



Privacy and Confidentiality Policy

Introduction

Carers Tasmania is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Personal information is information which directly or indirectly identifies a person.

This policy supports the following standards:

ISO 9000:2008 6.2 (d)
Mental Health Standards 4.6
Disability Service Standards 8
Community Care Common Standards 1.7
Guide to Good Practice 1.5,2.2,4.3,6.1,7,7.7.8,7.10
HRF 101:2010 8.2

Purpose

The aim of this policy is to protect the rights of Carers Tasmania Workers and clients in respect of privacy, confidentiality and release of information.

Authorisation

This policy is issued under the authority of the Chief Executive Officer (CEO), Carers Tasmania. The CEO may authorise amendments to this policy at any time.

Scope

This policy applies to all Carers Tasmania Workers.

This policy is also inclusive of all clients who may be privy to information through support programs. Group confidentiality and privacy guidelines will be fully explained at the first meeting and participants are encouraged to respect the dignity, rights and responsibilities of others.

Policy Statement

Carers Tasmania collects and administers a range of personal information for the purposes of carrying out the functions of Carers Tasmania. The organisation is committed to protecting the privacy of personal information it collects, holds and administers.

Carers Tasmania recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand and made accessible to them on the other. These privacy values are reflected in and supported by our core values and philosophies.

Carers Tasmania and all Carers Tasmania Workers are bound by the Privacy Act 1988 including the Privacy Legislation Amendment Act. These impose specific obligations when it comes to handling information. The Privacy Act 1988 has no set time limit and this Policy covers all people whilst they are working with/for Carers Tasmania and when/if this relationship ceases.

Carers Tasmania and all Carers Tasmania Workers are expected to sign an acknowledgement of these confidentiality and privacy provisions on their induction. Each Worker's signed form is retained by Carers Tasmania management within their human resource files.

Collection, Use and Disclosure of Information

Carers Tasmania will:

- Only collect information that is necessary for the performance and primary functions of Carers Tasmania.
- Notify stakeholders about why we collect the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, obtain consent from the affected person.
- Only release personal information about a person with that person's expressed permission. For personal information to be released, the person concerned must sign a release form.
- Release information to third parties where it is requested by the person concerned.
- Provide such information to recipients in a form that they can use (usually printed on paper, but in alternative formats such as audio and Braille where required by the recipient).
- Assist clients to understand and interpret information from their files where it may be of a sensitive or distressing nature, or where the client may experience difficulty understanding the information due to issues such as language, education or intellectual impairment

Data

Carers Tasmania will:

- Take reasonable steps to ensure the information collected is accurate, complete, up-to-date, and relevant to the functions Carers Tasmania performs.
- Safeguard the information we collect and store against misuse, loss, unauthorised access and modification.
- Promptly advise the Office of the Australian Information Commissioner and clients of any data breaches in accordance with the organisation's legal obligations.
- Only destroy records in accordance with legislative requirements.

Openness, Access and Correction

Carers Tasmania will:

- Ensure stakeholders are aware of Carers Tasmania's Privacy Policy and its purposes.
- Make this information freely available in relevant publications and on the organisation's website.
- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or out of date.
- Give stakeholders the option of remaining anonymous when completing evaluation forms or opinion surveys.

Confidentiality of Client Information

There are legal limits to confidentiality as specified in the Privacy Act 1988, and under certain circumstances, client files and workers may be subpoenaed by a Court of Law, search warrant or summons, or written requests from the Human Rights Commission or Ombudsman.

In cases where a Worker believes a child or children have been abused or are at risk of injury or harm an exception to client confidentiality will arise. Workers, in consultation with the Chief Executive, will provide relevant information to the authorised government agency or representative in line with appropriate legislation.

All clients will be informed verbally and/or in writing, of their right to confidentiality and the limitations of this right before receiving a service.

Confidentiality guidelines and requirements must be discussed with all participants of all groups at the first meeting of the group. Participants must be advised that the proceedings of the group are confidential and that while they may choose to discuss their experience of the group, it would constitute a breach of confidentiality should they discuss other participants outside of the group environment. Group participants must also be advised in the first meeting of limits to confidentiality, namely any serious concerns that might arise in regard to others' safety. In certain group settings, these guidelines should be set down in and form part of a contract of participation.

No information about any Carer/client(s) should be made available to any person external to the organisation without the explicit informed consent of the Carer/client verbally and/or in writing.

Client Files

Client records must be maintained in accordance with current professional standards and relevant legal requirements, in particular the Privacy Act (1988).

Client records are kept to provide a history of contact with a client and to assist the Worker to:

- Recall session information over time;
- Discuss and record outcomes of clinical supervision relating to a client;
- Track a client's progress and health outcomes over time;
- Fulfil requirements for professional accountability in case planning and management;
- Prepare reports, if required;
- Allow for continuity of care of the client; and
- Record and monitor 'Duty of Care' issues.

Definitions

Worker means employees including (full-time, part-time and casual), contractors or subcontractors, employees of contractors or subcontractors, shift workers, apprentices or trainees, students on work experience placement and volunteers or Board members.

Personal information is information that identifies or could identify an individual. This may include name, address, medical records, bank account details, photos, videos, workplace and even opinions - basically, any information where an individual is reasonably identifiable.

Roles and Responsibilities

All Managers

All Managers are responsible for ensuring that workers who report to them are aware of this policy and the procedures related to it.

All Carers Tasmania Workers

All Carers Tasmania Workers are responsible for ensuring that they conduct their duties as part of the Carers Tasmania organisation in line with this policy and the associated procedures.

Breaches of This Policy

This policy must be abided by at all times. In the case of a breach of this policy the following may occur:

- Disciplinary action including suspension
- Termination of employment (serious breach)

Any supervisory or managerial Worker who knows of behaviour against this policy and fails to take immediate and appropriate corrective action will be subject to disciplinary action up to and including dismissal.

Any Worker engaging in behaviour or knows of behaviour contrary to this policy and has not reported such behaviour will be subject to disciplinary action up to and including dismissal.

Supporting Legislation

Privacy Act 1988

Registration to Work with Vulnerable People Act 2013

Personal Information and Protection Act 2004

Fair Work Act 2009

References

Code of Conduct

Values and Guiding Principles

Version Number:	4
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Contact Officer:	Chief Executive Officer

Authorising Officer

David Brennan

Chief Executive Officer