

Privacy and confidentiality

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Introduction

This policy ensures we protect and handle personal information in accordance with the NDIS and relevant privacy legislation. We acknowledge an individual’s right to privacy while recognising that personal information is required to be collected, maintained and administered in order to provide a safe working environment and a high standard of quality.

The information we collect is used to provide services to participants in a safe and healthy environment with individual requirements, to meet duty of care obligations, to initiate appropriate referrals, and to conduct business activities to support those services.

Applicability

















When
<ul style="list-style-type: none"> • applies to all personal information and sensitive personal information including the personal information of employees and participants • applies to all company confidential information - that is any information not publicly available.
Who
<ul style="list-style-type: none"> • applies to all representatives including key management personnel, directors, full time workers, part time workers, casual workers, contractors and volunteers.

Definitions

Term	Description
data breach	<p>A data breach is type of security incident where personal, sensitive or confidential information normally protected, is deliberately or mistakenly copied, sent, viewed, stolen or used by an unauthorised person or parties.</p> <p>A data breach where people are at risk of serious harm as a result, is reportable to the Office of the Australian Information Commissioner.</p>

<p>personal information</p>	<p>Personal information includes (regardless of its accuracy):</p> <ul style="list-style-type: none"> • name • address • phone number • email address • date of birth • recorded opinions or notes about someone • any other information that could be used to identify someone.
<p>sensitive personal information</p>	<p>Sensitive personal information can include personal information that is normally private such as:</p> <ul style="list-style-type: none"> • health information • ethnicity • political opinions • membership of a political association, professional or trade association or trade union • religious beliefs or affiliations • philosophical beliefs • sexuality • criminal record • biometric information (such as finger prints).

Documents relevant to this policy

-  [Australian Privacy Principles](#) 
-  [Information Government Standards South Australia](#) 
-  [Local Government Act 1999 \(SA\)](#) 
-  [NDIS \(Provider Registration and Practice Standards\) Rules 2018](#) 
-  [NDIS \(Quality Indicators\) Guidelines 2018](#) 
-  [Privacy Act 1988 \(Cth\)](#) 
-  [Privacy and confidentiality policy \(easy read\)](#)
-  [South Australian Government Information Management Strategy 2019-2022](#) 
-  [State Records Act 1997 \(SA\)](#) 

Policy Introduction

AB Consultancy (ABN 47 622 689 917) (“AB Consultancy”, “we”, “us” or “our”) collects and uses personal information in accordance with applicable privacy laws, including the Privacy Act 1988 (CT) and the Australian Privacy Principles set out in the Privacy Act.

This Privacy Policy outlines how AB Consultancy manages personal information provided by you, or otherwise obtained by AB Consultancy, relating to you.

Context

- AB Consultancy will only use photographs, videos, names and any other identifiable aspect of the client only when written authority has been given in the client's contract.
- AB Consultancy holds the rights to any photographic, digital, video and any other works or images throughout the contract period.
- AB Consultancy uses social media i.e. Facebook, Twitter, promotional materials for advertising purposes and public speaking events.
- The collection of images or any other works that can be regarded as being identifying in nature will only be used for sharing disability and educational aspects of AB Consultancy's core work
- The Privacy Act 1988 (Cth) allows the individual stated in this contract and any family or caregivers the right to control how their personal information is collected and what it is used for.
- AB Consultancy will obtain signed consent from the parent of guardian of the individual stated in this contract as to gain authorized preferences to the use of any identifiable material.
- AB Consultancy will review these authorisations at the renewal or 12 month review to ensure consent is still active.
- AB Consultancy will not sell or in anyway distribute personal information to research departments. AB Consultancy will comply with the requests of the parents/caregiver(s) or guardian(s).
- AB Consultancy will discuss consent with parents who are separated to ensure continuity and confidentiality is respected.
- Disclosure may occur outside of AB Consultancy where written consent and level of consent is granted by the participant, parent, sibling, carer or guardian to meet the needs of the participant in the service agreement
- If other agencies services are deemed viable then consent on the exchange of information form must be completed before that can occur.
- Information collected is originally collated from the information given on the service agreement completed by the participant or nominee with detailed information on the participant and further data from sessions is completed by the employee working with the participant and recorded in the participants file.
- AB Consultancy will use named emergency supports listed by the participant, parent, sibling, carer, guardian in the event of an emergency and the level of authorised information may be imparted to the said emergency contact.
- In the event of an emergency where emergency services are called in response to a crisis any relevant medical information will be passed on to emergency personal.
- AB Consultancy may at time record data and reports in participants for the purposes of identifying needs and services in the area. Data wand records will be assigned generic numbers without identifying features of the participant.
- Data stored will be stored electronically requiring a password. Data is stored in non-identifiable format and contains no identifiable features
- Any publications, social media, promotional material or images in any capacity will be used by reference to the participants service agreement where permissions have been given. If the permissions given are unclear, AB Consultancy will consult with the participant, parent, sibling, carer or guardian for permission to use images
- Photo's, footage, video' will be held by AB Consultancy and again will not be disclosed to a third party without consent.
- AB Consultancy uses a platform called SeeSaw to allow parents, siblings, carers or guardians insight into sessions held at AB Consultancy sessions, Each profile is only accessible to the child's parent, sibling, carer or guardian through a qr code at the commencement of service. SeeSaw activity will be stored yearly and new qr codes will be distributed to each participants family. AB Consultancy does not take any responsibility for QR codes being shared with other family members or interested parties for viewing.
- AB Consultancy has systems and processes in place to hold personal information and to ensure it is held securely. Only authorised personal have access to certain parts of AB Consultancy's software and data collection services.
- Documents will be destroyed after 5 years

- AB Consultancy clients have the right to see their personal information to ensure that the information held is correct and accurate. If there is a significant change to the participants lifestyle please inform AB Consultancy as soon as possible so the records can be amended.
- If you wish to access your personal information AB Consultancy will only accept written requests for access or corrections. We will respond to your request within a reasonable time. We will require proof of identity before information is released to you.
- In some cases information may not be deemed suitable for disclosure if it places the participant at risk and this will be discussed at a scheduled meeting.
- Sensitive information may be required about the individuals with consent. However AB Consultancy does not require consent if the information is to be collected from the Australian Law Court/tribuneral/ Coroner order or under mandatory reporting cases for the Department of Families and Social Inclusion. This information will only be reported by the employee and maybe shared with the director of AB Consultancy depending on the urgency of the matter at hand. Information where child safety is perceived as an immediate threat or life threatening nature South Australian Police (SAPOL) may also be informed without the consent of the participant, parents, dibbling, carer, or guardian.

Collection of Personal Information

AB Consultancy may collect and hold personal information of the following kinds (without limitation):

- name, address, phone number, post code, date of birth, email address;
- information about goods or services ordered, acquired or supplied; information from enquiries made;
- preferred start date for services and expected duration of service provision;
- communications between AB Consultancy and you (or if you are not the client, the stated and legal nominee as agreed in the service agreement);
- whether you (or if you are not the legal nominee, the client) have or have you applied for a government funding package e.g. National Disability Insurance Scheme, BetterStart or HCWA
- if you are contacting us on behalf of the client, we will also collect some personal information about you, including your name, contact details and your relationship to the person being referred.
- records may be kept in various forms including hardcopy, electronic, online or in long-term storage including AB Consultancy's Client Record Management system (CRM) Power Diary
- records that are confidential in nature will be kept and destroyed according to statute law

AB Consultancy may also collect personal information from you, from third parties including our service providers or what is available in the public domain.

AB Consultancy will take reasonable steps to ensure that the personal information that is collected, used or disclosed by it is complete and up to date. Keeping records AB Consultancy will only collect personal information about an individual from that individual unless it is unreasonable or impractical to do so. If you disclose the client's personal information to us (e.g. sensitive information about the client's health and medical details), in providing that personal information to us you agree that:

- you have drawn this Privacy Policy to the client and or nominee attention;
- the client and or nominee has agreed to you providing their personal information to us; and
- that the client and or nominee understands and agrees that we may use, disclose and manage their personal information as described in this Privacy Policy.

If you have agreed to receive information from AB Consultancy, your email address will be saved and used for personal email advertisements until you let us know that you wish to unsubscribe. When you visit a page from the AB Consultancy

Website, we may collect your IP address, the date and time of your visit, the retrieved data and the version of your browser, as well as any information that is submitted by default

Privacy and confidentiality guidelines

- we are committed to complying with the privacy requirements of the Privacy Act, the Australian Privacy Principles and for Privacy Amendment (Notifiable Data Breaches) as required by organisations providing disability services
- we are fully committed to complying with the consent requirements of the NDIS Quality and Safeguarding Framework and relevant state or territory requirements
- we provide all individuals with access to information about the privacy of their personal information
- each individual has the right to opt out of consenting to and providing their personal details if they wish
- individuals have the right to request access to their personal records by requesting this with their contact person
- where we are required to report to government funding bodies, information provided is non-identifiable and related to services and support hours provided, age, disability, language, and nationality
- personal information will only be used by us and will not be shared outside the organisation without your permission unless required by law (e.g. reporting assault, abuse, neglect, or where a court order is issued)
- images or video footage of participants will not be used without their consent
- participants have the option of being involved in external NDIS audits if they wish.

Procedures

- AB Consultancy has an obligation as a small business to maintain good records of its business activities and clients for legal purposes. AB Consultancy will keep records and materials made for individual clients and to be able to access them for further follow up or use some or all resource packs for other clients within confidential guidelines.
- AB Consultancy will use gathered data, observations, recordings (both audio and visual) from individual clients to continue to improve work standards and achieve contracted goals.
- AB Consultancy will not release any client records to any third party without a completed 'Exchange of Information' document. This document will clearly outline the informed consent of the client and to whom the information is being directed or received from.
- AB Consultancy will ensure confidential handling and storage of client records and they will be held for 7 (seven) years upon completion of the contract.
- AB Consultancy will ensure appropriate, legal and timely disposal of official records and where possible protect records from disaster.
- Client records will remain the property of AB Consultancy.
- AB Consultancy has the right to use data and observations collected to be used in association with research and online publications. No family name, identity or photographic image of the child will be given out at any time. It is also the clients right to decline the use of data and observations for online publications. This must be agreed to or declined in the 'AB Consultancy Service Agreement'
- The consultant of AB Consultancy will to the best of their ability follow the protocol listed:
 - All electronic records relating to AB Consultancy are password protected to restrict unauthorised access.
 - Access to AB Consultancy Invoice Records is available to the Australian Taxation Office upon request.
 - AB Consultancy will ensure that records held are not incomplete, incorrect, out of date or misleading.
 - Records management is a planned process.
 - Records management is implemented by the consultant unless outsourced to a third party at a later stage.
 - Records management will be monitored and reviewed to provide greater fluidity and transparency.
 - Records are held in confidence under each client's name.

- Records of AB Consultancy resources are held electronically and in hard copy.
- Records best practise will see management of records is regularly monitored, reviewed and amended to ensure continuous improvement.
- Records disposal is done in accordance with legislative and business requirements.

Security of information

- we take reasonable steps to protect the personal information we hold against misuse, interference, loss, unauthorised access, modification and disclosure.
- personal information is accessible to the participant and is able for use by relevant workers
- security for personal information includes password protection for IT systems, locked filing cabinets and physical access restrictions with only authorised personnel permitted access
- personal information no longer required is securely destroyed or de-identified.

Data breaches

- we will take reasonable steps to reduce the likelihood of a data breach occurring including storing personal information securely and accessible only by relevant workers
- if we know or suspect your personal information has been accessed by unauthorised parties, and we think this could cause you harm, we will take reasonable steps to reduce the chance of harm and advise you of the breach, and if necessary the Office of the Australian Information Commissioner.

Breach of privacy and confidentiality

- a breach of privacy and confidentiality is an incident—follow the Manage incident process to resolve
- a breach of privacy and confidentiality may require an investigation
- an intentional breach of privacy and confidentiality will result in disciplinary action up to and including termination of employment.