
Privacy, Dignity and Confidentiality Policy

Purpose of Policy To ensure that each person Knoxbrooke supports has their right to privacy, dignity and confidentiality recognised and respected at all times.

To ensure that Knoxbrooke complies with the Information Privacy Act 2000 and the Health Records Act 2001 with every person's personal information.

Definitions **Health Information** is broadly defined to include information and opinion relating to physical and mental health, disability and aged care services.

Personal Information is information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Policy Knoxbrooke staff and volunteers will treat every person Knoxbrooke supports with dignity and respect.

Knoxbrooke staff and volunteers will also respect each person Knoxbrooke supports with the right to privacy and confidentiality at all times.

Knoxbrooke is committed to the ensuring that all people Knoxbrooke supports personal and health information is collected, stored, disclosed and disposed of in line with the principles of the Information Privacy Act 2000 and the Health Records Act 2001.

Knoxbrooke will obtain the consent of the person Knoxbrooke supports or their advocate, before providing their personal information to another necessary service provider.

Privacy, Dignity and Confidentiality Procedure

Procedure 1. Personal Care

The dignity, privacy and comfort of each person Knoxbrooke supports is to be respected during all personal care activities.

All personal care requirements are to be attended to promptly.

Doors are to be kept closed and only the minimum number of staff that are required to provide safe and effective assistance should be present.

Staff must also give due credence to duty of care responsibilities and an appropriate level of supervision must be provided at all times.

2. Communication

Staff must assist the people Knoxbrooke supports to keep their personal communication and activities private.

When discussing an individual's personal details with him/her, sensitivity is to be shown and an appropriate private location used if required.

Staff should not discuss personal information about a person Knoxbrooke supports unless it is relevant to the service being provided by Knoxbrooke.

Sensitivity and common sense must be used by staff when writing in communication books or communicating with parents/carers and others and must be in line with the Information Privacy Act, 2000 and the Health Records Act, 2001

3. Information

Collection

The only personal or health information to be collected is that which is necessary for Knoxbrooke to deliver an effective and safe service to the people Knoxbrooke supports. It will also be done in a sensitive manner and with the consent of the person Knoxbrooke supports or other approved person, unless a legal exception applies.

At the time of collection, or before, the person Knoxbrooke supports will be informed about what Knoxbrooke will use the information for, how the individual can gain access to it and the main consequences (if any) if information is not provided.

Knoxbrooke will not collect personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, criminal record or details of sex life or health unless:

- The individual has consented; or
- The collection is required or specifically authorised by law; or
- The collection is necessary to prevent or lessen a serious or imminent threat to life or health of an individual, where the subject of the information is physically or legally incapable of giving consent; or
- The collection is necessary for the establishment, exercise or defence of a legal claim.

Use and disclosure

Knoxbrooke will only use personal and health information for the purposes for which it was collected or for a secondary purpose the person Knoxbrooke supports would reasonably expect.

A person Knoxbrooke supports personal and health information will not be used for other (secondary) purposes without the individual's consent unless the disclosure is:

- Authorised or permitted by law;
- Required for research and statistical use in the public interest (special conditions apply);
- Needed to prevent or lessen a serious or imminent threat to life, health or welfare of a person or public;
- For law enforcement function by a law enforcement agency, or
- A legal or equitable claim (These are the key exceptions under the Information Privacy Act and the Health Records Act).

Data quality

Knoxbrooke will ensure all personal and health information is accurate, complete, up to date and relevant.

Data security

Knoxbrooke will take all reasonable steps to protect the personal information it holds from misuse and loss from unauthorised access. All people Knoxbrooke supports files and other personal information will be stored securely.

Knoxbrooke will destroy or permanently de-identify personal information if it is no longer needed.

Openness

Knoxbrooke's Privacy, Dignity and Confidentiality policy and procedure are to be freely available to anyone who asks for them.

Access and correction

The people Knoxbrooke supports have the right to seek access to their personal and health information that is held by Knoxbrooke and the right for it to be corrected if it is inaccurate, incomplete or not up to date.

Access will only be denied if:

- Providing access would pose a threat to life or health;
- Providing access would have an unreasonable impact upon the privacy of others;
- The information relates to anticipated or existing legal proceedings or would be likely to prejudice investigation of possible unlawful activity;
- Providing access would be unlawful.

Unique identifiers

Knoxbrooke will use its own identifiers and not those assigned by the Government unless legally required to do so.

Knoxbrooke will not disclose an identifier assigned by a Government agency, unless the disclosure is:

- To prevent or lessen a threat to an individuals life or health;
- To advise relevant authorities where unlawful activity is suspected;
- Required or specifically authorised by law.

Anonymity

If it is practicable and lawful, Knoxbrooke will give the person Knoxbrooke supports the option of anonymity.

Transborder data flows

Knoxbrooke will only transfer personal and health information outside Victoria if the organisation receiving it is subject to privacy standards similar to those in Victoria and the consent issues have been addressed.

Procedure upon closure of a facility and transfer to another health service

If Knoxbrooke ceases to operate for any reason, or is amalgamated with another organisation, the disposal, or transfer of, all personal and health information will comply with all relevant legislation.

Procedure for making written information available to another health service provider upon the individual's request/authorisation

If a person Knoxbrooke supports or authorised person asks Knoxbrooke to make health information that is held about the individual available to another Health Service Provider in Victoria, or authorises another Health Service Provider in Victoria to ask Knoxbrooke to make such information available to the requesting Health service provider, then Knoxbrooke will, as soon as practicable, provide a copy or written summary of that health information to the other Health Service Provider.

There may be a fee required by Knoxbrooke to provide this information. This would be subject to the regulations and not exceed the prescribed maximum amount.