

LIFE INDEPENDENCE DISABILITY SUPPORT SERVICES

www.lifeindependence.com.au

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PRIVACY POLICY

Policy number	11	Version	1
Drafted by	Merryn Farnsworth	Approved by	20/11/2020 manager
Responsible person	Merryn Farnsworth	Scheduled review date	20/11/2020

INTRODUCTION

This policy is designed to outline to any clients, supporters and other relevant stakeholders how Life Independence protects the privacy of the people and agencies it works with. This policy describes how the steps taken to ensure the privacy should individuals or organisations seek to access to gain access to privileged information from Life Independence. Requirements of Life Independence staff is seeking access to personal information relating to clients from agencies, providers or other sources external to Life Independence are also outlined. The type of private information that can be requested according to legislation and the reasons for the service requesting said information is explained.

This policy should be read in conjunction with the services Information Management Policy which further outlines how information is handled and secured during service delivery. Life Independence offers disability support services to individuals receiving National Disability funding, as such this policy should be read and in that context with the understanding that all information sought by the service is related to the delivery of community based disability services through use of a combination of state and federal rules that govern the protection of privacy.

PURPOSE OF POLICY

The purpose of this policy is to ensure that the management of client information adheres to the following criteria:

- What information can be requested by Life Independence from a client or stakeholder
- The protections in place according to law relating to information that can be requested by the service and how that information is handled during service delivery
- How information is handled by the service when client consent is provided to enable the service to do so

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- The processes followed should a client request access to private information held by Life Independence either for their own purposes or to be passed onto a third party
- What happens should Life Independence is required to deal with client information to prevent or lessen a serious and imminent threat the health, safety and welfare of the client or the public
- The processes should Life Independence be required to disclose information as required by law or a law enforcement agency
- The security measures in place to protect client information held by Life Independence

The above criteria is to be complied with to ensure that each clients private information is protected through the use of processes and procedures within the limits of the law and that all information gathered is treated as confidential.

SCOPE OF POLICY

This policy applies to all Life Independence staff or any person believed to be representing Life Independence and its interests. The practices and intent of this policy also applies to any client or other stakeholder involved in the receipt of services from Life Independence.

GUIDING LEGISLATION, RULES, REGULATIONS & GUIDELINES

Anyone that receives service from Life Independence can expect that the service delivered will comply with relevant legislation and guidelines including with the conditions and requirements of:

- National Disability Insurance Scheme Act, 2013
- National Disability Insurance Scheme (Registered Providers of Support) Rules, 2013
- National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018
- National Disability Insurance Scheme (Code of Conduct) rules 2018
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
- NDIS Terms of Business for Registered Providers, 2017
- National Disability Insurance Scheme (Protection and Disclosure of Information – Commissioner) Rules 2018
- Freedom of Information Act, 1982 (Victoria)
- Health Records Act 2001 (Victoria)
- Privacy and Data Protection Act 2014 (Victoria)
- Privacy Act 1988 (Cwlth)

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POLICY COMPLIANCE

It is a condition of employment that all staff read and provide written receipt of this policy acknowledging their understanding and commitment to comply with the principles of this policy.

CONSEQUENCES OF NON COMPLIANCE

Should any member of staff be found to be noncompliant with this policy they will be liable to disciplinary action. This may include but is not limited to immediate termination, counselling or other action compatible with the services mandate and the law.

PROCEDURES

This policy is not designed to be a manual on procedural duties relating to Life Independence. Should procedural information be required by staff, companion documents are available through the service website or on request. Staff are expected to check with those sources for full information on policies, legislation and other standards impacting service delivery.

DECLARATION OF INTENT

This policy is intended to show the values of Life Independence in relation to service delivery. It is the intention of Life Independence to have a range of policies, procedures and practices proportional to the size and scope of the service to provide effective services to our clients. This policy codifies that intent into a set of principles that act as an overarching framework of best practice with individual elements that guide our services.

POLICY PRINCIPLES

Any person receiving service from Life Independence can expect to receive services that address and achieve the following principles of service:

- Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
- Respect the privacy of people with a disability
- Provide Supports and services in a safe and competent manner with care and skill
- Act with integrity, honesty and transparency
- Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with a disability
- Support people with disability to pursue their goals and maximise independence through social and economic participation
- Develop the capacity of people with disability to participate in the community and in employment
- Build a sustainable scheme that is based on insurance principles

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COMPLIANCE WITH THIS POLICY

Any person receiving service can expect that Life Independence will have practices for service delivery in place that comply with each of the following:

- Relevant rules, guidelines and policies issued by the NDIA
- Life Independences own Code of Conduct and Customer Service Charter
- Any commonwealth, state or territory laws and any other requirements that are applicable to the registered provider.
- Life Independence will notify the NDIA if the service is in breach of any Commonwealth, State or Territory law, including any Commonwealth, State or Territory law and/or quality and safeguard arrangements
- Life Independence will notify the NDIA if they become subject to an investigation for breach of any of those laws and arrangements listed

PRACTICE APPLICATIONS FOR USING THIS POLICY

- Personal information is defined as any information, opinion about a person whose identity is known, excluding health information. Examples could include a person's name, address or contact information, Privacy & Data Protection Act, 2014 (VIC).
- Information relating to health relates to a person's physical, psychological or mental health, Health Records Act, 2001 (VIC).

Any person delivering service or acting on behalf of Life Independence is expected to act in the best interests of NDIS participants, promoting empowerment, knowledge and informed choice to the participants receiving services.

HOW INFORMATION IS USED

Personal information may be sought to enable the service to work with each client in developing a plan for the skills and activities wished to be undertaken. This information could relate to the participants health, symptoms and/or challenges experienced as a result of disability. It may be necessary for forms to be completed providing further details. Personal information may be sent to other agencies upon request and with the permission of the participant if it is believed it will help the participant work towards their plan. An example of this could be if a referral to an appropriate specialist is requested by the participant.

WHAT INFORMATION MUST BE PROVIDED

There is no legislative or obligation to provide information to Life Independence. Information sought will be the minimum information required to enable the service to determine if we are suitable to provide the participant with service and to help

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determine the appropriate services required. Provisions of the National Disability Insurance Agency Act, 2013 guides what is deemed a minimum of information to be requested from participants. Examples of information that may be requested could relate to the type of funding package from the National Disability Insurance Agency and proof of said package. If the participant exercises choice not to provide this information, Life Independence will not be able to offer service to the participant.

INFORMATION HANDLING & CLIENT CONSENT

Staff members or any person representing Life Independence and its interests must not ask for or receive personal information from a client unless the following apply:

- It is legitimately required to facilitate providing a service to the client
- The client signs an information release form authorising receipt of the information
- The client is given access to a copy of the Informed Consent Disclosure Statement explaining the reasons for receiving information, handling and conditions for release of information

Life Independence will likely be required to collect personal and health related information from clients to effectively deliver services. This means we will receive information from you in the form of hard copy forms or electronically.

INFORMATION HANDLING AND DISTRIBUTION TO OTHER SERVICES

Any staff member or person representing Life Independence and its interests must not disclose any person information or health related information of a client unless one of the following circumstances applies:

- It is legitimately required to facilitate providing a service to the client
- The client signs an information release form authorising receipt of the information
- Life Independence has received a written request from that agency or service on an official letterhead including; name, contact details and address of the client for whom the agency is seeking information, name and signature of the officer, date of the request, information required, specific purpose for which the information is required and legal power enabling receipt of the information

That information will only be transmitted to another agency by using a secure email communication to the recipient or by handing hard copy information to the intended recipient.

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CAN INFORMATION BE RELEASED WITHOUT CONSENT

There are some circumstances in which Life Independence would be obligated by law to release personal information regardless of participant wishes. These circumstances include the following:

- Where we believe there is reasonable ground for which the release of information is necessary to prevent or lessen a serious and imminent threat to your life or the life of another person.
- In some instances, such as when the police, ombudsman or other agency produce proof of a legislative authorisation to receive your information we are obliged to release it.

HOW TO RECEIVE YOUR OWN INFORMATION

By law Life Independence is obligated to provide what is known as 'informal access' to your own records relating to information provided by the participant or their supporter. This could include records such as medical reports which can be given to participants without further authorisation. Should information have been collected through other means such as from an external agency it would be required to lodge a Freedom of Information request to have that information released.

HOW INFORMATION IS SECURED

Client information is stored in a secure electronic file or lockable filing cabinet or case which is only accessible by authorised personnel. Client files can contain information such as name, address, contact details and details of provided services.

Hard copy files are only retained for the required amount of time to transfer information into an electronic format to be stored in password protected files. Hard copy client information will be destroyed once it has been electronically saved.

Data stored and/or transferred electronically is done so in accordance with the Victorian Protective Data Security Framework & Standards published by the Victorian Information Commissioner. Electronic data is to be stored in a password protected file accessible only by authorised personnel of Life Independence.

We will also comply with the provisions of the Privacy Amendment Act as it relates to notifiable data breaches in the Commonwealth Privacy Act of 1988. Should a data breach involving an unauthorised access to information meeting the criteria of the amended act occur, the Office of the Australian Information Commissioner (OAIC) will be notified.