

PRIVACY

Human Resource Policy #004.22

Related Documents:

- National Disability Insurance Scheme Act 2013 (Cth)
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- National Disability Insurance Scheme (Code of Conduct) Rules 2018
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- National Disability Insurance Scheme (Quality Indicators) Guidelines 2018
- SDP001.28 – Privacy and Confidentiality of Service User and Carer Information
- SDP001.44 – Child/Young Person Protection
- SDP001.13 – Data Collection, Storage and Disposal
- SDP001.40 – Feedback, Complaints and Dispute Resolution

1. POLICY STATEMENT

Flexi Queensland is committed to protecting Service User, families/carers/guardians, paid, unpaid workers and contractors privacy rights and operates strictly as required by the Australian Privacy Principles (APP's) set out in the Privacy Act 1988 (Cth) ('Act') and in accordance with other applicable privacy laws.

Flexi Queensland is committed to respecting the privacy of personal information from Service Users, families/carers/guardian and paid and unpaid workers.

The Privacy Policy explains how Flexi Queensland will collect, store, use and disclose personal information and what steps we take to comply with privacy legislation.

By providing personal information to Flexi Queensland Service Users, families/carers/guardians, paid, unpaid workers and contractors consent to Flexi Queensland's collection, use and disclosure of personal information strictly in accordance with this Privacy Policy and any other arrangements agreed between the parties.

Service User, families/carers/guardians, paid, unpaid workers and contractors may choose to amend or withdraw consent at any time, however, this may affect Flexi Queensland's ability to provide supports and services.

Flexi Queensland will not disclose any of their personal information to a third party without prior knowledge and consent of the Service User, family/carer/guardian, paid, unpaid worker and contractor.

2. SCOPE

The Privacy Policy applies to information collected by Flexi Queensland regarding Service Users, paid, unpaid worker and contractors personal information and implemented by Flexi Queensland Board of Directors, paid, unpaid workers and contractors.

3. PURPOSE

Flexi Queensland is committed to protecting the privacy and security of personal information collected about Service Users, paid, unpaid workers and contractors. The Privacy Policy explains how the personal information collected will be handled by Flexi Queensland and specifically outlines Service User, families/carers/guardians, paid, unpaid workers and contractors rights regarding their privacy and confidentiality.

4. DEFINITION

Flexi Queensland regularly works with personal sensitive information that is communicated in confidence. Confidentiality is a fundamental component of service provision. It safeguards Service Users, families/carers/guardians, paid, unpaid workers and contractors' privacy and promotes trust between Service User, families/carers/guardians, paid, unpaid workers and contractors and the organisation.

Privacy is a person's right to keep their personal matters and relationships known to only a select group of people.

Confidentiality is the protection of personal information.

Personal Information means information or an opinion about an identified individual or an individual who is reasonably identifiable whether the information is true or not, and whether the information is recorded in a material form or not. It includes all personal information regardless of its source.

Sensitive information means information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practices or criminal record, that is also personal information; health information and biometric information about an individual.

Health Information means any information or opinion about the health or disability of an individual, the individual's expressed wishes about the future provision of health services, and a health service provided, currently or in the future to an individual that is also personal information.

A '**record**' includes a 'document' or an 'electronic or other device'. A 'document' is anything on which there is writing, anything from which sounds, images or writings can be reproduced, drawings or photographs.

5. PRINCIPLES

Commitment to safeguarding Service Users, families/carers/guardians, paid, unpaid workers and contractors' through a framework of governance and management systems that promotes, upholds and respects the legal and human rights and individual needs of all Service Users through incorporation into everyday practice. With regards to personal sensitive information that is communicated in confidence, Flexi Queensland is also committed to:

- Ensuring privacy and confidentiality of Service User, families/carers/guardians, paid, unpaid workers and contractors personal information is maintained.
- Explaining why Service User, families/carers/guardians, paid, unpaid workers and contractors personal information is being collected, used, held and disclosed.

- Ensuring a clear explanation is provided to Service User, families/carers/guardians, paid, unpaid workers and contractors when Flexi Queensland may need to disclose personal information.
- Safeguarding the security of Service User, families/carers/guardians, paid, unpaid workers and contractors personal information.
- Investigating and responding to any privacy data breach.
- Allowing easy access for Service User, families/carers/guardians, paid, unpaid workers and contractors to access or correct their personal information.
- Resolving Service User, families/carers/guardians, paid, unpaid workers and contractors privacy or confidentiality concerns.

Flexi Queensland's model of service delivery for the planning and delivery of supports and services, is aligned with Flexi Queensland's vision and mission, core business values and strategic objectives and is premised on the following principles;

- **Person-centred** – Services are planned and delivered in a way that is respectful of, and responsive to, a person's preferences, needs and values while supporting the person's safety and wellbeing.
- **Outcome focussed** – Services are planned and delivered to support the person to achieve their goals.
- **Clear, simple and consistent** – The processes for people to access supports and provide feedback are easy to understand, accessible and consistently applied.
- **Accountable** – The organisation is responsible for appropriately managing the planning and delivery of supports and services. Different roles and responsibilities are assigned to paid, unpaid workers to be accountable for decisions or actions taken in regard to the planning and delivery of supports and services. Our open disclosure process ensures that lessons learned when things go wrong are openly acknowledged and addressed through our Continuous Improvement process.
- **Procedural fairness** – All persons involved or affected by the delivery and continuity of supports and services (risk management, incident management, feedback and complaints management, information management, quality management, human resource management) will be afforded procedural fairness.
- **Continual improvement** – The quality management system facilitates the ongoing identification of issues and implementation of changes to improve the quality and safety of supports and services. Our continuous improvement process encourages people using services to participate in quality improvement activities.
- **Proportionate** – Robust governance and operational management systems oversee the delivery of supports and services and are proportionate to the size and scale of the organisation and the scope and complexity of the supports and services delivered.

6. PROCEDURES

6.1 The types of personal information Flexi Queensland collects and how Flexi Queensland collects it

The type of information Flexi Queensland collects and holds includes (but is not limited to) personal information, including health and other sensitive information, about:

- purchasers of Flexi Queensland's services;
- job applicants, paid and unpaid workers and contractors; and

- other people who come into contact with our organisation.

Such information may include name, mailing address, email address, telephone number, facsimile number, age or birth date, professional or job title, details of services purchased, any additional information necessary to deliver the services and/or provide employment.

Flexi Queensland may also collect some information that is not personal information because it does not identify a person. For example, collecting anonymous answers to surveys or aggregated information about how users use our website.

6.2 Personal Information collected

Flexi Queensland will generally collect personal information held about an individual by way of forms completed; during conversations at face-to-face meetings, over the telephone, emails and interviews with people associated with Flexi Queensland.

Flexi Queensland collects and uses personal information for purposes including, but not limited to:

- to better understand Service User, families/carers/guardians, paid and unpaid workers and contractors needs, enabling Flexi Queensland to improve services
- to customise the delivery of specific services for individuals purchasing services/programs
- for internal record keeping including payment processing where applicable
- to circulate information and or news items about services, and
- to contact Service User, families/carers/guardians, paid and unpaid workers and contractors (by telephone, email, fax or mail)

6.3 Personal Information provided by other people

In some circumstances Flexi Queensland may be provided with personal information about an individual from a third party, for example a report provided by a medical professional through a member of the community involved in Flexi Queensland (parents, Service Users, past employees) or a reference from other organisations.

6.4 How will Flexi Queensland use the personal information provided

Flexi Queensland will use personal information it collects from Service User, families/carers/guardians, paid and unpaid workers and contractors for the primary purpose of collection i.e. service delivery and employment, and for such other secondary purposes that are related to the primary purpose of collection improving delivery of services to meet specific needs and reasonably expected by the Service User, families/carers/guardians, paid and unpaid workers and contractors, or to which have been consented to.

6.5 Job applicants, paid and unpaid workers and contractors

In relation to personal information of job applicants, paid and unpaid workers and contractors, Flexi Queensland primary purpose of collection is to assess and (if successful) to engage the applicant, paid and unpaid workers or contractor, as the case may be.

The purposes for which Flexi Queensland uses personal information of job applicants, paid and unpaid workers and contractors include but not limited to:

- in administering the individual's employment or contract, as the case may be;
- for insurance purposes;
- to satisfy Flexi Queensland's legal obligations.

6.6 Who might Flexi Queensland disclose personal information to and store personal information with

Flexi Queensland may disclose personal information, including sensitive information, held about a Service User or paid or unpaid workers to:

- paid or unpaid workers in the course of providing employment and/or services
- government departments;
- medical practitioners;
- other disability organisations;
- recipients of Flexi Queensland publications, such as newsletters;
- anyone authorising Flexi Queensland to disclose information to; and
- anyone to whom we are required to disclose the information to by law.

6.7 How Flexi Queensland treats sensitive information

Sensitive information will be used and disclosed only for the purpose for which it was provided or a directly related secondary purpose, unless the Service User, families/carers/guardians, paid and unpaid workers and contractors agree otherwise, or the use or disclosure of the sensitive information is allowed by law.

6.8 Management and security of personal information

Flexi Queensland is required to respect the confidentiality of all members of its organisation, personal information and the privacy of Service User, families/carers/guardians, paid and unpaid workers and contractors.

Flexi Queensland has in place steps to protect the personal information held from misuse, interference and loss, unauthorised access, modification or disclosure by use of various methods including locked storage of paper records and password access rights to computerised records.

6.9 Surveillance

Computers: Flexi Queensland computer systems and networks are monitored to ensure integrity of the system. Personal information may be collected in this process and will be treated in accordance with the other components of this Privacy Policy and Procedure.

6.10 Access and correction of personal information

Under the Privacy Act, an individual has the right to obtain access to any personal information which Flexi Queensland holds about them and to advise Flexi Queensland of any perceived inaccuracy.

To make a request to access or update any personal information Flexi Queensland holds, contact the CEO in writing.

Flexi Queensland may charge a fee to cover the cost of verifying the request, locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, Flexi Queensland will advise the likely cost in advance. If Flexi Queensland is unable to provide you

with access to that information, Flexi Queensland will provide written notice explaining the reasons for refusal.

6.11 Process for complaining about a breach of privacy

Flexi Queensland takes reasonable steps to ensure your personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. Personal information may be held in either electronic or hard copy form.

If individuals believe that their privacy has been breached, they can contact Flexi Queensland and provide details of the incident, so a Centre Team member can undertake an investigation in accordance with the Feedback, Complaints and Dispute Resolution Policy and Procedure.

6.12 Review

From time to time Flexi Queensland may amend information provided, including the Privacy Policy and Procedure. Consequently, Service User, families/carers/guardians, paid and unpaid workers and contractors are encouraged to enquire about the Privacy Policy and Procedure on a regular basis.

7. BOARD MONITORING OF THIS POLICY

This policy will be self-assessed by the Board of Directors in terms of the NDIS Practice Standards and Quality Indicators, including:

Privacy and Dignity: *“Outcome: Each participant [Service User, families/carers/guardians, paid and unpaid workers and contractors] accesses supports that respect and protect their dignity and right to privacy.”* As evidenced by Quality Indicators being demonstrated:

- (1) *Consistent processes and practices are in place that respect and protect the personal privacy and dignity of each participant [Service User, families/carers/guardians, paid and unpaid workers and contractors].*
- (2) *Each participant [Service User, families/carers/guardians, paid and unpaid workers and contractors] is advised of confidentiality policies using the language, mode of communication and terms that the participant [Service User, families/carers/guardians, paid and unpaid workers and contractors] is most likely to understand.*
- (3) *Each participant [Service User, families/carers/guardians, paid and unpaid workers and contractors] understands and agrees to what personal information will be collected and why, including recorded material in audio and/or visual format.*

The Board of Directors will receive from the CEO periodic reports giving information on each suspected or actual serious privacy data breach under this policy, ensuring considerations of privacy, confidentiality and other protections are complied with:

- (a) the subject matter of each serious privacy data breach;
- (b) the status of each serious privacy data breach;
- (c) the action taken to finalise and the timeframe; and
- (d) the outcome of each serious privacy data breach.

In addition, the Board of Directors will periodically cause the following actions to be taken and reported to the Board:

- a) monitor and measure its paid, unpaid workers, contractors and Service Users, family/carer/guardian understanding of this Privacy Policy and Procedures;
- b) analysis of number of all known and suspected privacy data breaches

- c) analysis of matters resolved at service delivery level and those requiring to be escalated within the organisation
- d) analysis of outcome of all identified privacy data breaches
- e) systemic issues identified and continuous improvement actions taken to address, and
- f) number of requests for internal and/or external review of initial decision on a privacy data breach; and
- g) review this policy and procedures to ensure:
 - the scope and application of the policy are appropriate, particularly if there have been changes to Flexi Queensland's business;
 - the policy, processes and procedures are helpful and easy to understand;
 - the policy, processes and procedures reflect current legislation and regulations, and current developments and best practice for effectively managing privacy and confidentiality of Service User, families/carers/guardians, paid and unpaid workers and contractors information; and
 - handling of privacy data security is continually improved.

8. POLICY DISSEMINATION, STAFF EDUCATION AND TRAINING

This Privacy Policy and Procedure is to be widely disseminated to, easily available to and accessible by Service User, families/carers/guardians, paid and unpaid workers, contractors, advocates and all other persons covered by this policy, by means of:

- complete copies of the policy, and any explanations, available to any person on request
- holding staff briefing sessions and/or smaller team meetings;
- posting summary details of the policy on Service Users' and staff communication platforms;
- posting summary information on all noticeboards;
- setting out details of the policy in the employee handbook; and
- incorporating the policy in Service User information packs, employee induction information packs

Staff education and training will be provided for all employees on this policy supported by:

- practical examples of what comprises private and/or confidential information
- practical examples of support and assistance to persons to understand (and allay any concerns) Flexi Queensland's Privacy Policy and Procedure
- best practices in receiving, investigating, managing, and responding to complaints about privacy or confidentiality matters, including suspected privacy data breaches
- how to seek further information about the policy if required.

This initial training will be periodically refreshed to ensure this Policy stay fresh in the minds of all employees.

The Board of Directors and all levels of management, particularly line managers, will receive periodic appropriate training in how to effectively deal with all steps of feedback, complaints and disputes resolution.

9. RECORDS RETENTION AND STATISTICAL DATA

Flexi Queensland will maintain and keep secure appropriate records of all complaints received including the following, where appropriate:

- (a) information about known or suspected privacy or confidentiality breaches;
- (b) any action taken to investigate and address any breaches;
- (c) the outcome of any action taken.

These records will be kept for 7 years from the day the record is made unless a longer period is required by any other law.

In addition, Flexi Queensland will collect statistical and other information relating to known or suspected privacy data breaches complaints in order to:

- (a) review issues raised;
- (b) identify and address systemic issues raised through the Privacy Policy and Procedure; and
- (c) report information relating to privacy or confidentiality breaches, if specifically required, to the NDIS Commissioner.