

# 1.3 Privacy and Dignity

## Privacy and Dignity Policy and Procedure

### 1.0 Purpose

2FLOURISH will manage and ensure that we provide the participant access to services and supports that respect and protect their dignity and right to privacy.

### 2.0 Scope

This policy applies to all staff.

### 3.0 Policy

2FLOURISH is committed to protecting and upholding all stakeholders' rights to privacy and dignity, including participants, staff, management, and representatives of other service agencies.

2FLOURISH is committed to protecting and upholding participants' rights to privacy and dignity as we collect, store and handle information about them, their needs and the services provided to them.

2FLOURISH requires staff and management to be considered and consistent when writing documents regarding a participant and when deciding who has access to this information.

2FLOURISH is subject to NDIS Quality and Safeguards Commission Rules and Regulations. 2FLOURISH will follow the guidelines of the Australian Privacy Principles in its information management practices.

2FLOURISH will ensure that each participant understands, and agrees to, the type of personal information collected and the reasons for collection. If material is to be recorded in an audio or visual format, the participant must agree to their involvement, in writing, before any material can be collected. The participant must also be informed at the time material is being recorded in an audio or visual format.

2FLOURISH will advise each participant of our Privacy Policy using the language, mode of communication and terms that the participant is most likely to understand

2FLOURISH will ensure that:

- it meets its legal obligations as an employer and service provider concerning protecting the privacy of participants and organisational personnel;
- participants are provided with information about their rights regarding privacy and confidentiality;

- participants and organisational personnel are provided with privacy, and confidentiality is assured when they are being interviewed or discussing matters of a personal or sensitive nature;
- all staff, management and volunteers understand the necessary requirements to meet their obligations;
- participants are informed of 2FLOURISH's confidentiality policies using the language, mode of communications and terms they are most likely to understand;
- 2FLOURISH will attempt to locate interpreters and will use easy access materials.

This policy conforms to the *Federal Privacy Act 1988 and the Australian Privacy Principles*, which govern the collection, use and storage of personal information.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals and to interviews or discussions of a sensitive personal nature.

## **4.0 Procedure**

### **4.1 Dealing with personal information**

In dealing with personal information, 2FLOURISH staff will:

- ensure privacy for the participants, staff, or management when they are being interviewed or discussing matters of a personal or sensitive nature;
- collect and store personal information that is only necessary for the functioning of the organisation and its activities;
- use fair and lawful ways to collect personal information;
- collect personal information only with consent from the individual;
- ensure that people know of the type of personal information collected, the purpose of keeping the information, the method used when information is collected, used or disclosed, and who will have access to information;
- ensure that personal information collected or disclosed is accurate, complete, and up-to-date and provide access to the individual to review information or correct wrong information about themselves;
- take reasonable steps to protect all personal information from misuse, loss and unauthorised access, modification or disclosure;
- destroy or permanently de-identify personal information no longer needed, or after legal requirements for retaining documents that have expired;

- ensure that participants understand and agree with the type of personal information being collected and the reason/s for collection;
- ensure participants are advised of any recordings in either audio or visual format; the participant's involvement in any recording format must be agreed to, in writing, before collection of material takes place.

#### **4.2 Participant records**

Participant records will be kept confidential and only handled by staff directly engaged in the delivery of service to the participant. Information about a participant may only be made available to other parties with the consent of the participant, or their advocate, guardian or legal representative. A written agreement providing permission to keep a recording must be stored in the participant's file.

All hard copy files of participant records will be kept securely in a Principal's secure facility or area with access by persons approved by the Directors or authorised delegate.

#### **4.3 Responsibilities for managing privacy**

All staff are responsible for the management of personal information to which they have access. The Directors or authorised delegate is responsible for the content appearing in 2FLOURISH publications, communications, and on our website, and must ensure the following:

- appropriate consent is sought and obtained for the inclusion of any personal information about any individual, including 2FLOURISH personnel (see 'Consent Policy and Procedure');
- information provided by other agencies or external individuals conforms to our privacy principles;
- our website contains a Privacy Statement that clearly outlines the conditions regarding any collection of personal information from the general public captured via their visit to the website.

The Directors or authorised delegate is responsible for:

- safeguarding personal information relating to the staff and contractors of 2FLOURISH;
- ensuring all staff are familiar with the Privacy Policy and administrative procedures for handling personal information;
- providing participants and other relevant individuals with information about their rights regarding privacy and dignity;
- handling any queries or complaints about a privacy issue.

#### **4.4 Privacy information for participants**

Participants are initially notified of the information being collected about them, how their privacy will be protected, and their rights concerning this data. Information sharing is part of legislative requirements. Participants must provide consent to any information sharing between our organisation and government bodies. The participant is informed they can opt-out of any NDIS information sharing during audits.

#### **4.5 Privacy for interviews and personal discussions**

To ensure privacy for participants or staff when discussing sensitive or personal matters, 2FLOURISH will only collect personal information which is necessary for the provision of supports and services and which:

- is given voluntarily;
- will be stored securely on the 2FLOURISH electronic database.

When in possession, or control, of a record containing personal information, 2FLOURISH will use its best endeavours to ensure that it is protected against loss, unauthorised access, modification or disclosure, by such steps as are reasonable in the circumstances. If a record must be provided to a person in connection with the provision of a service to 2FLOURISH, everything reasonable will be done to prevent unauthorised use or disclosure of that record.

2FLOURISH will not disclose any personal information to a third party without an individual's consent, unless that disclosure is required or authorised under law.

### **5.0 Related documents**

- Code of Ethics and Conduct Agreement
- Consent Policy and Procedure
- Easy Read Privacy Document
- Privacy and Confidentiality Agreement

### **6.0 References**

- NDIS Practice Standards and Quality Indicators
- *Privacy Act 1988*