



# Privacy and Confidentiality Policy

## 1. Purpose and Scope

Axess Ability is committed to protecting the privacy and confidentiality of clients, staff, committee members, students, volunteers and stakeholders in the way information is collected, stored and used.

This policy provides guidance on Axess Ability's legal obligations and ethical expectations in relation to privacy and confidentiality.

Axess Ability holds two types of information which are covered by this policy, personal and organisational information.

## 2. Definitions

Privacy provisions of the Privacy Act 1988 govern the collection, protection and disclosure of personal information provided to Axess Ability by clients, committee members, staff, volunteers, students and stakeholders.

Confidentiality applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain.

Consent means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.

Individual means any person such as a client, staff member, committee member, volunteer, student, contractor or a member of the public.

Organizational information includes publicly available, and some confidential, information about organisations. Organizational information is not covered in the Privacy Act (1988) but some organizational information may be deemed confidential.

Personal information means information or an opinion (including information or an opinion forming part of a database) about an individual (Office of the Federal Privacy Commissioner, 2001). It may include information such as names, addresses, bank account details and health conditions. The use of personal information is guided by the Federal Privacy Act (1988).

The public domain in relation to confidentiality is “common knowledge,” i.e. information that can be accessed by the general public.

**3. Principles**

Axess Ability is committed to ensuring that information is used in an ethical and responsible manner.

Axess Ability recognises the need to be consistent, cautious and thorough in the way that information about clients, stakeholders, staff, committee members, students and volunteers is recorded, stored and managed.

All individuals including clients, stakeholders, staff, committee members, students and volunteers have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations staff act in accordance with the relevant policy and/or legal framework.

All staff, committee members, students and volunteers are to have an appropriate level of understanding about how to meet the organization’s legal and ethical obligations to ensure privacy and confidentiality.

**4. Outcomes**

Axess Ability provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative requirements and ethical obligations.

All staff and committee members understand their privacy and confidentiality responsibilities in relation to personal information and organisational information about Axess Ability, its clients, staff and stakeholders. This understanding is demonstrated in all work practices.

**5. Functions and Delegations**

Position	Delegation/Task
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<p>Committee</p>	<p>Endorse Privacy and Confidentiality Policy.</p> <p>Be familiar with the organization’s legislative requirements regarding privacy and the collection, storage and use of personal information.</p> <p>Understand the organisation’s ethical standards with regards to the treatment of other confidential information relating to Axess Ability, its clients, staff and stakeholders.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>
<p><i>Partners</i></p>	<p>Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information.</p> <p>Understand the organisation’s ethical standards with regards to the treatment of other confidential information relating to Axess Ability, its clients, staff and stakeholders.</p> <p>Ensure systems are in place across the organization to adequately protect the privacy of personal information and confidentiality of other sensitive information.</p> <p>Act in accordance with organizational systems in place to protect privacy and confidentiality.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>
<p>Staff</p>	<p>Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information</p> <p>Understand the organisation’s ethical standards with regards to the treatment of other confidential information relating to Axess Ability, its clients, staff and stakeholders.</p> <p>Act in accordance with organisational systems in place to protect privacy and confidentiality.</p>

	Comply with Privacy and Confidentiality Policy and associated procedures.
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**6. Risk Management**

Axess Ability ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

All staff, volunteers, students and committee members are made aware of this policy during orientation.

All staff are provided with ongoing support and information to assist them to establish and maintain privacy and confidentiality.

**7. Policy Implementation**

This policy is developed in consultation with all staff and approved by the Partners and signed off by the Committee. This policy is to be part of all staff orientation processes and all employees are responsible for understanding and adhering to this policy.

This policy should be referenced in relevant policies, procedures and other supporting documents to ensure that it is familiar to all staff and actively used.

This policy will be reviewed in line with Axess Ability’s quality improvement program and/or relevant legislative changes.

**8. Policy Detail**

The privacy of personal information is defined by legislation (Privacy Act 1988). At all times, Axess Ability acts in accordance with these legal requirements which are underpinned by the policy statements 8.1- 8.6 outlined below. Axess Ability also strives to respect the confidentiality of other sensitive information. However, in the spirit of partnership, we share information with clients and other involved individuals and organizations (subject to consent), where it would be in the best interest of the client, or other individual, to do so.

**8.1 Collection of Information**

Axess Ability only collects personal information from you that is necessary for us to perform its functions. The types of personal information Axess Ability collects, and purposes of collecting that information, include:

**Providing services to clients** – Axess Ability collects our clients, and, if required, their family members' names, addresses and other contact details, date of birth, other information about our clients' needs and circumstances (such as living or financial circumstances), records of communication and as otherwise required in order to provide our services and communicate with our clients. Subject to Axess Ability obtaining the relevant individual's consent, this information may include health information about the individual including correspondence with the client's health and other service providers and other sensitive information. Digital images or videos of clients may also be collected if required for service provision. The specific information will depend on the type of service provided and it will be collected from the client before and during provision of services.

The following responsible persons may, depending on the circumstances of a client, be treated as being able to act on a client's behalf for the purposes of this privacy policy and the collection, use and disclosure of personal information:

- a guardian, parent, carer or other person responsible for the care of the client;
- someone with a general Power of Attorney or a Power of Attorney which includes health-related power;
- a person recognised under a law as responsible for any aspect of the care or welfare of the client which is relevant to something Axess Ability does or intends to do; and
- a person nominated in writing by the client while the client is capable of giving consent.

**Distributing publications/information** – with an individual's consent we collect contact details (which may include name, address, email address, and mobile phone number) when individuals interact with us in order to distribute newsletters and other communications in print and electronic form from time to time. Recipients may choose to have their names and addresses removed from our distribution lists by contacting us.

**Conducting events** - we collect contact details, donation history and other personal information, including photographs and videos, about clients and their family members, donors and other supporters who wish to join or participate in our events and programmes we conduct. This information is used to administer these events and to promote and seek support for such events and for the activities of Axess Ability. With the consent of the relevant person, this information may include health or other sensitive information.

**Assisting with your queries** - you may choose to provide us with your name or other contact details when you contact us so that we can respond to your requests for our newsletter or for other information about Axess Ability services or operations.

**Conducting our general business activities** – Axess Ability collects personal information about individuals who are contracted to, or are employed by, our suppliers (including service and content providers), contractors and agents for our general business operations.

How do we collect personal information?

Generally, we collect information directly from the relevant individual. Sometimes, we may need to collect information about a client from a third party, such as a parent, carer, guardian or other responsible person or a third party such as a health service provider, government or similar agency or the client's educational institution or workplace. We will do this if the client has consented for us to collect the information in this way, or where it is not reasonable or practical for us to collect this information directly from the client (such as in an emergency, because the client is not able to provide the information required or where collection in this way is a reasonable and efficient way to collect the information without inconvenience to the client).

For more detailed information about these purposes and the information handling practices that apply to them, refer to the [Human Resources Policy](#), [Feedback and Complaints Policy](#).

Axess Ability provides information to clients on collecting health and personal information including:

- Purpose of collecting information
- How information will be used
- Who (if anyone) information may be transferred to and under what circumstances information will be transferred
- Limits to privacy of personal information
- How a client can access or amend their information
- How a client can make a complaint about the use of their personal information.

See also [Client Rights and Responsibilities Form](#) and [Information for Clients – How to Make a Complaint](#).

## **8.2 Use and Disclosure**

Where an individual has provided consent, we use and disclose personal information we collect to: provide and improve our services to our clients and their family members, including to:

- assess, provide and obtain services required by the client including the care and treatment of the client as well as providing information, advice and assistance to the client; this includes supporting persons' responsible and others (including third party service providers) in their care and treatment of the client;
- assess what third party services (including medical services and allied health and therapeutic or support services) may be required or available for the client;
- apply for and administer support from third parties (including government and other sources), whether of a financial, administrative, social, medical or other nature;
- allow exchange of information between service providers with whom Axess Ability deals or who provide care, services or support of any kind and Axess Ability;

assess the adequacy of, and our clients' and their family members' level of satisfaction with, our services.

communicating with our clients and their family members, donors and supporters, and volunteers (including responding to queries and complaints) and distributing our publications, conducting events and raising awareness about our services;

our general business activities, including interacting with contractors and service providers, billing and administration including measuring and assessing the level of support we receive and the effectiveness of our fundraising activities and assessing applicants for positions with us.

We will not share any of your personal information with third parties without your consent except:

if we are required by law or we believe in good faith that such action is necessary in order to comply with law, cooperate with law enforcement or other government agencies, or comply with a legal process served on the company (including other service providers or insurers) or court order;

the disclosure of the information will prevent or lessen a serious and imminent threat to somebody's life or health;

to our contractors, service providers and volunteers only to the extent necessary for them to perform their duties to us.

We are obliged to report to government and other bodies on the services they fund us to provide. Reports cover demographic and service use information only – your personal information will not be passed on.

### **8.3 Data Quality**

Axess Ability takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

### **8.3 Data Security**

Axess Ability takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas
- Physically securing the areas in which the personal information is stored

- Not storing personal information in public areas
- Positioning computer terminals so that they cannot be seen or accessed by unauthorized people or members of the public.

Reasonable technical safeguards include:

- Using passwords to restrict computer access, and requiring regular changes to passwords
- Establishing different access levels so that not all staff can view all information
- Ensuring information is transferred securely (for example, not transmitting health information via non-secure email)
- Using electronic audit trails
- Installing virus protections and firewalls.

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance but also training to ensure staff, committee members, students and volunteers are competent in this area.

#### **8.4 Access and Correction**

Individuals may request access to personal information held about them. Access will be provided unless there is a sound reason under the Privacy Act or other relevant law. Other situations in which access to information may be withheld include:

- There is a threat to the life or health of an individual
- Access to information creates an unreasonable impact on the privacy of others
- The request is clearly frivolous or vexatious or access to the information has been granted previously
- There are existing or anticipated legal dispute resolution proceedings
- Denial of access is required by legislation or law enforcement agencies.

Access Ability is required to respond to a request to access or amend information within 5 days of receiving the request.

Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete and not misleading, taking into account the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, Access Ability may refuse the request.

If the requested changes to personal information is not made, the individual may make a statement about the requested changes which will be attached to the record.



Axess Ability Partners are responsible for responding to queries and requests for access/amendment to personal information.

## **8.5 Anonymity and Identifiers**

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves or requesting that Axess Ability does not store any of their personal information.

As required by the Privacy Act 1988, Axess Ability will not adopt a government assigned individual identifier number e.g. Medicare number as if it were its own identifier/client code.

## **8.6 Collection use and disclosure of confidential information**

Other information held by Axess Ability may be regarded as confidential, pertaining either to an individual or an organization. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the general public.

Staff members are to refer to the Partners before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to Axess Ability or its clients, staff and stakeholders.

### **Organisational Information**

All staff, committee members, students and volunteers agree to adhere to the Axess Ability Code of Conduct when commencing employment, involvement or a placement. The Code of Conduct outlines the responsibilities to the organization related to the use of information obtained through their employment/ involvement/ placement.

The Code of Conduct states that individuals will:

*“Use information obtained through their involvement, employment or placement only for the purposes of carrying out their duties, and not for financial or other benefit, or to take advantage of another person or organization.”*

### **Staff Information**

The Human Resources Policy details how the organisation handles staff records to manage privacy and confidentiality responsibilities, including the storage of and access to staff personnel files and the storage of unsuccessful position applicants’ information.

### **Stakeholder Information**

Axess Ability works with a variety of stakeholders including private companies. The organization may collect confidential or sensitive information about its stakeholders as part

of a working relationship. Staff at Axess Ability will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.

The manner in which staff members manage stakeholder information will be clearly articulated in any contractual agreements that the organization enters into with a third party.

### **Client information**

Detailed information regarding the collection, use and disclosure of client information can be found in the Client File Management Policy and associated procedures.

## **8.7 Breach of Privacy or Confidentiality**

If staff are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the Partners. If this is not possible or appropriate, follow delegations indicated in the Grievance Policy. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

If a client or stakeholder is dissatisfied with the conduct of a Axess Ability staff or committee member, a complaint should be raised as per the Feedback and Complaints Policy. Information on making a complaint will be made available to clients, stakeholders and will be found on the Axess Ability website. Additionally, a complaint can be made over the phone, e-mail/mail/written and received by any staff member then forwarded to Partners.

## **9. References**

### **9.1 Internal**

Client File Management Policy  
Code of Conduct  
Grievance Policy  
Human Resources Policy  
Feedback and Complaints Policy  
Client Rights and Responsibilities Form  
Information for Clients – How to Make a Complaint

### **9.2 External**

### **Legislation**

## REFERENCES

Forms	
References & Work Instructions	Privacy Act 1988 (Commonwealth) Office of the Federal Privacy Commissioner (2001).  Guidelines to the National Privacy Principles Office of the Privacy Commissioner (2006)
Relevant Policies	
Relevant Standards	DHHS Standards:  QIP Standards:
Contact Person	Nigel Head (Owner/Partner) – 0481056715 Michelle Scarlett (Owner/Partner) – 0481066538

## APPROVAL AND REVISION HISTORY

FORM No	Approved/Amended/Rescinded	Date	Name	Position
G0055	Approved –  Replaces V0010 Confidentiality & G0055 Privacy	13/2/18	Keith Rose	Committee President