

# PRIVACY AND CONFIDENTIALITY

Clifton Community Health Service commits to privacy and confidentiality of our consumers' personal information (including health information). Privacy for consumers may relate to physical environment, possessions, physical needs, personal relationships, and personal information.

1. Staff must at the outset obtain consent to collect and hold consumer information. Staff must provide to the consumer or representative, information on records we hold. Information provided must include the consumers ability to access their own personal information if they wish.
2. Staff must not access consumers files unless required to do so as part of their usual duties working with consumers.
3. Any consumer files held manually or electronically have restricted access to appropriate staff. Client records are not held in areas or on drives shared with staff or others who are not involved in providing service to the consumer.
4. All staff, when first employed, must sign an information confidentiality statement about client information staff may be exposed to during their tenure.
5. All staff commit to privacy and confidentiality for each consumer when we:
  - a. Provide care to a consumer
  - b. Provide privacy for the consumer within their home, room, or private areas
  - c. Discuss a consumers care and service requirements
  - d. Store a consumer's personal information, whether this relates to medical needs or general information.

## Background

In order to treat a consumer with dignity and respect, we must respect their privacy. We ensure the behaviour and interactions of the workforce and others do not compromise consumer privacy. We respect each consumer right to privacy in how we collect, use, and communicate the consumer's personal information.

Health information is one of the most sensitive types of personal information. It is essential that we respect a consumer's right to privacy in how we collect, use, and communicate health information.

We manage all personal information according to law and best practice.

## Applicability

- All categories of employees
- Governing body

- All volunteers
- Students on placement
- Contractors and consultants, whether they are employees
- All other service providers

## **Consumer outcome**

I am treated with dignity and respect and can maintain my identity. I can make informed choices about my care and services and live the life I choose.

## **Organisation statement**

The organisation:

- Has a culture of inclusion and respect for consumers; and
- Supports consumers to exercise choice and independence; and
- Respects consumer's privacy

## **Process Guidance**

### **Outcome**

The process below demonstrates that Clifton Community Health Services respect the consumers privacy and keep their personal information confidential.

#### **1. Seek consumer permission**

- Ask permission from consumers before entering their home, room, or private areas.
- Provide privacy to each consumer for personal care activities e.g., bathing, toileting, dressing and personal / intimate relationships
- Make sure consumers have privacy when speaking with visitors and during phone conversations if the consumer or representative chooses.
- Do not open or read consumer mail unless the consumer requests this or needs assistance
- Treat all information relating to consumers confidentially
- The consumers personal property is their own and staff and other consumers cannot use it unless invited to do so
- Share confidential information about the consumer, including their records, in a way that maintains the consumers privacy and confidentiality

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- Conduct handovers between shifts in area where the information cannot be overheard by those who should not have access to it. This also applies to information given to health care professionals or representatives involved in the consumers care or services.
- Any health care professionals who require access to the consumers electronic records or personal information will provide a request to senior staff and be approved by the consumer or their representative.
- Staff are educated about privacy and dignity

## 2. Collection and use of client information

- The consumers contract shall ask for consent to collect and share information with relevant professionals for the purposes of their care.
- The consumer receives a statement which outlines the types of personal information collected, how it is collected and used, how it may be disclosed, the importance of complete and accurate information
- We collect personal information from the consumer only, unless they consent to collection from someone other than them, or it is reasonable or impractical to do so.
- Staff must not seek more information about the consumer than is necessary to provide care and services.
- Staff will not release consumer information to any third party without consumer consent. Any consumer information is released and/or accessible only to those with a legitimate interest or need as part of their care or service role.
- Sometimes other personal information must be collected about consumers' families and social relationships, personal interests, skills, behaviour patterns and financial affairs, to provide services. We will clearly explain the purpose of this collection to the consumer or representative.
- Staff will not proceed with client assessment, care coordinator or planning process without consumer consent. If the consumer cannot provide consent due to disability, medical condition, or other reason, they seek consent from their representative.
- Documentation on all consumers file notes is written objectively, observing:
  - Respect for the consumers feeling and dignity
  - The consumers right to request and have access to their own records

- Freedom of information and court requirements that may subpoena consumer files

### **3. Advise consumer of rights to access records**

- We will inform consumers of their right to access their information in their Agreement and will remind them from time to time through service reviews and agreement renewal.
- Once created, consumer files cannot be deleted. A consumer may request an amendment to their record if they believe the information is incorrect and to ensure it is accurate, up to date, complete, relevant, and not misleading. If the organisation refuses to correct the information, it must provide written notice to the consumer with reasons and how to submit a complaint about the refusal.
- Consumers must request access to their information in writing, and we must respond in 14 days of receipt.

### **4. Seek consent to use consumer images and audio/visual recordings**

- If an image or audio/visual recording is required for any purpose, we will seek consent from the consumer or representative using the Consent form.
- We will keep and update a register of consents. On receipt of any written notice of withdrawal of consent, we will check the register before using any image.
- If we intend to use consumer images in communication brochures or similar activities, we must obtain written informed consent from the consumer or representative for that situation only. The image cannot be retained for some possible future use.

### **5. Advise consumers of right to complain of privacy breach**

- We will inform consumers about their right to complain about a privacy breach and the process for making a complaint. This information sets out the way that we manage the complaint.
- Alternatively, the consumer may complain to the Qld Privacy Commissioner OR (not both) the Office of the Australian Privacy Commissioner within 6 months of the breach.

## 6. Disclosure of personal information to overseas recipients

- When disclosing consumer information to people overseas who are not bound by Australian Privacy Principles, we will inform the consumer or representative that the privacy / confidentiality cannot be assured, and they must provide specific consent for that disclosure.

## 7. Exclusions

- If a significant threat to consumer or staff safety affects the consumer's right to privacy and confidentiality, staff safety will prevail.
- We will not provide access to consumer records if:
  - There is a serious threat to the life, health, or safety of any individual or public health and safety
  - It would unreasonably infringe the privacy of other individuals
  - The information relates to legal proceedings or is in some way illegal or unlawful