

Blue Mountains Retirement Village (BMRV)

PRIVACY AND CONFIDENTIALITY POLICY

Policy/Procedure Number: **OM7**

1. Purpose

The purpose of this policy is for BMRV to acknowledge and respect the privacy of individuals and protects the privacy of residents and their families, in line with relevant Commonwealth and State legislation. It is the policy of BMRV that information collected is managed appropriately with regard to collection, security, storage, use and disclosure.

2. Objective

This policy aims to provide effective and efficient services, whilst respecting the confidentiality and privacy rights of BMRV residents and staff.

3. Scope

This policy applies to all BMRV employees and Board Members.

4. POLICY STATEMENT

BMRV accepts and abides by the National Privacy Principles for the protection of personal information set out in the *Privacy Act (1988)* as amended and the *Health Records and Information Privacy Act 2002 (NSW)* and other privacy laws. In doing so all personal information pertaining to residents, employees and external service providers collected by the organisation will be carefully protected to ensure the individual's privacy is maintained.

BMRV maintains that privacy and confidentiality can be maintained by:

- Collecting only the information required under State and Federal legislation in order to deliver the service
- Ensuring openness and consultation with individuals in regard to the information collected.
- Providing individuals with access to their records;
- Ensuring anonymity, where possible, and when requested by the individual;
- Disclosing personal information to other parties only with the consent of the individual or where it is legally or ethically justified; and
- Ensuring secure storage of information.

RELEVANT LEGISLATION

- Aged Care Act 1997
- Aged Care Principles 1997
- Coroners Act 1980 (NSW)
- Evidence Act 1995
- Freedom of Information Act 1989
- Industrial relations Act 1996 (NSW)
- Privacy Act 1988 (amended by the privacy amendment (Private Sector) Act 2000
- Protected Disclosures Act 1994
- Privacy and Personal Information Protection Act 1998 (NSW)
- Public Health Act 1991 (NSW)
- Occupational Health & Safety Act 2000 (NSW)

- Health Records and Information Privacy Act 2002 (NSW)

PROTOCOL

COLLECTION OF PERSONAL INFORMATION

1. BMRV will only collect the personal information required to comply with State and Federal legislation for the delivery and funding of the care and lifestyle needs of residents or for the employment of staff or as otherwise required in order to provide services.
2. Residents and/or persons responsible or employees will provide the personal information or will be made aware of, and agree to. Personal information accessed from other sources.
3. BMRV will provide the resident and/or person responsible or employee with information regarding the purpose and use of the personal information required and who will have access to the information.
4. Residents and/or persons responsible or employees will be informed of their right to withhold information or to provide information anonymously if applicable.
5. Residents and/or persons responsible or employees will be informed of the complaints mechanism should they wish to make a complaint about how their personal information is being managed by BMRV.

PROTECTION OF PERSONAL INFORMATION

1. Residents and/or persons responsible, employees, volunteers, visiting health providers and service providers are informed of BMRV's responsibilities in relation to the protection of personal information through:
 - 1.1 Handbooks
 - 1.2 Contracts / Service Agreements
 - 1.3 Policies and Procedures
2. No personal information will be provided by employees over the telephone or e-mail.
3. The Manager of the Retirement Village is the only individual authorised to divulge information related to employees e.g. work related references, where it is legally and ethically justified. The Manager of the Village may nominate another member of the organisation to provide this information, in his/her absence in particular circumstances.
4. No personal information about anyone except the name of the caller should be left on voice mail.
5. Personal information may only be e-mailed in circumstances where it is urgently required and only then if the viewer can guarantee the confidentiality and security of the information. All e-mails must be accompanied with the organisation's privacy warning.
6. Personal information will not be sent by email unless all identifiers have been removed or encrypted.
7. Employees are advised to avoid having personal mail addressed to their place of work as all mail is opened in the administration office.
8. Mail and facsimiles addressed:
 - 8.1 to residents will only be opened by the resident and/or person(s) responsible
 - 8.2 by title or position alone will be opened by the designated mail opener
 - 8.3 personal or 'confidential' will be opened by the addressee only
 - 8.4 by title or position will be opened by the person occupying that position or by the person acting in that position.

9. Outgoing mail containing information subject to the Privacy Act will be sent in a sealed envelope addressed to an individual by name and marked 'confidential'. If couriered the envelope/parcel will be sealed with a sticker over the opening that is marked 'confidential'.
10. Personal information will not be copied unless it is essential to do so.
11. The anonymity of residents and/or employees will be maintained during case presentations, research activities and at seminars and conference presentations.
12. Fictitious data should be used for all training and demonstration purposes.
13. Consent will be obtained to utilise photographs, slides and other visual aids that identify an individual(s).
14. Personal information related to residents and/or employees will not be discussed in public areas or with individuals who are not directly involved with the care of the resident or the supervision of the employee.
15. All employee records pertaining to current staff will be securely stored in the Manager's office.

MEDIA

1. No information regarding a resident, employee, visiting health professional, service provider or the facility will be disclosed to the media, by an employee.
2. Requests from the media for information will be referred to the Manager who in consultation with the Board of Management will determine what information, if any, will be provided. The decision will be based on consideration of:
 - 2.1 consent from the relevant parties
 - 2.2 possible legal implications
 - 2.3 ramifications to relevant individual(s) and/or the organization.

ACCESS TO RECORDS

1. Access to employee records is restricted to the Manager and/or his/her representative and in other circumstances as described under the Protocol "authorized disclosure".
2. An employee is entitled to access their records and to obtain a copy of any document therein. In these circumstances, access will be on site and in the presence of the Manager.
3. An employee is entitled to dissent from or add to their employee record. The employees own comments will be attached, as an addendum, to the record along with an explanation of the circumstances.

AUTHORISED DISCLOSURE

1. Personal information regarding a resident or employee may be disclosed:
 - 1.1 When valid informed consent is obtained from the resident and/or person(s) responsible/employee for disclosure of specific information for a specific purpose:
 - 1.2 When an employee believes disclosure is necessary in the interests of public safety. In this situation, the employee should contact the Manager or his/her representative.
 - 1.3 Where there is an obligation under the Crimes Act 1990 to notify police about serious criminal offences (including drug trafficking, serious assaults or murder and manslaughter) and/or
 - 1.4 Where there is an obligation under the Coroners Act 1980 (NSW) to notify the coroner of deaths occurring under certain circumstances.

2. Information will be provided to government authorities who have specific statutory powers to demand access to information. In these circumstances the Manager will be responsible for responding to the subpoena promptly and will :
 - 2.1 obtain the precise authority of the person requesting access, including reference to the section of the Act under which access is authorized;
 - 2.2 obtain the nature of the access requested, to ensure that only material relevant to the statutory demand is released.
 - 2.3 Bring the subpoena to the attention of the Board of Management.

RELATED AGREEMENTS

BMRV Confidentiality Agreement



POLICY APPROVAL

Policy Name: Privacy and Confidentiality Policy

Policy Number: OM7

Created On: December 2016

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Developed By: PATRICIA SAMIOS

Name

Signature

Date: _____

Authorised By: ALEXIS VILES, Chairperson

Name

Signature

Date: _____