

# Service Delivery: Client Privacy Policy

Date Reviewed: January 2022 (V4)



## 1. Statement

Lighthouse Disability is committed to upholding the rights of people with a disability. This includes the right to privacy of personal and sensitive information as set out in the Australian Privacy Principles contained in the *Privacy Act 1988* (Commonwealth).

Lighthouse Disability supports the rights of clients, families/guardians not to disclose or provide personal information about themselves. Choosing to withhold some personal information however may mean Lighthouse Disability is unable to process applications or requests, disclose relevant personal information requested to other service providers (e.g. Plan Managers, Health Practitioners) or effectively communicate with the client, family/guardian/s; or provide services and supports to maintain the client's safety and/or provide high quality, individualised support to the person.

We respect and protect Lighthouse Disability clients' right to privacy and confidentiality in all aspects of their dealings with us. At all times, Lighthouse Disability will collect personal information by lawful and fair means as required by the *Privacy Act*.

## 2. Scope of Policy

This policy describes how Lighthouse Disability manages personal information we need to collect about our clients in order to provide services and support. This policy relates to all employees and contractors responsible for collecting, storing, using or disclosing individuals' information on behalf of Lighthouse Disability. All staff are responsible for compliance with this policy when collecting, managing, releasing and storing personal or health information relating to any client.

## 3. Purpose


The purpose of this policy is to ensure that Lighthouse Disability clients have their right to privacy and confidentiality ensured and upheld in relation to the collection, storage, use and disclosure of information about them and the services and support they receive from Lighthouse Disability.

## 4. Privacy and Confidentiality

Whilst the terms privacy and confidentiality are often used interchangeably they are related but not identical concepts.

In the context of this policy privacy refers to the right of an individual to control access to oneself, including access to personal information and data about the person and physical privacy. Control of access to information includes how this personal information is collected, used, stored and disclosed or disseminated to others and to whom.

Personal information is any information that can be used to identify a person. In Australia the *Privacy Act 1988* regulates how personal information is handled and defines personal information as: "...information or an opinion, whether true or not, and whether recorded in material form or not, about an identified individual, or an individual who is reasonable identifiable."

Title:	SERV-POL Client Privacy Policy FINAL		
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The *Privacy Act* also outlines the requirements for maintaining privacy of sensitive information including information about the person’s health, racial or ethnic origin, religious beliefs or affiliations, sexual and gender identity and other information.

Confidentiality is the duty to ensure personal information is kept secret. It requires that any disclosure of that information can only occur with the express permission of the individual.

Privacy is a requirement by law, confidentiality is an ethical obligation. In Lighthouse Disability privacy and confidentiality of client’s personal and sensitive information is ensured through this policy.

## 5. Personal Information

Lighthouse Disability is required to collect personal and sensitive information about clients. This is to ensure we deliver safe, quality, individualised services and support to clients and as required as part of our funding obligations and/or that are relevant for the proper provision of the services that Lighthouse Disability provide.

Lighthouse Disability may collect the following personal information;

- Name, address, telephone and email contact details
- Date of birth and marital status, information about their disability and support needs
- Sensitive information that may include their physical or mental health or disability, racial or ethnic origin, religious affiliation, cultural background, gender and sexual orientation, marital status and any other particulars
- Health information including medical history and diagnoses, relevant health assessment/s including diagnostic tests, current treatments, immunisation records, personal care and daily support needs, behavioural profile, and other relevant health information, and the contact details of treating health practitioners and other health professionals
- Employment, work and day options programs
- Medicare number and health insurance provider information
- NDIS number and other identifiers used by Government Agencies or other organisations to identify individuals such as pensioner card number
- Client consents and/or legal Orders
- Financial information and billing details including information about the services individuals are funded to receive, whether under the National Disability Insurance Scheme or otherwise
- Family/Guardians’ or nominees’ names, addresses and telephone and email contact details
- Client feedback and complaints
- Records of interactions with individuals such as system notes and records of conversations individuals have had with Lighthouse Disability employees
- And other information that fits within the intention of this policy

## 6. Collection of Personal Information

Lighthouse Disability seeks to collect personal information directly from the client. Where this is not possible we will collect personal information from the client, with the support of their family/guardian/s as their nominated representative/s.

Lighthouse Disability collects client’s personal information in a range of ways and sources, including:

- In person during client intake meetings and discussions

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- Through ongoing correspondence via letter, fax, email or telephone
- Receipt of completed client forms either provided by Lighthouse Disability or external documents received
- Through the client's treating health practitioner/s and other health professionals
- from referring third parties (for example, the National Disability Insurance Scheme or a support coordinator)
- At events and forums (such as name and contact details of participants).

At the time of collecting personal information, (i.e. at intake and when reviewing/renewing service agreements and plans), we will take all reasonable steps, as required by the *Privacy Act*, to inform and provide the client, family/guardian/s with information about:

- the types and forms of personal information collected
- the purpose for collection and how personal information may be used
- how personal information will be secured and protected
- their right to make requests to access that personal information
- the period of time for which personal the information is kept
- the types of organisations or service providers to which Lighthouse Disability may need to seek and/or disclose personal information ( National Disability Insurance Agency, the NDIS Quality and Safeguards Commission, day option services providers, disability employment agencies and employers, health service providers)
- any legislation that requires specific personal information to be collected
- any risks and consequences of providing incomplete or inaccurate personal information
- their right to make a complaint if they feel Lighthouse Disability has breached privacy obligations.

## 7. Purpose and use of personal information

Lighthouse Disability collects and uses information about clients where it is reasonable and necessary to provide safe, high quality services and support and to operate our business, including communication about activities and events.

The purpose and use of personal information includes, but are not limited to:

- Determining or arranging the provision of Lighthouse Disability services and/or support
- To support clients to achieve their expressed goals
- Providing non-binding quotes for services in accordance with NDIS plans
- Liaising with the NDIA in relation to NDIS plans
- Providing personal information requested by a third party (as consented by the client)
- Developing support and health support plans and determining support needs to ensure safe, quality care
- Determining and providing individuated training and assessment for support staff
- Providing tailored information about the services and support we provide including for marketing purposes
- Improving our business, the services and support we provide and improving client outcomes and experience
- For billing purposes
- To meet our requirements as part of our funding obligations

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## Implementation

### 8. Management and Storage of Personal Information

Lighthouse Disability has systems and procedures in place to ensure that personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. We may hold information in either electronic or hard copy form. We hold electronic records in databases with security safeguards. Some of those databases are government controlled while some are held by third party providers. To store and protect personal information Lighthouse Disability will;

- Lock storage cabinets and areas where personal information is stored
- Not leave documents containing confidential information unattended on photocopiers/printers
- Only print documents when absolutely necessary (such as the Client Support Plan for use by support staff in the service)
- Maintain confidential/restricted access to client data entry/capture systems and records
- Position computer terminals/printers so they cannot be accessed/seen by members of the public
- Lock a computer's screen when leaving it unattended
- Store portable storage devices and hard copies in a secure drawer or cabinet
- Leave no client information unattended (e.g. not on an unattended desk)
- Not display any information about a client in any areas that can be accessed by external persons or by persons who do not have the need to know the information
- \*Only provide client information via electronic transfer (email, smart devices) where necessary and ensure headers and disclaimers make clear statements about confidential information.
- Ensure confidential disposal of client information
- Only collect, disclose and store information that is essential to meeting the needs of the clients for services and support.

\* Whilst we strive to protect personal information, unfortunately there is no method of transmission over the internet that can be guaranteed to be absolutely secure. Lighthouse Disability engages a third-party information technology provider to ensure our online systems are as secure as possible.

Administrative security safeguards will:

- maintain up to date policies and procedures for guidance in this area
- provide training about client privacy and confidentiality
- guide all new and existing employees through the Lighthouse Disability Code of Conduct and NDIS Worker Code of Conduct before signing that they have read both documents
- conduct all interviews with clients, families or employees in a private room or space
- follow industry recognised security safeguards for online data management systems (for example, electronic client records on the CMS, website and web-based tools), such as:
  - site monitoring
  - secured networks and servers
  - secured printing
  - restricted levels of access to certain information
  - firewalls
  - encryption
  - electronic audit trails
  - use of passwords
  - HR practices re on boarding and exiting of employees e.g. PRODA access

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Lighthouse Disability confidentiality practices are strictly followed to protect clients' right to privacy by;

- Providing on the information relevant to the specific issue or concern
- Only to those people who need it to action specific outcomes related to the clients' needs or requests
- Only to be used for the purpose it was given as consented
- With the permission/consent of the client, family/guardian/s
- Within organisational and legislative requirements and principles
- Within own scope and limits of roles and responsibilities
- Providing transparent access to the client upon request, of any record of document made or received in the context of their service and support.

We will take all reasonable steps to ensure that personal information which we collect, use or disclose is accurate, complete, relevant and up to date. When personal and sensitive information is no longer needed for the purpose for which it was obtained, it is destroyed in a secure manner, or archived or deleted in accordance with our legal obligations.

## 9. Disclosure of personal information

Lighthouse Disability will use and disclose an individual's personal information for the particular purpose for which it was collected consistent with the *Privacy Act*, such as to develop service and support plans, to ensure safe, quality service and supports, for billing purposes and for purposes required of us as a disability provider.

We will only disclose personal information to other external organisations:

- where the client, family/guardian/s has given consent to do so
- where we have a reasonable concern about a person's safety or wellbeing
- as required or authorised by law or regulation
- if it meets one of the other exceptions under the Australia Privacy Principles
- where the client, family/guardian requests us to do so in the provision of services or supports

## 10. Access and/or correction of personal information

Clients, family/guardian/s have the right to request access or correction of the client's personal information held by Lighthouse Disability via a written request to Lighthouse Disability. The request can be to access personal information by viewing relevant records and/or receiving a copy, either hard or electronic, of relevant records. It should be noted that copies of service and/or support plans will be provided to the client, family/guardian/s once finalised.

Lighthouse Disability will, within a reasonable and practicable timeframe, provide access to the requested information.

Correction of information can be made only where the client, family/guardian/s identify that information held is incorrect or not factual.

Where the client, family/guardian/s believes that the information is incorrect, Lighthouse Disability will take reasonable steps to verify and where applicable correct the information. If requests to modify records are refused, Lighthouse Disability will write to the client, family/guardian/s stating clearly why the records are believed to be accurate and should not be amended.

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## 11. Client concerns about their personal information

If someone has a complaint about how Lighthouse Disability has collected or handled their personal information, or believes their privacy has been breached by Lighthouse Disability, this should be made through Lighthouse Disability’s Compliments and Complaints Policy.

If someone is unhappy with Lighthouse Disability’s response, they can refer their complaint to the Office of the Australian Information Commissioner on 1300 363 992 or, in some instances, other regulatory bodies.

## 12. Related Documents

- Compliments and Complaints Policy
- Consent – Information Sharing and Media form
- Lighthouse Disability’s Framework for Positive Living
- Lighthouse Disability Code of Conduct

### Standards and Conventions

- Universal Declaration of Human Rights (UDHR)
- United Nations Convention on the Rights of People with Disability (UNCRPD)
- NDIS Practice Standards and Quality Indicators

### Legislation

- *Privacy Act 1988*
- *Consent to Medical Treatment and Palliative Care Act 1995 (SA)*
- *Disability Services Act 1993 (SA)*
- *Freedom of Information Act 1991 (SA)*
- *Guardianship and Administration Act 1993 (SA)*

## Version Details

This document is to be reviewed every two years.

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