

1.3 Privacy and Dignity

1.3.1 Privacy and Dignity Policy and Procedure

1.3.1.1 Purpose

Nepean Centre provides our participants with access to services and supports that respect and protect their dignity and right to privacy.

1.3.1.2 Scope

This policy applies to all participants and staff of Nepean Centre and other service agency representatives.

1.3.1.3 Policy

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

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

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

Nepean Centre is subject to NDIS Quality and Safeguards Commission rules and regulations. Nepean Centre will follow the guidelines of the Australian Privacy Principles in its information management practices.

Nepean Centre will ensure that each participant understands and agrees to the type of personal information collected and the reasons for collection. If the 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 when the material is recorded in an audio or visual format.

Nepean Centre will advise each participant of our Privacy Policy using the language, mode of communication and terms that the participant is most likely to understand (Easy Read documents are made available to all participants).

Nepean Centre will ensure that:

- it meets its legal and ethical 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 requirements to meet their obligations.
- participants are informed of Nepean Centre's confidentiality policies using the language, mode of communications and terms they are most likely to understand.
- Nepean Centre will attempt to locate interpreters and use easy-read materials.

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

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

1.3.1.4 Procedure

1.3.1.4.1 Dealing with personal information

In dealing with personal information, Nepean Centre 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 the 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 the collection.
- ensure participants are advised of any recordings in either audio or visual format. Before collecting material, the participant's involvement in any recording format has been agreed to in writing.

1.3.1.4.2 Participant records

Participant records will be kept confidential and only handled by staff directly engaged in delivering service to the participant. Information about a participant may only be made available to other parties with the consent of the participant, parent, carer 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 locked filing cabinet in the office of the Disability Support Manager and General Manager.

1.3.1.4.3 Responsibilities for managing privacy

All staff members are responsible for managing personal information to which they have access. The Disability Support Manager and General Manager are responsible for the content appearing in Nepean Centre publications, communications, and on our website and must ensure:

- appropriate consent is sought and obtained for the inclusion of any personal information about any individual, including Nepean Centre 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 public captured via their visit to the website.

The Disability Support Manager and General Manager are responsible for safeguarding personal information relating to Nepean Centre's staff, management, and contractors. The Disability Support Manager and General Manager will be responsible for:

- ensuring that all staff members 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 privacy issues.

1.3.1.4.4 Privacy information for participants

During the first interview, participants are notified of the following:

- the information being collected about them,
- how their privacy will be protected, and
- their rights concerning this data.

Information sharing is part of our legislative requirements. Participants must 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.

1.3.1.4.5 Privacy for interviews and personal discussions

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

- is given voluntarily, and
- will be stored securely on Nepean Centre systems.

When in possession, or control, of a record containing personal information, Nepean Centre will ensure that the record shall be protected against loss, unauthorised access, modification, or disclosure by such steps as is reasonable in the circumstances. In cases when a record must be provided to a person in connection with the provision of a service to Nepean Centre, everything reasonable will be done to prevent unauthorised use or disclosure of that record.

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

1.3.1.5 Related documents

- Code of Conduct Agreement
- Committee of Management Induction Manual
- Committee Members Agreement
- Easy Read Privacy Document
- Participant Handbook
- Participant Information in Easy English
- Participant Information Consent Form
- Privacy and Confidentiality Agreement
- Staff Handbook
- Staff Training Plan
- Staff Training Record
- Training Attendance Register – In-house
- Consent Policy and Procedure

1.3.1.6 References

- NDIS Practice Standards and Quality Indicators 2021
- Privacy Act 1988 (Commonwealth)
- Australian Privacy Principles (Commonwealth)