

## Privacy and Confidentiality Policy

### Table of contents

Description	1
Definitions	2
Source document	3
Related documents	4
Policy	5
Breach of policy	6
Version control and approval	7

## 1. Description

This policy ensures Auscare Support protects and handles personal information in accordance with the NDIS and relevant privacy legislation. Auscare Support acknowledges an individual's right to privacy while recognising that personal information is required to be collected, maintained, and administered in order to provide a safe working environment and a high standard of quality.

The information we collect is used to provide services to clients in a safe and healthy environment with individual requirements, to meet duty of care obligations, to initiate appropriate referrals, and to conduct business activities to support those services.

This policy applies to all personal information, including sensitive personal information, used and held by Auscare Support for clients and Auscare Support Representatives.

## 2. Definitions

**'Auscare Support'** – means the entire organisation

**'Auscare Support management'** – means Auscare Support managers, supervisors, team leaders and all employees with supervisory responsibilities.

**'Auscare Support representatives'** – means Auscare Support employees, contractors and volunteers.

**'client'** – means person receiving services or supports from Auscare Support

**'client representative'** – means a client's family, friends, guardians, or plan nominee.

**'Personal information'** - includes (regardless of its accuracy):

- name
- address
- phone number
- email address
- date of birth
- recorded service notes or shift notes
- any other information that could be used to identify someone. e.g. photograph

**'Sensitive personal information'** - can include personal information that is normally private, such as:

- health information
- ethnicity
- political opinions
- membership of a political association, professional or trade association or trade union
- religious beliefs or affiliations
- philosophical beliefs
- sexuality
- criminal record
- biometric information (such as fingerprints)
- Photograph

**'A data breach'** - is a type of security incident where personal, sensitive, or confidential information normally protected, is deliberately or mistakenly copied, sent, viewed, stolen, or used by an unauthorised person or parties. A data breach where people affected by the data breach are at risk of serious harm as a result, is reportable to the Office of the Australian Information Commissioner.

### 3. Source document

[NDIS \(Provider Registration and Practice Standards\) Rules 2018](#)

### 4. Related Documents

- Auscare Support Information security Policy
- Auscare Support Clients rights policy
- Auscare Support Social media policy
- Auscare Support Data Breach response Plan

### 5. Policy

#### Privacy and confidentiality commitment

- Auscare Support is fully committed to complying with the privacy requirements of the Privacy Act, the Australian Privacy Principles and for Privacy Amendment (Notifiable Data Breaches) as required by organisations providing disability services
- Auscare Support is fully committed to complying with the consent requirements of the NDIS Quality and Safeguarding Framework
- Auscare Support will provide all individuals with access to information about the privacy of their personal information
- individuals have the right to request access to their personal records by requesting this with their contact person
- where Auscare Support is required to report to government funding bodies, information provided is non-identifiable and related to service and support hours provided age, disability, language, and nationality
- personal information will only be used by Auscare Support and will not be shared outside the organisation without permission unless required by law (eg reporting assault, abuse, neglect, or where a court order is issued).

#### Security of information

- Auscare Support takes reasonable steps to protect the personal information we hold against misuse, interference, loss, unauthorised access, modification, and disclosure
- personal information is accessible to the participant and is available for use by relevant workers
- security for personal information includes password protection for IT systems, locked filing cabinets and physical access restrictions with only authorised personnel permitted access
- personal information no longer required is securely destroyed or de-identified.

#### Data breaches

- Auscare Support will take reasonable steps to reduce the likelihood of a data breach occurring including storing personal information securely and accessible only by relevant workers
- if Auscare Support knows or suspects your personal information has been accessed by unauthorised parties, Auscare Support will activate its Data Breach Response Plan. If the breach could cause you harm, we will take reasonable steps to reduce the chance of harm and advise you of the breach, and, if necessary, the Office of the Australian Information Commissioner.

## 6. Breach of privacy and confidentiality

- a breach of privacy and confidentiality is an incident – follow the Manage Incident process to resolve
- a breach of privacy and confidentiality may require an investigation

A suspected breach of the Auscare Support Privacy and Confidentiality Policy and the Auscare Support Code of conduct may be investigated by Auscare Support Management or Auscare Support Compliance team to determine whether an Auscare Support Representative has breached the policy or code of conduct and for determining sanction.

If an Auscare Support representative is found to have breached the Auscare Support Privacy and Confidentiality Policy or the Auscare Support Code of Conduct, Auscare Support Management may determine that it is appropriate to impose the following sanctions:

- A formal warning
- Suspension
- Demotion
- Termination of employment
- Referral to Auscare Support's Employee Assistance Program
- Contractors who are found to have breached this policy may have their contracts with Auscare Support terminated or not renewed.
- In circumstances where behaviour or conduct may involve a breach of any Australian law, Auscare Support Management may notify the police, NDIS Quality and Safeguards Commission or other relevant government authority.

## 7. Version Control and Approval

Version	Date	Author	Summary of Changes
1.0	25/01/19	Project Manager Accreditation	New Policy
2.0	17/05/21	Margie Tully	Update policy in line with NDIS updates and practices.
3.0	16/12/2021	Compliance Officer	Update policy in line with NDIS updates and practices and Auscare Support guidelines
4.0	02/08/2023	Compliance Officer	Review and update version control

<b>Version</b>	4.0	
<b>Approved by</b>	Max King	CEO
<b>Effective Date</b>	August 2023	
<b>Review Date</b>	August 2025	Or as legislation requires