

Policy

Privacy and Confidentiality

Huddle Community Services (HCS) collects personal information and health information (which includes sensitive information) in the process of providing services.

HCS respects the confidential nature of the personal and health information, and is bound by the following laws in protecting the privacy of such information:

- Privacy Act 1988 (Cth)
- Health Records Act 2001 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- My Health Records Act 2012 (Cth)

This policy applies to all personal and health information HCS collects, stores, uses and discloses about its clients, employees, contractors and volunteers.

HCS shall not use or disclose personal or health information (personal information) without an individual's consent, unless it is required, authorised or permitted under law.

All HCS employees are bound by a code of conduct which includes maintaining confidentiality in relation to personal information.

What information does HCS collect?

Personal information we may collect includes (but is not limited to):

- Name, address and contact information
- Gender, age and place of birth details
- Government issued identifiers including Medicare numbers
- Health information including current and past medical history
- For some services, sensitive information such as racial/ethnic origin
- Financial information such as bank account and credit card details

How and why does HCS collect and hold personal information?

Where it is reasonable and practicable to do so, HCS shall obtain personal information directly from the individual concerned. Where it is not practical, HCS shall obtain personal information from the individual's representative, from a relative, or from a third party such as another health service provider.

Where personal information is collected from a third party, all reasonable steps shall be taken by HCS to ensure that the individual has provided their consent to the information being collected and provided to HCS as a third party.

HCS may use various technologies, such as Google and Facebook, to collect information from visitors to our website. This information is collected in a de-identified way and is used by HCS to compile statistical information about use of our website. Personal information is collected via our website when an individual chooses to input such information in forms or via email on our website. This information may be used to contact an individual.

HCS collects personal information that:

- Is necessary to perform its functions
- Is relevant to the purpose of collection
- Is done so in a way which is fair, lawful and non-intrusive and with a person's consent where reasonably possible; and
- Is up to date and complete as far as possible.

HCS also collects personal information where it is required to do so by law.

HCS stores personal information securely and has a range of security controls in place to ensure that this information is protected. HCS employees are trained in privacy, and access to personal information is restricted to individuals properly authorised to do so.

Where appropriate, engaging with the services offered by HCS can be done so using a pseudonym or on an anonymous basis.

HCS keeps personal information for as long as it is required in order to provide clients with services and to comply with legal obligations. When it is no longer needed for these purposes, HCS shall take reasonable steps to destroy or permanently de-identify this personal information.

HCS stores an individual's medical history, records or treatment another other information in a secure electronic record or paper file.

How does HCS use and disclose personal information?

HCS may use personal information for the following purposes:

- To provide client service functions, including handling client enquiries, complaints and feedback
- To perform other functions and activities relating to service provision
- To facilitate proper governance processes including internal and external audits
- To comply with funding bodies under funding arrangements; and
- To comply with legal obligations.

Disclosure HCS may disclose personal and/or health information in the following circumstances:

- To other service providers and agents
- An individual's employer or authorised representative
- Persons authorised by or responsible for the individual
- When permitted by the privacy principles
- With the individual's consent, or;
- When required by law.

Who can access personal information?

Access to personal information held in client files is restricted to:

- The client, their guardian, nominee or administrator with authority in the relevant area.
- Staff working for HCS, who require the information to provide support.
- Other Huddle Community Services Staff with legitimate business need.

- Professionals employed to provide services such as; health professionals who need access to or record information to ensure the wellbeing of the resident.
- Those with legal authority.
- The NDIS Quality and Safeguards Commission, and organisations completing audit on its behalf.

Who has legal access to personal information;

Under the *Disability Act, 2006* the following people can access a client's personal information without their consent.

The Disability Services Commissioner, who can;

- Seek information from any service provider about the workings of their complaints system.
- Ask questions about the client or support their needs.

The NDIS Quality and Safeguards Commission, who can;

- Seek information from any service provider about the workings of their complaints system.
- Complete an NDIS Registration Certification and/or Verification audit.
- Request a third-party organisation to complete an NDIS Registration Certification and/or Verification Audit.
- Ask questions about, or of the client, or their support needs.

Do we disclose personal information overseas?

HCS does not disclose personal information to an individual or organisation located outside of Australia and may only do so where instructed by the individual concerned or HCS otherwise has express consent to do so under the applicable laws.

Mandatory Notifiable Data Breaches

HCS shall comply with notification and other requirements of the Privacy Act where personal information held by HCS has been inadvertently lost or disclosed or improperly accessed and that loss, disclosure or access may result in serious harm to an individual.

Access to and correction of personal information Where HCS holds personal information about an individual, HCS will provide the individual with access to the information on request except in the following circumstances:

- Where HCS believes that providing such information will pose a threat to the health or safety of any individual, and/or;
- Where providing access would have an unreasonable impact on the privacy of other individuals.

An individual has the right to request access to the personal information HCS holds about them and to seek correction of this information if required. HCS will respond to the request in a timely manner and according to its obligations under the Health Records Act.

Concerns about the way HCS collect, use or disclose personal information. Any queries or concerns regarding how personal information has been handled will be sent to the Director.

HCS Privacy Policy to be made available on the HCS Website. This is in accordance with the Australian Privacy Principle 1, which provides that an entity shall make reasonable attempts to provide access to the privacy policy free of charge.

References:

- Privacy Act 1988 (Cth) National Disability Insurance Scheme Act 2013 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Health Records Act 2011 (Vic)
- Health Services Act 1988 (Vic)
- My Health Records Act 2012 (Cth)
- Office of the Australian Information Commissioner: Guide to developing an APP privacy policy - May 2014
- Information Privacy Principles, Privacy Victoria, 2009.