

## PRIVACY AND DIGNITY POLICY AND PROCEDURE

### Purpose

Healthy Mantra Pty Ltd will manage and ensure that our organisation provides the participant access to services and supports that respect and protect their dignity and right to privacy.

### Scope

This policy applies to all Staff and contractors.

## POLICY

Healthy Mantra Pty Ltd is committed to protecting and upholding all stakeholders right to privacy and dignity; including participants, staff, management and representatives of agencies, we deal with.

We are committed to protecting and upholding the participants right to privacy and dignity as we collect, store and handle information about them, their needs and the services provided to them.

Healthy Mantra Pty Ltd is subject to NDIS (Quality and Safeguards) Commission rules and regulations. Healthy Mantra Pty Ltd will follow the guidelines of the Australian Privacy Principles in its information management practices.

We will ensure that each participant understands, and agrees to, what personal information will be collected and informed of the reason for the collection. The participant will be informed and agree to this information is being recorded material in an audio and/or visual format.

We will advise each participant of privacy policies using the language, mode of communication and terms that the participant is most likely to understand. (Easy Read documents are made available to all participants).

We will ensure that:

- It meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of participants and organisational personnel.
- The participants are provided with information about their rights regarding privacy and confidentiality.
- The participants and organisational personnel are provided with privacy, and confidentiality is assured when they are being interviewed or discussing matters of a personal or sensitive nature.
- All staff, management and volunteers understand what is required in meeting these obligations.
- Participants are advised of Healthy Mantra Pty Ltd confidentiality policies using the language, mode of communications and terms that are most likely to be understood.
- We will attempt to locate interpreters and will use easy access materials.

This policy conforms to the Federal Privacy Act (1988) and the Australian Privacy Principles, which govern the collection, use and storage of personal information. This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

## PROCEDURES

### Dealing with personal information

In dealing with personal information, Healthy Mantra Pty Ltd staff will:

- Ensure privacy for the participants, staff, or management when they are being interviewed or discussing matters of a personal or sensitive nature.
- Only collect and store personal information that is necessary for the functioning of the organisation and its activities.
- Use fair and lawful ways to collect personal information.
- Collect personal information only with consent from the individual.
- Ensure that people know of the type of personal information being held, the purpose of keeping the information and the method it is collected, used, disclosed, and who will have access to it.
- Ensure that personal information collected or disclosed is accurate, complete, and up-to-date, and provide access to the individual to review information or correct wrong information about themselves.
- Take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure.
- Destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.
- Ensure that participants understand and agree with what personal information will be collected and why.
- Ensure participants are informed when any recordings occur in either audio and/or visual format. The participant's involvement in any recording must be agreed to in writing.

### Participant Records

Participant records will be kept confidential and only handled by staff directly engaged in the delivery of service to the participant. Information about participants may only be made available to other parties with the consent of the participant, or their advocate, guardian or legal representative. A written agreement giving permission to the recording must be maintained in the participant's file.

All hard copy files of participant records will be kept securely in a locked filing cabinet, in the office space.

### Responsibilities for Managing Privacy

All staff is responsible for the management of personal information to which they have access. Director is responsible for the content in Healthy Mantra Pty Ltd publications, communications and on the website and must ensure the following:

- Appropriate consent is obtained for the inclusion of any personal information about any individual, including Healthy Mantra Pty Ltd personnel (Consent Policy and Procedure)
- Information being provided by other agencies or external individuals conforms to privacy principles
- That the website contains a Privacy Statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.

The Director is responsible for safeguarding personal information relating to Healthy Mantra Pty Ltd staff, management and contractors. The Director will be responsible for:

- Ensuring that all Staff is familiar with the Privacy Policy and administrative procedures for handling personal information.
- Ensuring that participants and other relevant individuals are provided with information about their rights regarding privacy and dignity.
- Handling any queries or complaints about a privacy issue.

## **Privacy Information for Participants**

At the first interview, participants will be notified of the type of information is being collected about them, how their privacy will be protected, and their rights in relation to this data. Information sharing is part of our legislative requirements. Participants must give consent to any information sharing between our organisation and government bodies. The participant is offered to opt-out of any NDIS information sharing during audits.

## **Privacy for Interviews and Personal Discussions**

To ensure privacy for participants or Staff when discussing sensitive or personal matters, Healthy Mantra Pty Ltd will only collect personal information which is necessary for the provision of supports and services and which:

- Is given voluntarily; and
- Will be stored securely on the Healthy Mantra Pty Ltd database.

When in possession or control of a record containing personal information, Healthy Mantra Pty Ltd will ensure that the record is protected against loss, unauthorised access, modification or disclosure, by such steps as it is reasonable in the circumstances to take. If it is necessary for that the record be given to a person in connection with the provision of a service to Healthy Mantra Pty Ltd, everything reasonable will be done to prevent unauthorised use or disclosure of that record. Healthy Mantra Pty Ltd will not disclose any personal information to a third party without the individual's consent unless that disclosure is required or authorised by or under law.

## CONFIDENTIALITY POLICY AND PROCEDURE

The purpose of this policy and procedure is to ensure Healthy Mantra Pty Ltd upholds each participant's individuality, dignity and privacy. The policy sets out Healthy Mantra Pty Ltd responsibilities relating to the collection and protection of participant's information.

### Definition

**Health information** – Any information or an opinion about the physical, mental or psychological health or ability (at any time) of an individual.

**Personal information** – Recorded information (including images) or opinion, whether true or not, about a living individual whose identity can reasonably be ascertained.

**Sensitive information** – Information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political party, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preference or practices, or criminal record.

## POLICY

Privacy and confidentiality of participant's information are of paramount importance to Healthy Mantra Pty Ltd. We will only collect information necessary for effective service delivery. We will only use information collected for the purpose it was collected and secure it appropriately.

We will collect, use and disclose information in accordance with relevant state and Federal privacy legislation.

## PROCEDURES

- Healthy Mantra Pty Ltd will keep participants informed of their rights.
- We will ensure participant and or their authorised representative has access to participant personal information.
- We will keep participant information secure.
- Computers and laptops will be protected by user access credentials.
- We will not release information related to participants to other individuals or services without the consent of the participant or their representative.
- We will respect participant's right to withdraw from consent at any time.
- We will collect, use and disclose information in accordance with relevant state and Federal privacy legislation.
- All staff are responsible for upholding Company's privacy and confidentiality responsibilities.
- Management will make arrangements for participants with special needs to assist with protecting their privacy and dignity.
- We will give due consideration to individuals and groups with special needs when upholding their privacy, dignity and confidentiality.
- We will capture participant information the privacy of their home or in our office and ensure that it is in an area that prevents other people from hearing their personal details.
- Participant privacy will be respected, and assistance will be given in a dignified and appropriate manner during social outings or in their own home.

- Staff will ensure time and space for participant privacy, respecting and encouraging participant independence.
- Individual choice will be respected in regard to clothing and grooming, taking into account various factors such as the weather to ensure warmth if cold or to avoid overheating during hot seasons.
- Employees will show respect for the participant's home and participant belongings.
- Company will collect, use and disclose information in accordance with relevant state and Federal privacy legislation.
- Participant Information will not be collected or released to other individuals or services without informed consent from the participant or their representative, or in exceptional circumstances i.e., where legislation requires, in case of life threatening emergency.
- Clinical records to be kept in a locked filing cabinet when not being used in the office; if a home file is kept this is to be kept discretely and privately in the participant's home where the participant wishes to keep it.
- Company will not provide participant information over the phone as it is difficult to determine the identity of the caller(s).
- Company will ensure improvements identified through staff and participant feedback, are actioned through the company's Continuous Improvement Plan.
- Company will monitor staff knowledge and application of confidentiality and privacy principles on-the-job and through yearly Performance Reviews.
- Company will provide additional on-the-job and formal training to staff where required.

### Staff Privacy and Confidentiality

Staff information Healthy Mantra Pty Ltd collects include, but is not limited to tax declaration form; employment / engagement contract; personal details; emergency contact details; medical details; Police and Working with Children Check records; Qualifications; First Aid, CPR and Anaphylaxis certificates; medical history; personal resume; payroll information; and Superannuation details

Staff information may be accessed the Management Team.

Staff have the right to request access to personal information Healthy Mantra Pty Ltd holds about them, without providing a reason for requesting access; access this information; and make corrections if they consider the information is not accurate, complete or up to date.

If an individual requests access to or the correction of personal information, within a service benchmark of 2 working days (and no more than 45 days after receiving the request), staff will provide access, or reasons for the denial of access; correct the personal information, or provide reasons for the refusal to correct the personal information; or provide reasons for the delay in responding to the request for access to or correction of personal information.

Staff personal and health information will only be disclosed for medical treatment or emergency; with written consent from the staff member; or when required by Commonwealth Law, or to fulfil legislative obligations such as mandatory reporting.

## MONITORING AND REVIEW

Healthy Mantra Pty Ltd Management Team will review this policy and procedure at least annually. This process will include a review and evaluation of current practices and service delivery types,

contemporary policy and practice in this clinical area, the Incident Register and will incorporate staff, participant and another stakeholder feedback. Feedback from service users, suggestions from staff and best practice developments will be used to update this policy.

Healthy Mantra Pty Ltd Continuous Improvement Plan will be used to record and monitor progress of any improvements identified and where relevant feed into Healthy Mantra Pty Ltd service planning and delivery processes.