

1.3 f) Privacy and Confidentiality

BACKGROUND

In order to treat a client with dignity and respect, we must respect their privacy. We ensure the behaviour and interactions of the workforce and others do not compromise client privacy. We respect each client's right to privacy in how we collect, use and communicate the client's personal information.

Health information is one of the most sensitive types of personal information.

We manage all personal information according to law and best practice (**Privacy Act 1988 - Part III, Division 2 Australian Privacy Principles**)

APPLICABILITY

- all categories of employees
- governing body
- all volunteers
- students on placement
- contractors and consultants, whether or not they are employees
- all other service providers

CLIENT OUTCOME

I am treated with dignity and respect, and can maintain my identity. I can make informed choices about my care and services, and live the life I choose.

ORGANISATION STATEMENT

The organisation:

- has a culture of inclusion and respect for Clients; and
- supports clients to exercise choice and independence; and
- respects clients' privacy.

Documents

- **Standard 1 - Requirement (3) (f) Each consumer's privacy is respected and personal information kept confidential**

Supporting Policy Directives

POLICY COMMITMENT

We commit to privacy and confidentiality of the client's personal information (including health information). Privacy for clients may relate to physical environment, possessions, physical needs, personal relationships and personal information.

- staff must at the outset obtain consent to collect and hold client information. Staff must provide to the client, or representative, information on records we hold. Information provided must include the client's ability to access their own personal information if they wish.
- staff must not access client files unless required to do so as part of their usual duties working with clients.
- Any client files held manually or electronically have restricted access to appropriate staff. Client records are not held in areas or on drives shared with staff or others who are not involved in providing service to the client.
- All staff, when first employed, must sign a confidentiality statement.
- All staff commit to privacy and confidentiality for each client when we:
 - provide care to a client
 - provide privacy for the client within their home, room or private areas
 - discuss a client's care and service requirements
 - store a client's personal information, whether this relates to medical needs or general information.

PROCESS GUIDANCE

Outcome

The process below demonstrates that we respect the client's privacy and keep their personal information confidential.

1. Seek client permission

- Ask permission from clients before entering their home, room or private areas.
- Provide privacy to each client for personal care activities e.g. bathing, toileting, dressing and personal/intimate relationships.
- Make sure clients have privacy when speaking with visitors and during phone conversations, if the client or representative chooses.
- Do not open or read client mail unless the client requests this or needs assistance.
- Treat all information relating to clients confidentially.
- The clients' personal property is their own and staff and other clients cannot use it unless invited to do so.
- Share confidential information about the client, including their records, in a way that maintains the client's privacy and confidentiality.
- Any health care professionals who requires access to the client's electronic records or personal information must be approved by the client or their representative.
- Staff are educated about privacy and dignity.

2. Collection and use of client information

- The client's agreement shall ask for consent to collect and share information with relevant professionals for the purposes of their care.
- We collect personal information from the client only, unless they consent to collection from someone other than them, or it is unreasonable or impractical to do so.
- Staff must not seek more information about the client than is necessary to provide care and services.

- Staff will not release client information to any third party without client consent. Any client information is released and/or accessible only to those with a legitimate interest or need as part of their care or service role.
- Sometimes other personal information must be collected about the client's families and social relationships, personal interests, skills, behaviour patterns and financial affairs, to provide services. We will explain clearly the purpose of this collection to the client or representative.
- Staff will not proceed with client assessment, care coordination or planning processes without client consent. If the client cannot provide consent due to disability, medical condition or other reason, they seek consent from their representative.
- Documentation on all client file notes is written objectively, observing:
 - respect for the client's feelings and dignity
 - the client's right to request and have access to their own records
 - freedom of information and court requirements that may subpoena client files.

3. Advise client of rights to access records

- We will inform clients of their right to access their information in their Clients Agreement and will remind them from time to time through service reviews and agreement renewal.

4. Seek consent to use client images and audio/visual recordings

- If an image or audio/visual recording is required for any purpose, we will seek consent from the client or representative using the Consent to Use Information and Images form.
- If we intend to use client images in communication brochures or similar activities, we must obtain written informed consent from the client or representative.

5. Advise clients of right to complain of privacy breach

- We will inform clients about their right to complain about a privacy breach and the process for making a complaint. This information sets out the way that we manage the complaint.
- All reasonable steps will be taken to protect the confidentiality of the Client as far as legally possible and within the bounds of the Australian Privacy Principles in the Privacy Act 1988. (Cth)
<https://www.oaic.gov.au/privacy/australian-privacy-principles/>

6. Exclusions

- If a significant threat to client or staff safety affects the client's right to privacy and confidentiality, staff safety will prevail.
- We will not provide access to client records if doing so leads to:
 - there is a serious threat to the life, health or safety of any individual or public health and safety
 - it would unreasonably infringe the privacy of other individuals
 - if it is in some way illegal or unlawful.

EVIDENCE

- Tools and resources used

- **Assessment/Reassessment form**
- **Information Compliance form**
- **Publicity Release Form**
- **Client information collection notice**
- **Personal Life History Form**
- **'New Client' e-mail to staff**
- **Client's Care Plan**
- OneDrive for client photographs
- Sandwai client records
- **Staff handbook**
- **Orientation Guide**
- **Client HCP Agreement**
- Protected server -location of client files
- Staff training and records
- Internal e-mail structure protected by password
- Group e-mails for office staff and workers
- Client folder
- Client feedback
 - **Client Catch Up - Notes from visit** conducted by Care Managers
 - Staff feedback via e-mails and progress notes
 - **Tell us what you think form - client feedback form** and written feedback
 - regular **Survey form for Clients**
 - **Assessment/Reassessment form**
- Orientation and training records for the workforce.
- Client rights and dignity poster on display.
- Client rights and dignity in **Staff handbook**
- **Philosophy of Care**
- **Charter of Aged Care Rights**
- Policies and procedures that are inclusive, client centred care and services that show commitment to diversity.
 - **End of life care**
 - **Dignity and Respect**

RELEVANT LEGISLATION

Privacy Act 1988 - Part III, Division 2 Australian Privacy Principles

Notifiable Data Breaches scheme

REFERENCES

Name	Source
Resources for health service providers	Office of the Australian Information Commissioner

Brodribb At Home