

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.

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 takes 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.
- 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 and is safeguarded against unauthorised access and modification.
- 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.
- May be required to allow sensitive information to be disclosed to external health care professionals and service providers (e.g. doctors) who provide services to our village residents and care service clients, as well as someone who is the responsible person for a resident or client, provided that certain guidelines are met.
- May also be required to share information with government agencies for the ongoing funding and accreditation of our services.
- Ensures that all contracts with external service providers / contractors must incorporate relevant clauses, compliant with the Australian Privacy Principles and related guidelines, for the protection of personal information which may be disclosed to the provider/contractor.
- will not use "sensitive" resident/client information details, including primary and other social contact details, for direct marketing purposes.

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.

In the event the resident / client is unable to or does not have the capacity to provide informed consent (due to cognitive impairment, physical or mental disability), the resident's / client's authorised delegate may provide consent on their behalf.



Authorised delegates / "Responsible Person" may include:

- Enduring Guardian / Guardian – with decision making authority for treatment choices (which includes privacy)
- Enduring Power of Attorney / Power of Attorney / Administrator – for financial and property decisions
- A person who has been nominated in writing by the resident / client while they were capable of giving consent.

Ocean Gardens identifies all residents and clients through the use of a unique client identification number.

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 Human Resources Department who will direct the staff member in the necessary processes.

Concerns may also be forwarded to

- the Office of the Australian Information Commissioner:
GPO Box 5218, Sydney NSW 2001
Tel: 1300 363 992
TTY: 133 677
Fax: (02) 9284 9666
Email: enquiries@oaic.gov.au
Online: www.oaic.gov.au
- For Care Service clients accessing a Home Care Package (HCP) with government funding:
The Aged Care Quality and Safety Commission can be contacted on 1800 951 822.
Or write a letter to them at:
Aged Care Quality and Safety Commission
GPO Box 9819, in your capital city

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

