

Name:	AHC Group Privacy Policy
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Executive Summary

Privacy Policy Summary:

At AHC, how we collect, use, exchange and protect information is important to our clients, customers and staff. Our Privacy Policy outlines how we do this in accordance with the Privacy Act and the National Privacy Principles (2014). This summary statement provides an overview of our policy.

Our Privacy Policy describes:

- The information we collect about individuals.
- How we use client information.
- Who we exchange client information with, when and why.
- How we keep information secure.
- How to access, update and correct information and individuals' rights to anonymity.
- Making a privacy complaint; and
- How to contact AHC and find out more.

Respecting Privacy

AHC has systems and procedures in place to protect personal information from misuse and loss, unauthorised access, modification and disclosure.

We will:

- Only collect the information we require to ensure we are able to provide both a satisfactory service and a safe workplace for staff;
- Collect information directly from clients where possible, unless we have permission or consent to access it from another individual or organisation;
- Always tell people why we are collecting the information and how we will use it;
- Seek permission to share information with others, except where we are legally required to report information, or where an emergency situation may arise that would be detrimental to an individual or groups' health and safety for us not to disclose information; and
- Individuals have the right to refuse to share information with others and can withdraw consent that has been given previously – emergency and required reporting situations remain exempt.

Feedback and access to personal information:

Clients and customers may on occasions be contacted by AHC to participate in an evaluation of services. They may decline the opportunity to participate at any time.

Individuals who wish to view information AHC holds in relation to them and their services, may ask for a copy or their records.

It may not always be possible to provide a copy of all information in the following circumstances:

- if information was provided anonymously,
- where it contains details about other people, or
- if it would be unsafe to provide information that may lead to harm being done to another person.

If AHC refuses to provide access to a record, parts of a record or to update a record as requested, we will provide our reasons in writing.

We will not charge for lodging a request for a copy of personal information, but we will charge a reasonable fee for the work involved in providing the information and for associated costs such as photocopying.

Further details and information in relation to privacy be requested by contacting us on 1300303770 and speaking to a care services coordinator or the "Privacy Officer".

Purpose and Scope:

Australian Home Care Services is committed to respecting and protecting the privacy of all personal information we collect, hold and administer. We know that how we collect, use, exchange and protect personal information is important to our clients, employees and customers, and we value that trust. In accordance with The Privacy Act (1988) and the Australian Privacy Principles guidelines (March 2014), open and transparent management of personal information is important; this policy reflects these principles as they apply to our usual operations. AHC provides a range of health, disability and aged care services across Australia, so this policy and our organisational practices are consistent with the various state jurisdictions related to Privacy and Personal Information as well as the Principles of Human Rights and Responsibilities.

This privacy policy applies to all employees and contractors and addresses the following:

- How we collect information, including via our websites;
- The use and disclosure of client and staff information;
- The quality of personal information;
- Keeping information secure;
- Accessing, updating and correcting information;
- Making a privacy complaint; and
- How to contact us and find out more.

Definitions:

AHC – Australian Home Care. When referring to Australian Home Care, the policy is applicable to all employees and practices of the business units and divisions associated with AHC including – AHC Care Services, Nationwide – Health and Aged Care Services. The specific types of information collected by AHC, usage and storage will vary between the divisions.

Client – any individual person in receipt of AHC services.

Customer – an individual, government department, organisation or other entity which funds or purchases services from AHC to be delivered to a client. A client and customer may occasionally be the same person.

Employees – people employed by AHC, either on a casual or permanent basis.

Contractor – a person or organisation where AHC has a working agreement in place.

Volunteer – a person or persons who perform or offer to perform a task voluntarily or without pay

Responsible Person - includes a parent, a child or sibling, a spouse, a relative, a member of an individual's household, a nominated guardian or enduring power of attorney, a person who has an intimate personal relationship with the individual, or a nominated contact in the case of emergency, as long as they are 18 years or older.

Personal information - any information or an opinion about an **identified individual**, or an individual who is reasonably identifiable, irrespective of whether the information or opinion is true or not, and whether the information or opinion is recorded.

Sensitive information - sensitive information is a sub-set of personal information and is defined as:

- Information, or an opinion about an individual's:
 - Racial or ethnic origin;
 - Political opinions or membership of a political organisation, membership of a professional or trade association or a trade union;
 - Religious beliefs or affiliations, philosophical beliefs;
 - Sexual orientation or practices; and
 - Criminal record
- Health information about an individual – see definition of health information.
- Genetic information or biometric information that is to be used for the purposes of automated biometric verification or biometric identification.

Health Information – health information is:

- Information, or an opinion that is also personal information, about:
 - The health/disability (at any time) of an individual; or
 - An individual's expressed wishes about the future provision of health services to him or her: or
 - A health service provided or to be provided, to an individual;
- Other personal information collected to provide, or in delivery of a health service.

Unsolicited information – includes all personal information received from an individual or organisation that AHC did not actively seek.

Responsibilities:

It is the responsibility of the AHC Executive Team to ensure that:

- all managers (including line management) and employees are aware of their obligations and responsibilities and rights in relation to privacy and health records laws;
- any matter which does not comply with the principles of this Policy is identified and addressed as promptly and sensitively as possible; and
- ongoing support and guidance is provided to all employees in relation to privacy principles and practice.

It is the responsibility of AHC Managers at all levels to ensure that:

- they understand and are committed to the principles and legislation relating to privacy and that they are applied in the workplace; and
- all staff are aware of the AHC Privacy Policy and the Australian Privacy Principles. <http://www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles>

It is the responsibility of Employees to ensure that:

- they treat all colleagues' and clients' personal and health information confidentially, and follow the principles as outlined within the Privacy Policy.

Policy:

AHC will use all reasonable efforts to protect the privacy of individuals' information and to comply with the relevant regulations, standards and guidelines that describe and govern how personal information is managed. AHC will only collect personal information by lawful and fair means, and will only collect personal information that is reasonably necessary to support service delivery.

In meeting our obligations with respect to privacy, we acknowledge that people with communication or sensory impairments, or those from diverse cultural or linguistic backgrounds, may require special consideration.

- **How we collect information:**

AHC will only collect personal information that is necessary for us to provide the services requested. AHC will collect information directly from an individual unless:

- a. The individual gives AHC consent to collect information from some-one else – this information should be gathered when an individual commences services and is reviewed at regular intervals;
 - b. AHC are required or authorised by law to collect information from some-one else; or
 - c. It is unreasonable or impractical to do so.
1. *Some individuals may choose not to provide information to AHC.* If information is not provided, it is possible that the level or standard of care and support services provided may be impacted. Clients can request anonymity in interactions with AHC.
 2. *AHC will only collect sensitive or health related information* where it is necessary for us to provide our service and:
 - a. The person involved has consented to the collection and possible distribution of the information; or
 - b. The collection of the information is required by law
 - c. A 'permitted' health or general situation exists in relation to the collection of the information.
 3. *Personal and Sensitive information* – including Health information, may be collected:
 - a. Directly from the person the information is about;
 - b. With permission,
 - i. from any person or organisation that assesses health status or care and support requirements;
 - ii. From an individual's health practitioner;
 - iii. From other health or community disability or aged care service providers;
 - iv. From family members or significant others of an individual; and
 - v. From a legal advisor of an individual.
 4. *Unsolicited information* – If AHC receives personal information about an individual that we have not solicited, and we could not have obtained this by usual means, we will destroy or de-identify the information as soon as practicable.

- The **use and disclosure of client, customer information.**

1. *Permitted disclosure*

AHC may not use or disclose Personal Information for a purpose other than the primary purpose of collection, unless:

- a. The individual has consented;
- b. The secondary purpose for use of the information is related to the original purpose, and the individual would reasonably expect disclosure of the information for the secondary purpose.
- c. The information is Health Information and the collection, use or disclosure is necessary for research or statistics collected for public health or public safety, it is impractical to obtain consent, and the use or disclosure is conducted within the privacy principles and guidelines;
- d. AHC believe on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to an individual's life, health or safety, or a serious threat to public health or public safety;
- e. AHC have reason to suspect unlawful activity and use or disclose the Personal Information as part of our investigation of the matter, or in reporting our concerns to relevant persons or authorities;
- f. AHC reasonably believe that the use for disclosure is necessary to allow an enforcement body to enforce laws, protect public revenue, prevent serious improper conduct or prepare conduct of legal proceedings; or
- g. The use or disclosure is otherwise required or authorised by law.

2. *Cross border disclosure*

AHC will not knowingly disclose an individual's personal information to an overseas recipient. AHC information technology services are supported by an external provider whose staff access our client data base purely to maintain system functionality. All AHC data is stored in Australia and some IT support services are provided by teams located overseas, some AHC information is stored utilising 'cloud' technology.

We have contracts with our providers that ensure they comply with the Australian Privacy Principles and that information is protected from disclosure and attack.

When AHC uses contractors to perform services (for example, web services or the disposal of confidential documents), they are required under contract to work according to their obligations under the Privacy Act 1988 as a party to a contract, and to treat personal information they may view with care and confidentiality.

3. *Disclosure of Health information*

Where AHC service provision requires access to Health Information, the service may only disclose Health information about an individual to another person who is responsible for the individual if:

- a. The individual is incapable of giving consent or communicating consent; or,
- b. A health practitioner or case manager is satisfied that either the disclosure is necessary to provide appropriate care or treatment, or the decision is made for compassionate reasons; or,
- c. The disclosure is not contrary to any wish previously expressed by the individual of which a local manager would reasonably be expected to be aware, and the

disclosure is limited to a reasonable extent and is necessary for providing care and support services or treatment.

- ***The quality of Personal Information.***

AHC will take all reasonable steps to ensure that personal information collected is accurate, current and complete. If an individual believes information we hold about them is not accurate, or current, they can contact their local manager. AHC may require verification of identity or supporting documentation before changing some information.

- ***Keeping information secure.***

AHC are committed to keeping personal information secure and will take all reasonable steps to ensure the personal information we hold is protected from misuse, unauthorised access, interference, loss, modification and disclosure. Records will be kept and archived in accordance with AHC Records Management Procedures (AHCS3016).

- ***Accessing, updating and correcting information.***

Requests for access to information can either be made verbally or in writing and addressed to the relevant service manager or the AHC Privacy Officer – contact details below. AHC will respond to the request within 10 working days. (AHCS5027 Request to Access Information Form)

1. Granting Access

After determining the individual's right to access information, AHC will provide access to Personal Information. All information will de-identify staff or other parties referred to or noted in files.

2. Declining Access

Access can be declined if the individual's identity cannot be established, or a person requesting access on behalf of an individual is not deemed to be a 'responsible person', or the individual has capacity to consent and refuses to do so.

AHC can also decline access if:

- a. There is a serious threat to life or health of any individual;
- b. The privacy of others may be affected;
- c. The request is frivolous or vexatious;
- d. The information relates to existing or anticipated legal proceedings; or
- e. Access would be unlawful.

Any reasons for declining access to requested information will be made in writing.

3. If we refuse to correct or update specific information, the person may request that we make a note on a client record that he/she is of the opinion the information is inaccurate, incomplete, out of date, irrelevant or misleading, as the case may be.

- ***How to contact us and find out more or 'making a privacy complaint'.***

If you have any questions or feedback about privacy, or wish to make a complaint about the way in which we have handled your personal information, please contact us.

Privacy Officer

E: privacyofficer@ahcs.org.au

P: 1300 303770

Mail to: Privacy Officer

PO Box 1029

HARTWELL 3124

If you need an interpreter, you may phone the Translating and Interpreting Service
PH: 131450 or +613 9203 4027 or <http://www.tisnational.gov.au/>

Applicable Standards:

ACIS 2013 - 1.1.4, 1.4,
NSDS / NSW DSS – 1.9 , 6.2
HCCS – 1.2, 1.3, 3.2
RAC – 4.2
DHHS – 1.1

Relevant Legislation:

Privacy Act 1988
Australian Privacy Principles 2014
Archives Act 1983
Privacy and Personal Information Protection Act 1988 – NSW
The Health Records Act 2001 (Victoria)
Charter of Human Rights and Responsibilities Act 2006

Related Documents:

AHCS3016 Records Management Procedure
AHCS3035 Records Management Table
AHCS2512 Privacy Summary
AHCS5027 Request to Access Information From
HaH GO2.S Privacy Statement
HaH KM3.PR V.002 Document and Record Management, Archiving and Storage Procedure

Revision History:

AHC Group - Privacy Policies reviewed and amalgamated following changes to Privacy Act – March 2014
Aug 15 – minor changes to related documents.