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## Privacy, Dignity and Confidentiality Policy and Procedure

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### PURPOSE OF POLICY

To ensure Knoxbrooke participants have their right to privacy, dignity and confidentiality recognised and respected at all times. Our practices and keeping of a participant's personal information will comply with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

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### 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.

**A Unique Identifier (UID)** is a numeric or alphanumeric string that is used as an identification code, rather than a name. UIDs make it possible to address that entity (person) to access information or to interact with.

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### POLICY

Knoxbrooke recognises that all people with a disability have the right to be treated with dignity and respect, and that their personal information will be protected by complying with Victorian privacy principles regarding the collection, use and disclosure of private information, and that their personal information will be stored, disclosed and disposed of in line with the principles of the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Knoxbrooke is committed to ensuring that participants and/or their advocates must consent to any personal and health information being provided to another necessary service provider.

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### PROCEDURE

#### 1. Personal Care

The dignity, privacy and comfort of Knoxbrooke participants must 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 consideration to duty of care responsibilities and an appropriate level of supervision must be provided at all times.

## **2. Communication**

Staff must assist participants 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 participant unless it is relevant to the service being provided by Knoxbrooke.

Staff must use sensitivity and common sense when writing in communication books or communicating with parents/carers and others and must be in line with the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

## **3. Information**

### **3.1 Collection**

Knoxbrooke will only collect personal or health information which is necessary for the organisation to provide an effective and safe service to participants. This will be done in a sensitive manner and with the participant's and/or approved advocate's consent, unless a legal exception applies.

At the time of collection, or before, the participant (or advocate) will be informed about what Knoxbrooke will use the information for, how they 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
- The collection is required or specifically authorised by law
- 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
- The collection is necessary for the establishment, exercise or defence of a legal claim.

### **3.2 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 participant would reasonably expect.

A participant's 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 *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*).

### **3.3 Data quality**

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

### **3.4 Data security**

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

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

### **3.5 Openness**

Knoxbrooke's Privacy, Dignity and Confidentiality Policy and Procedure is freely available to anyone who asks for it.

### **3.6 Access and correction**

Knoxbrooke participants have the right to seek access to any personal and health information held by the organisation 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.

### **3.7 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 individual's life or health
- to advise relevant authorities where unlawful activity is suspected
- required or specifically authorised by law.

### **3.8 Anonymity**

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

### **3.9 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.

### **3.10 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.

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

If a Knoxbrooke participant and/or advocate requests the organisation to make his/her health information available to another Victorian health service provider or authorises another Victorian health service provider to ask Knoxbrooke to make such information available to the requesting provider, then Knoxbrooke will, as soon as practicable, provide a copy or written summary of the required information.

There may be a fee associated with providing this information. This would be subject to the regulations and not exceed the prescribed maximum amount.