

Privacy, Consent and Confidentiality Policy

Introduction

FOOTPRINTS Support Services is committed to safeguarding the confidentiality of personal or sensitive information collected with regard to the people we support. FOOTPRINTS Support Services is also committed to protecting the privacy of its staff and volunteers.

FOOTPRINTS Support Services is committed to upholding the rights of people with a disability. This includes the right to privacy of personal and sensitive information as set out in the Australian Privacy Principles contained in the Privacy Act. 7544(Commonwealth).

FOOTPRINTS Support Services supports the rights of clients, families/guardians not to disclose or provide personal information about themselves. Choosing to withhold some personal information however may mean FOOTPRINTS Support Services is unable to process applications or requests, disclose relevant personal information requested to other service providers (e.g. Plan Managers, Health Practitioners) or effectively communicate with the client, family/guardian/s; or provide services and supports to maintain the client's safety and/or provide high quality, individualised support to the person.

We respect and protect FOOTPRINTS Support Services clients' right to privacy and confidentiality in all aspects of their dealings with us. At all times, Footprints Support Services will collect personal information by lawful and fair means as required by the Privacy Act;

Scope

This policy and procedure is applicable to all team members and any relevant stakeholders.

Participant's consent

Our processes gather consent for:

- Information gathered, stored and recorded for work to be undertaken with the participant and their support network to enable effective assessment and to develop a support plan
- Communicate and act with approved family/carers, advocates, third parties and government agencies. This includes:
 - collaboration with other providers to share information and meet participant needs participant's support network and other stakeholders in the review of feedback, compliments and incidents (BSPs)
 - the required service and a transition where applicable.
- Children under the age of 18 require their family/advocate/guardian's consent to share information with other providers and government bodies.

FOOTPRINTS Support Services captures consent in the following steps:

- the On Boarding form collects permission to gather and store information to develop a consent plan and make effective assessment on support needs
- the Consent form outlines use of consent, privacy and personal information
 - to collect permission to share information on the behalf, and with a third party to communicate and act on their behalf
 - collects three nominated person/s or organisation/s who are approved to communicate with FOOTPRINTS Support Services for specified purposes
- social media publicity consent form

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- Photography: Written consent is obtained from any participant having their photograph taken.
- Oral consent is recorded in the support plan with relevant details of the discussion, the date and time of the entry, together with the name of the worker legibly written.
- Oral refusal of consent for any intervention must also be recorded in the support plan in the same manner.

FOOTPRINTS Support Services will aim to review participant's consent annually or they can withdraw or change their consent to share information and/or my permission for a third party to act on my behalf at any time.

Privacy and Confidentiality Compliance

Whilst the terms privacy and confidentiality are often used interchangeably they are related but not identical concepts.

In the context of this policy privacy refers to the right of an individual to control access to oneself, including access to personal information and data about the person and physical privacy. Control of access to information includes how this personal information is collected, used, stored and disclosed or disseminated to others and to whom.

Personal information is any information that can be used to identify a person. In Australia the Privacy Act 1988 regulates how personal information is handled and defines personal information as: "information or an opinion, whether true or not, and whether recorded in material form or not, about an identified individual or an individual who is reasonably identifiable".

The Privacy Act also outlines the requirements for maintaining privacy of sensitive information including information about the person's health, racial or ethnic origin, religious beliefs or affiliations, sexual and gender identity and other information.

Confidentiality is the duty to ensure personal information is kept secret. It requires that any disclosure of that information can only occur with the express permission of the individual.

Privacy is a requirement by law, confidentiality is an ethical obligation. In FOOTPRINTS Support Services privacy and confidentiality of client's personal and sensitive information is ensured through this policy.

FOOTPRINTS Support Services will ensure compliance in all aspects of our operations within the Australian Privacy Principles and the NDIS Practice Standards and the National Disability Service Standards.

Ensure the quality of the data and relevance

FOOTPRINTS Support Services will take all reasonable steps to make sure that the personal and/or sensitive information it collects, uses or discloses is accurate, complete and up-to date. Personal and/or sensitive information about our service users will only be collected only when it is directly relevant and needed to provide support services to that person, or where we are required by regulation to collect the information.

FOOTPRINTS Support Services has in place procedures to allow service users and staff the ability to access information kept about them, update and or amend their records.

Personal information and use

FOOTPRINTS Support Services will only use personal information for the purposes for which it was given to us, or for purposes that are directly related to one of our functions or operations.

The types of personal and/or sensitive information that we collect may include name, address, other contact details, information about racial or ethnic origin, religious beliefs or affiliations, sexual orientation or practices, criminal record, health information and other such information that is relevant for FOOTPRINTS Support Services to provide products and services requested, or to comply with the Law.

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FOOTPRINTSE Support Services is required to collect personal and sensitive information about clients. This is to ensure we deliver safe, quality, individualised services and support to clients and as required as part of our funding obligations and/or that are relevant for the proper provision of the services provided.

FOOTPRINTSE Support Services may collect the following personal information;

- Name, address, telephone and email contact details
- Date of birth and marital status, information about their disability and support needs
- Sensitive information that may include their physical or mental health or disability, racial or ethnic origin, religious affiliation, cultural background, gender and sexual orientation, marital status and any other particulars
- Health information including medical history and diagnoses, relevant health assessment/s including diagnostic tests, current treatments, immunisation records, personal care and daily support needs, behavioural profile, and other relevant health information, and the contact details of treating health practitioners and other health professionals
- Employment, work and day options programs
- NDIS number and other identifiers used by Government Agencies or other organisations to identify individuals such as pensioner card number
- Client consents and/or legal Orders
- Financial information and billing details including information about the services individuals are funded to receive, whether under the National Disability Insurance Scheme or otherwise
- Family/Guardians' or nominees' names, addresses and telephone and email contact details
- Client feedback and complaints
- Records of interactions with individuals such as system notes and records of conversations individuals have had with Footprints Support Services employees
- And other information that fits within the intention of this policy

How personal information is collected and held

FOOTPRINTS Support Services generally collects personal and/or sensitive information directly from the participant through the use of our standard forms, interviews, via email or through telephone conversations. Where this is not possible, the collection of personal information from the client, will be done with the support of their family/guardian/s as their nominated representative/s. With the participant consent FOOTPRINTS Support Services may collect personal and/or sensitive information from third party contractors or agents and government instrumentalities that are involved in the provision of our products and services.

FOOTPRINTS Support Services collects participant's personal information in a range of ways and sources, including:

- In person during client intake meetings and discussions
- Through ongoing correspondence via letter, fax, email or telephone
- Receipt of completed client forms either provided by Footprints Support Services or external documents received
- Through the client's treating health practitioner/s and other health professionals
- from referring third parties (for example, the National Disability Insurance Scheme or a support coordinator)
- At events and forums (such as name and contact details of participants).

At the time of collecting personal information, (i.e. at intake and when reviewing/renewing service agreements and plans), we will take all reasonable steps, as required by the Privacy Act to inform and provide the client, family/guardian/s with information about:

- the types and forms of personal information collected
- the purpose for collection and how personal information may be used
- how personal information will be secured and protected
- their right to make requests to access that personal information
- the period of time for which personal the information is kept
- the types of organisations or service providers to which Footprints Support Services may need to seek and/or disclose personal information (National Disability Insurance Agency, the NDIS Quality and Safeguards

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Commission, day option services providers, disability employment agencies and employers, health service providers)

- any legislation that requires specific personal information to be collected
- any risks and consequences of providing incomplete or inaccurate personal information
- their right to make a complaint if they feel Footprints Support Services has breached privacy obligations.

Purposes for collection, holding, usage and disclosure of personal information

FOOTPRINTS Support Services collects and uses information about clients where it is reasonable and necessary to provide safe, high quality services and support and to operate our business, including communication about activities and events.

The purpose and use of personal information includes, but are not limited to:

- Providing products or services to the participant and to ensure they meet expressed goals;
- To assist with participants queries;
- Facilitating internal business operations, including the fulfilment of any legal obligations;
- Analysing of services and participant needs with a view to developing new and/or improved services.
- Providing non-binding quotes for services in accordance with NDIS plans
- Liaising with the NDIA in relation to NDIS plans
- Providing personal information requested by a third party (as consented by the client)
- Developing support and health support plans and determining support needs to ensure safe, quality care
- Determining and providing individualised training and assessment for support staff
- Providing tailored information about the services and support we provide including for marketing purposes
- Improving our business, the services and support we provide and improving client outcomes and experience
- For billing purposes
- To meet our requirements as part of our funding obligations

FOOTPRINTS Support Services will not disclose identifying information without written consent.

FOOTPRINTS Support Services doesn't give identifying information to other agencies, organisations or anyone else unless one of the following applies:

- the person has consented;
- it is required by law or is necessary to protect the rights or property of our organisation or any other individual
- it will prevent or lessen a serious and imminent threat to somebody's life or health;
- it relates to a criminal issue

Where the person we support is unable to provide consent, we will obtain written consent from the Person Responsible (Nominee/Guardian). In some instances verbal consent from a Person Responsible may be necessary and will be documented.

Where there is uncertainty as to the direct benefit of the release of information which does not remove the names of individuals and or other identifying characteristics such as home address, or there is doubt that individuals would not consent to the release of this information we will seek approval from the concerned people or the designated Person Responsible prior to the release of the information.

Security of Information

FOOTPRINTS Support Services takes steps to protect the personal information it holds against loss, unauthorised access, use, modification or disclosure and against other misuse. FOOTPRINTS Support Services may hold information in either electronic or hard copy form. To store and protect personal information FOOTPRINTS Support Services will;

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- Lock storage cabinets and areas where personal information is stored
- Not leave documents containing confidential information unattended on photocopiers/printers
- Only print documents when absolutely necessary (such as the Client Support Plan for use by support staff in the service)
- Maintain confidential/restricted access to client data entry/capture systems and records
- Position computer terminals/printers so they cannot be accessed/seen by members of the public
- Lock a computer's screen when leaving it unattended
- Store portable storage devices and hard copies in a secure drawer or cabinet
- Leave no client information unattended (e.g. not on an unattended desk)
- Not display any information about a client in any areas that can be accessed by external persons or by persons who do not have the need to know the information
- *Only provide client information via electronic transfer (email, smart devices) where necessary and ensure headers and disclaimers make clear statements about confidential information.
- Ensure confidential disposal of client information
- Only collect, disclose and store information that is essential to meeting the needs of the clients for services and support.

* Whilst we strive to protect personal information, unfortunately there is no method of transmission over the internet that can be guaranteed to be absolutely secure. FOOTPRINTS Support Services engages a third-party information technology provider to ensure our online systems are as secure as possible.

We specify document retention periods in-line with relevant State legislation. When no longer required after seven (7) years for adults, due to auditing requirements, personal information is destroyed in a secure manner such as shredding or deleted. For children (less than 18 years old) the record will be kept until the participant is twenty five (25) years old.

Administrative security safeguards will:

- maintain up to date policies and procedures for guidance in this area
- provide training about client privacy and confidentiality
- guide all new and existing employees through the Footprints Support Services Code of Conduct and NDIS Worker Code of Conduct before signing that they have read both documents
- conduct all interviews with clients, families or employees in a private room or space
- follow industry recognised security safeguards for online data management systems (for example, electronic client records, website and web-based tools), such as:
 - site monitoring
 - secured networks and servers
 - secured printing
 - restricted levels of access to certain information
 - firewalls
 - encryption
 - electronic audit trails
 - use of passwords
 - HR practices re on boarding and exiting of employees e.g. PRODA access

FOOTPRINTS Support Services confidentiality practices are strictly followed to protect clients' right to privacy by;

- Providing on the information relevant to the specific issue or concern
- Only to those people who need it to action specific outcomes related to the clients' needs or requests
- Only to be used for the purpose it was given as consented
- With the permission/consent of the client, family/guardian/s
- Within organisational and legislative requirements and principles
- Within own scope and limits of roles and responsibilities
- Providing transparent access to the client upon request, of any record of document made or received in the context of their service and support.

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Access and/or correction of personal information

Clients, family/guardian/s have the right to request access or correction of the client's personal information held by FOOTPRINTS Support Services via a written request to FOOTPRINTS Support Services. The request can be to access personal information by viewing relevant records and/or receiving a copy, either hard or electronic, of relevant records. It should be noted that copies of service and/or support plans will be provided to the client, family/guardian/s once finalised.

FOOTPRINTS Support Services will, within a reasonable and practicable timeframe, provide access to the requested information. Correction of information can be made only where the client, family/guardian/s identify that information held is incorrect or not factual.

Where the client, family/guardian/s believes that the information is incorrect, FOOTPRINTS Support Services will take reasonable steps to verify and where applicable correct the information. If requests to modify records are refused, Footprints Support Services will write to the client, family/guardian/s stating clearly why the records are believed to be accurate and should not be amended.

Privacy Amendment (Notifiable Data Breaches) Act 2017.

In accordance with the Notifiable Data Breaches FOOTPRINTS Support Services will notify affected individuals and the Office of the Australian Information Commissioner when a data breach has occurred and is likely to result in serious harm to individuals whose personal information is involved in the breach.

Complaints or Concerns in Relation to Privacy

If a service user has a complaint in relation to privacy, it should be made in writing, directed to FOOTPRINTS Support Services and will be investigated in compliance with our Complaints and Feedback policy.

If someone is unhappy with FOOTPRINTS Support Services response, they can refer their complaint to the Office of the Australian Information Commissioner on 1300 363 992 or, in some instances, other regulatory bodies.

**Footprints Support
Services**

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