent to Release/Request Information Form'.
- 3.4.3 Other than in exceptional circumstances, requested information on an individual should only be provided by mail to another service agency or external person, and must be clearly marked '**strictly personal and confidential**'. The information must be forwarded/addressed to a specific contact person.
- 3.4.4 If the requested information is to be provided by facsimile, identifying information [eg. name, address, age, gender, telephone number etc.] of the concerned individual should be '**blacked out**' prior to the information being faxed. A complete hard copy should then be forwarded by mail to the enquirer as per the aforementioned procedure.
- 3.4.5 If a client transfers between GOODCARE, their case file will be transferred to the receiving unit.
- 3.4.6 If a client is transferring out of GOODCARE at the request of the client or his/her legal guardian, then a discharge summary of the current situation will be provided to the new service provider to assist the new service in being able to meet the needs of the client.

### 3.5 Entries to Client Files

- 3.5.1 Information recorded by GOODCARE staff on any client must be accurate, brief or to the point [ie. only record important information that other support staff '**need to know**']. The information is to be objective, legible, identify the person recording the information and the date.
- The information recorded must be for the sole purpose of helping to ensure that the best possible services are provided to the client.
- 3.5.2 The client file and records maintained by GOODCARE on each client will

- be regularly reviewed to identify redundant/unnecessary information which will then be archived.
- 3.5.3 No client file notes or records about an individual will be photocopied unless the copy is to be forwarded by a GOODCARE staff member to another service agency or external person with the written consent of the concerned individual [and/or their guardian/person responsible].
  - 3.5.4 No file notes or records are to be removed from the place where they are normally kept secured, unless it is to photocopy same for the abovementioned purpose, or to archive such file notes or records for storage when they are no longer required for service provision [eg. the individual has left GOODCARE].
  - 3.5.5 GOODCARE staff members who are found to have breached the privacy, dignity and confidentiality of an individual client or who have knowingly recorded information on such an individual that is discriminatory, inaccurate or misleading, may be liable to disciplinary action.

#### **4. GUIDELINES FOR COMMENCING AND MAINTAINING CLIENT FILES**

- 4.1 The client or person with authority is informed that GOODCARE will maintain personal information about them to provide services to them. The client or person with authority is to be advised of the type and format of the information kept on them by GOODCARE. This is to occur at the commencement of the service at GOODCARE.
- 4.2 Client file opened on admission and a client file allocated.
- 4.3 The client file is to be the Master file and maintained by GOODCARE in the format required. Other working files may be used (eg. Individual Service Plan), as long as there is regular amalgamation of records to the Master file.
- 4.4 The client file is the responsibility of the Manager GOODCARE and other designated staff to maintain the file. This includes ensuring that the information is accurate and available and that all working files are regularly amalgamated with the Master client file.
- 4.5 The client file is to be kept in the Unit and secured in a locked filing cabinet.
- 4.6 All Staff members providing a service to the client are responsible for fully documenting significant issues and events in the work with the client and regularly ensure that this information is placed in the client's file.