



POLICY – PRIVACY AND CONFIDENTIALITY		
PoI/GM 3		
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Policy Statement

Lifebridge Australia Ltd. accepts and abides by the 13 Australian 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 so doing, Lifebridge will take reasonable steps to protect the personal information it holds from misuse, loss, and from unauthorised access, use, modification, interference or disclosure.

Lifebridge Australia Ltd. 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;
- collecting personal information only with the appropriate consent;
- having an appropriate privacy policy that explains how personal information is managed by the organisation and is accessible to all stakeholders;
- ensuring openness and consultation with individuals in regard to the information collected;
- ensuring the quality of the data kept;
- providing individuals with access to their records;
- ensuring anonymity or pseudonymity, where possible, and when requested by the individual;
- disclosing personal information to other parties only with the written, informed consent of the individual or where it is legally or ethically justified; such as Chapter 16A of the Children and Young Persons (Care and Protection Act 1998) which provides the legislative framework for the exchange of information about children and young people between prescribed bodies. Chapter 16A overrides NSW privacy laws and permits and sometimes requires, organisations to share information about children or young people, irrespective of their customer's consent.
- ensuring secure storage of information.

Definitions:

personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Sensitive Information is information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, sexual preferences or practices, criminal record, health information about an individual, genetic information about an individual or biometric information about an individual.

Relevant Legislation

- Privacy Act 1988 (amended by the Privacy Amendment (Private Sector) Act 2000)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Protected Disclosures Act 1994
- Freedom of Information Act 1989
- Privacy and Personal Information Protection Act 1998 (NSW)
- Privacy and Personal Information Regulation 2009 (NSW)
- Disability Inclusion Act 2014
- Ombudsman Act 1974 (amendment Part 3C)
- Aged Care Act 1997
- Australian Aged Care Quality Agency, Home Care Standards
- Public Health Act 1991 (NSW)
- Health Legislation Further Amendment Act 2004 (NSW) – Schedule 5: Amendment of Public Health Act 1991 (NSW)
- Work Health and Safety Act 2011
- Fair Work Act 2009
- Coroners Act 2009 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Electronic Transmission Act 1999
- Evidence Act 1995
- Children and Young Persons (Care and Protection) Act 1998

Relevant External Guidelines

- Australian Standard 4400 - Personal Privacy Protection in Health Care Information Systems
- Office of the NSW Privacy Commissioner – Best Practice Guide – Privacy and People with Decision-Making Disabilities, February 2004
- National Standards for Disability Management Services, 1993
- Australian Government, Commonwealth Home Support Program (CHSP) Guidelines Overview
- Interim National Quality Framework for Disability Services in Australia (DRAFT)
- Australian Government, Department of Health, Home Care Standards, 1 August 2013
- The PRM Group contract requirements
- NSW Government, 2009, Keep Them Safe: A Shared Approach to Child Wellbeing
- NSW Children's Guardian, General VOOHC Information and Notification Rules
- Information and Privacy Commission New South Wales, *IPC Privacy Management Plan*, October 2012
- Australian Government, Office of the Australian Information Commissioner, *Guide to Information Security – Reasonable Steps to Protect Personal Information*, April 2013

- NSW Government, Department of Ageing, Disability and Home Care, *Service User Information on privacy and the Minimum Data Set*, April 2012

Protocol

COLLECTION OF SOLICITED PERSONAL INFORMATION – CUSTOMERS

1. Lifebridge Australia Ltd. will only collect the personal information required to comply with State and Federal legislation for the delivery and funding of programs and with the consent of the customer. The NSW Children's Guardian collects personal information through Lifebridge on children (under 18 years) accessing voluntary care or respite out of their family home. This information is entered by Lifebridge staff onto an online register (called the Voluntary Out of Home Care or VOOHC register) auspiced by the NSW Children's Guardian.

The register will contain the following personal information:

- 1.1 Full name and any previous name;
 - 1.2 Date and place of birth;
 - 1.3 Gender;
 - 1.4 Disability status;
 - 1.5 The name of the agency providing out of home care;
 - 1.6 Length of time spent in out of home care; and
 - 1.7 Dates of any case plans or reviews.
2. The NSW and Commonwealth governments collect some personal information through Lifebridge from customers through the Data Exchange (DEX) and the Minimum Data Set (known as MDS). The information that government collects is:
 - 2.1 Gender;
 - 2.2 Postcodes, suburbs or towns and the state of residence;
 - 2.3 Age and birth date;
 - 2.4 Aboriginal or Torres Strait Islander descent;
 - 2.5 Whether customers have informal/unpaid carers;
 - 2.6 Home ownership or rental/board status;
 - 2.7 Receipt of pension;
 - 2.8 What supports and how much support from Lifebridge or other services is received;
 - 2.9 What languages are spoken at home; and/or
 - 2.10 Country of birth.
 3. The Commonwealth and NSW governments and /or their agencies such as Work Cover collect information from Lifebridge on customers when the following has occurred:
 - 3.1 Unexpected death of a customer;
 - 3.2 Serious injury to a customer;
 - 3.3 Allegations of misconduct; and
 - 3.4 A natural disaster or event.
 4. Lifebridge maintains both electronic and hard copy databases of customers that contain personal and sensitive information.

5. Lifebridge maintains mailing and contact lists of customers that contain names, phone numbers, physical addresses and e-mail addresses.
6. There are photos of customers stored on secure databases and servers at Lifebridge.
7. Lifebridge receives and sends referrals from other agencies that can and may have personal or sensitive information about customers within the referral document.
8. No personal information collected at Lifebridge on customers will be disclosed to any overseas recipients.

COLLECTION OF SOLICITED PERSONAL INFORMATION – STAFF MEMBERS AND VOLUNTEERS

1. Lifebridge will only collect the information required for the employment or engagement of staff members or volunteers. The information required from staff members and volunteers (where relevant) is:
 - Tax File Number
 - Address and phone number details
 - Next of Kin (emergency contacts)
 - Education details
 - Medical conditions and illnesses
 - Bank account details
 - Relevant Superannuation Form/Details of account
 - Proof of Residency/Immigration Status
 - **Australian Citizen**
 - Birth Certificate or Australian Citizen Certificate
 - **New Zealand Citizen**
 - Passport
 - **Foreign Nationals**
 - Passport with current permission to work visa
 - Health Declaration
 - Driver's Licence
 - Union Membership
 - Professional Body Memberships
 - Child Support Orders
 - Debt Collection Orders
 - Details of secondary employment
 - Declarations or conflicts of interest
 - Working with Children Check (if relevant)
 - Criminal Record check.
 - Car Registration and Insurance details; and
 - Information on skills, characteristics and experience for person centred rostering where possible.
2. Lifebridge maintains both electronic and hard copy databases of staff and volunteers that contain personal and sensitive information.

3. Lifebridge maintains mailing and contact lists of staff and volunteers that contain names, phone numbers, physical addresses and e-mail addresses.
4. There are photos of staff and volunteers stored on secure databases and servers at Lifebridge.
5. The Commonwealth and NSW governments and /or their agencies such as Work Cover collect information from Lifebridge on staff and/or volunteers when the following has occurred:
 - a. Unexpected death of a volunteer or staff member;
 - b. Serious injury to a staff member/volunteer;
 - c. Allegations of criminal activity;
 - d. Allegations of misconduct; and
 - e. A natural disaster or event.
6. No personal information collected at Lifebridge on staff or volunteers will be disclosed to any overseas recipients.

MANAGING UNSOLICITED PERSONAL INFORMATION

1. Lifebridge may from time to time receive unsolicited personal information. If it is determined that the information is not required for the delivery of services or the employment of staff or volunteers, then the information received by Lifebridge shall be destroyed in a secure manner.

PROTECTION OF PERSONAL INFORMATION

1. Customers and/or carers, staff members, volunteers, and service providers are informed of Lifebridge Australia Ltd.'s responsibilities in relation to the protection of personal information through one, or more, of the following:
 - 1.1 handbooks
 - 1.2 brochures
 - 1.3 contracts/service agreements
 - 1.4 policies and procedures
 - 1.5 staff/volunteer meetings or training sessions
2. All staff members and volunteers upon their employment/engagement will have this policy explained and be made aware during their induction of the importance of confidentiality and privacy in the organisation.

No personal information will be provided by staff members or volunteers over the telephone unless written consent has been obtained.

Lifebridge staff and volunteers are never to leave personal or sensitive information as defined in this policy unattended on work desks, in vehicles, or in any other location.

3. All staff members and volunteers at Lifebridge Australia Ltd. will be required to sign a confidentiality agreement upon employment/engagement stating that all information pertaining to customers, other staff members and volunteers and the organisation generally will remain confidential at all times.

4. The CEO is the only individual authorised to divulge information related to staff members, customers or volunteers, where it is legally and ethically justified, such as in the case of a guardianship hearing. The CEO may nominate another member of the organisation to provide this information.
5. No personal information about anyone except the name of the caller should be left on voice mail.
6. Personal information may only be faxed in circumstances where it is urgently required and only then if the viewer can guarantee the confidentiality and security of the information. All facsimiles must be accompanied with the organisation's coversheet which carries a privacy warning.
7. Personal information will not be sent to an external person by email unless all identifiers have been removed or encrypted.
8. All Lifebridge employees and volunteers have been allocated a Lifebridge email account for the purposes of sharing personal information internally. Sharing information between Lifebridge accounts will ensure that it has been encrypted.
9. All email signatures in the organisation will carry a privacy warning.
10. Screensaver programs will be activated on all Lifebridge computers when they are not in use so that no personal information can be displayed and/or the computer will automatically lock and will require the re-entry of a password.
11. All Lifebridge issued mobile devices will be password and/or PIN protected.
12. Staff members will lock their computer and/or their office when they leave their workspace, even if it is for a short period of time.
13. Staff members will not, at any time, download or transfer personal or sensitive information (as defined in this policy) onto a personal storage device, such as a USB drive or similar, and remove from the workplace.
14. Staff members are advised to avoid having personal mail and emails addressed to their place of work.
15. The Lifebridge receptionist is the designated person who opens mail. All mail will be date stamped on receipt prior to distribution.
16. Mail and facsimiles addressed:
 - 16.1 By title or position alone will be opened by the designated mail opener
 - 16.2 "personal" or "confidential" will be opened only by the addressee
 - 16.3 By title or position only and marked "personal" or "confidential" will be opened by the person occupying that position or by the person acting in the position
 - 16.4 To the organisation only will be opened by the designated mail opener and forwarded to the CEO.
17. Internal and External (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".

18. Personal information should not be copied unless it is essential to do so.
19. The anonymity of customers and/or staff members/volunteers will be maintained during case presentations, meetings, research activities and at seminars and conference presentations.
20. Fictitious data should be used for all training and demonstration purposes.
21. Consent will be obtained to utilise photographs, slides and other visual aids that identify an individual(s).
22. Personal information related to customers and/or staff members/volunteers will not be displayed or discussed in public areas or with individuals who are not directly involved with the care of the Customer or supervision of the staff member/volunteer. This will include the viewing and access to written information.
23. All records pertaining to current customers will be securely stored in locked cupboards and/or on password protected computers.
24. All staff member and volunteer records will be securely stored in either a locked drawer and/or on a password protected computer.

RESPONDING TO BREACHES IN PRIVACY

1. Lifebridge will respond promptly to any breaches in privacy following the procedure set out in SOP 55 – *Response to Breaches in Privacy*.

PROMOTION AND MEDIA

1. Lifebridge may take photos, film events or ask for people's stories and use them for promotional purposes. This includes film, photos or stories about people being uploaded to Lifebridge's website at www.lifebridge.org.au posted on Lifebridge's social media sites/accounts, or being printed in Lifebridge's newsletters or annual report. Lifebridge will always seek the consent of people prior to photos, films or stories being used.
2. No information regarding a Customer, staff member, volunteer service provider or the organisation will be disclosed to the media by a staff member or volunteer.
3. Requests from the media for information will be referred to the CEO who, in consultation with the Board, will determine what information, if any, will be provided. The decision will be based on consideration of:
 - 3.1 Consent from the relevant parties
 - 3.2 Possible legal implications
 - 3.3 Ramifications to relevant individual(s) and/or the organisation.

MAINTAINING QUALITY OF PERSONAL INFORMATION

1. Lifebridge will take reasonable steps to ensure that the personal information it collects and holds is accurate, current and complete.

ANONYMITY AND PSEUDONYMITY

1. Lifebridge will afford any individual the option of undertaking any dealings or raising any queries anonymously or utilising a pseudonym, unless Lifebridge has been ordered by a Court of Law to deal with an identified person or Lifebridge finds it impractical to deal with a pseudonym or a person who has not identified themselves.

ACCESS TO PERSONAL INFORMATION

1. Access to customer, staff and volunteer personal information is restricted to Lifebridge Australia Ltd. personnel directly involved in the support, supervision, assessment, and management of the Customer, Staff member or Volunteer and in other circumstances as described under Protocol "Authorised Disclosure".
2. A customer, staff member, volunteer or their nominated representative may by means of written application to the CEO of Lifebridge Australia Ltd. request access to their personal information. The CEO, within 5 business days of receiving the request, will respond to the request made and provide access to the person's requested information in a mutually agreed format.
3. The application to the CEO for the request to access the record will be retained in the person's file.
4. A person is entitled to dissent from or add to the information kept in their file. The person's own comments will be attached, as an addendum, to the file along with an explanation of the circumstances.

AUTHORISED DISCLOSURE

1. Personal information regarding a customer, volunteer or staff member may be disclosed:
 - 1.1 When valid, informed consent is obtained from the customer and/or carer, staff member or volunteer for disclosure of specific information for a specific purpose;
 - 1.2 When a staff member believes disclosure is necessary in the interests of public safety. In this situation, the staff member should contact the CEO or their manager;
 - 1.3 Where there is an obligation under the Crimes Act 1900 to notify police about serious criminal offences (including drug trafficking, serious assaults of a physical or sexual nature or murder and manslaughter);
 - 1.4 Where there is an obligation under the Ombudsman Act 2974 (Part 3C) to notify a reportable offence
 - 1.5 Where required by a State or Commonwealth funding body;
 - 1.6 Where there is an obligation under the Coroners Act 2009 (NSW) to notify the coroner of deaths occurring under certain conditions; and/or
 - 1.7 Where the customer is a child or young person under the Children and Young Persons (Care and Protection) Act 1998, and Chapter 16A provisions apply in regards to disclosing and sharing personal information relating to the safety, welfare or wellbeing of the child or young person between Lifebridge Australia Ltd. and other specified agencies or organisations without the consent of the customer or their family.

2. Information will be provided to government authorities who have specific statutory powers to demand access to information.

In these circumstances the CEO 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 authorised;
- 2.2 Obtain the nature of the access requested, to ensure that only material relevant to the statutory demand is released; and
- 2.3 Bring the subpoena to the attention of the organisation's solicitors and the Board if necessary.

This information will be recorded and stored in the customers', staff members', volunteers' or other relevant file.

3. The use and disclosure of health information for secondary purposes (For example, research or collection of data for government departments) will be in accordance with the Health Privacy Principles 10(1)(d) and 11(1)(d) related to the Health Records and Information Privacy Act 2002 (NSW).

LODGING A COMPLAINT

1. Staff, Volunteers, Customers and other stakeholders may lodge a complaint either with Lifebridge or with an external complaints body if there has been a breach of this Privacy policy or any Privacy Principles or legislation. Complaints may be made by:
 - 1.1 Completing an Issue Log on Projex or a Confidential Improvement Log Form. This form is available on Projex and at reception;
 - 1.2 By going to Lifebridge's website at www.lifebridge.org.au. On the home page there is a "Feedback" button where you can click and provide any feedback to Lifebridge; or
 - 1.3 By making an appointment with the Manager or the CEO to discuss your concerns.

External complaints regarding privacy concerns can be made *in writing only* to:

The Privacy Commissioner
Information and Privacy Commission
GPO Box 7011
Sydney NSW 2001

Email: pcinfo@ipc.nsw.gov.au

DISPOSAL OF PERSONAL INFORMATION

1. Lifebridge will dispose of all personal information in a secure manner once the information is no longer required. Methods may include:
 - 1.1 By shredding the documentation in-house;
 - 1.2 By outsourcing to a confidential documentation destruction company;
 - 1.3 By having electronic personal records permanently deleted off databases, hard drives, devices and servers.

Related Lifebridge Australia Ltd. Policies

- Pol/GM 1 – Governance & Quality Management
- Pol/GM 7 – Information Technology
- Pol/HRM 11 – Flexible Workplace

Related Standard Operating Procedures

- SOP 3 – Document Control
- SOP 7 – Recruitment, Selection and Separation
- SOP 55 – Response to Breaches in Privacy

Related Lifebridge Australia Ltd. Documents

- IH 1 – Staff Member Handbook
- IH 5 – Volunteer Handbook