

Ocean Gardens (Inc.)

Privacy and Confidentiality Policy

INTRODUCTION

Ocean Gardens is committed to protecting the privacy of personal information which the organisation collects, holds and administers. Ocean Gardens is covered by the Privacy Act 1988 ('the Privacy Act') and the Australian Privacy Principles ('APPs') which commenced on 12 March 2014. The APPs set out the way organisations can collect, use, disclose and provide access to personal and sensitive Information.

POLICY AIMS

The aim of this policy is to clearly outline to staff and/or residents the organisation's expectations in relation to the Privacy and Confidentiality policy. Ocean Gardens will take all reasonable steps to ensure this documented policy is readily available and easily accessible to all concerned.

DEFINITIONS: Privacy - is the right to have control over an individual's personal information. Personal Information' is any information that identifies or could identify a person, whether it is true or not. It includes, for example, your name, age, gender and contact details. It can also include 'sensitive information', which is information about your health and health services provided to you.

POLICY

Ocean Gardens has adopted the respective Australian Privacy Principles (APP) contained in the Privacy Act as minimum standards in relation to handling personal information.

Ocean Gardens collects and administers a range of personal information and is committed to protecting the privacy of personal information it collects, holds and administers. Ocean Gardens 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. The exception to this being if a staff member believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or safety.

In relation to data quality, Ocean Gardens take reasonable steps to ensure the information we collect is accurate, complete, up-to- date, and relevant to the functions that is performed. The organisation safeguards the information collected and stores against misuse, loss, unauthorised access and modification and destroys or permanently deletes information if it is no longer required for any further purpose for which it was obtained. Ocean Gardens ensures all employees, board members and volunteers are aware of and have been shown the policies that express how personal information is managed.

Ocean Gardens ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up-to-date. The company also safeguards the information stored against unauthorised access and modification. Stakeholders are given the option of not identifying themselves when completing evaluation forms or opinion surveys. Ocean Gardens can 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. Information can be released to third parties where it is requested by the person concerned. We will not use personal information for another purpose unless consent has been given or one of the exceptions under the Privacy Act applies. For example, if the use of the information is authorised by Australian law or is necessary for law enforcement by an enforcement body, such as the Australian Federal Police.

Ocean Gardens will not collect sensitive information about an individual unless the individual has consented, the collection is required by law or the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:

- A) is physically or legally incapable of giving consent to the collection; or
- B) physically cannot communicate consent to the collection

A privacy breach occurs when there is a failure to comply with one or more of the APP's and can occur because of a technical problem, human error, inadequate policies and training, a misunderstanding of the law, or a deliberate act. Should any individual feel that Ocean Gardens has committed an act or practice that has breached their privacy rights then the matter can be first raised via the informal process contained within the Ocean Gardens.

If a breach of one or more of the Australian Privacy Principles is upheld, potential remedies include orders requiring the organisation to make an apology, change a procedure, correct or delete personal information, or be liable for monetary penalties.

REFERENCES

- Privacy Act 1988
- Australian Privacy Principles
- Confidentiality Sign Off Sheet
- Aged Care Quality Standards 2019