

Southern Community Care Development Inc (SCCD)

POLICY 3.3 - PRIVACY & CONFIDENTIALITY

SCCD RESPECTS & PROTECTS THE PRIVACY OF CLIENTS. CONFIDENTIAL, PERSONAL INFORMATION IS DISCLOSED ONLY WITH CLIENT CONSENT OR IN EXCEPTIONAL CIRCUMSTANCES.

Privacy and Confidentiality of Information

This policy exists in accordance with the information privacy principles in the *Commonwealth Privacy Act 1988 and Information Privacy Act 2000*. These Acts covers information about both the service user and employees of the organisation. It should be noted that, however, that some SCCD Projects only provide ongoing services to organisational clients and do not generate personal information; incidental details mentioned in one-off enquiries from individuals are not recorded on Project files.

In all cases, SCCD Projects only record client information necessary to assess the need for a SCCD service and to provide that service. Information is as non-intrusive and objective as possible, yet relevant and up-to-date. Any assessment of a client's needs occurs in an area that provides privacy and confidentiality. The client has the right to withhold information for privacy reasons and client information is not shared with another agency without his or her permission.

As the SCCD Privacy Officer, the HACC DO maintains privacy policies and promotes staff compliance in consultation with the management committee.

Records

SCCD Projects store client information in paper form (in filing cabinets) and electronic form (on computers and back-up devices). This information is only accessible to the relevant Project staff and supervisor. SCCD administrative staff handle basic client information only as instructed in order to complete specific duties, such as mailouts. Management Committee members are not permitted to read or ask to view any information from clients' files.

There are two types of filing cabinet in the SCCD office; one is for the client records and information relevant to each Project (adjacent to the relevant Project Worker's desk) and the other is for general SCCD administration (see **Sections 1 & 2**). All files will be stored in the relevant filing cabinet when not in use.

Each Project has policy and procedures for creating files for their clients following initial assessment and for maintaining file notes (see **3.PROJECT Recordkeeping**).

Length of Time Records Are Held

If a service to a client has stopped being provided, but may need to be resumed at a future date, information relating to the client is kept in the filing cabinet for a period of five (5) years before being archived. If the service is unlikely to be resumed, the client records will be archived at the end of the calendar year. All information regarding clients will be destroyed seven (7) years after they cease to receive SCCD services.

Access to Client Information

SCCD clients have a right to see their file or other records held about them by SCCD. Requests from clients to access files are referred to the relevant staff, who ensure that assistance is provided for the client to view information on his/her file in the office within seven days (see **3.PROJECT Rights & Responsibilities of Clients**) and are available to explain any terminology to the client. Records will be kept by SCCD detailing the date on which access was provided, the form of access and to whom the information was provided.

There are some circumstances when access must or may be refused:

- when providing access would pose a serious threat to the life or health of any person;
- when access may unreasonably affect the privacy of other individuals;
- when access will expose information given in confidence by a third party other than another health service provider;
- when access would be unlawful (eg other legislation requires you to withhold information);
- where access to the information has already been provided; and
- where a request for access has already been made unsuccessfully.

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In such instances, SCCD will provide a written decision to the client and include any reasons for refusal of access. Any client who is not satisfied with a decision about access to their file may complain to either the Health Services Commissioner (for health information) or the Privacy Commissioner (for non-health information) and seek conciliation of the matter.

In limited circumstances, it may be appropriate to consider releasing information to a client without requiring them to go through a formal process. This would include cases where information is:

- easy to find and retrieve;
- small in volume; and
- easily separated from other information that may be exempt from release.

Making a Complaint about a Breach of Privacy

SCCD clients' rights are outlined in the *Privacy Statement*, which will form part of the SCCD brochure.

Under the *Information Privacy Act 2000*, an individual has the right to make a complaint about a breach of privacy in relation to his or her personal information. If a client believes that SCCD has breached his or her privacy, s/he should follow SCCD complaints procedures (see **3.4 Client Complaints**).

As the SCCD Privacy Officer, the HACC DO is the contact person for complaints and all other compliance matters in relation to privacy.

If the matter remains unresolved, an individual can lodge a formal complaint with Privacy funded by the NSW Attorney General's office. If SCCD is found to have breached the privacy Act, an order requiring SCCD may be made to make an apology, change a procedure, correct or delete personal information, or pay compensation for any harm suffered, including humiliation. Serious breaches could attract further penalties.

Training

SCCD staff and management committee members are provided with information and training on privacy and confidentiality requirements (see Orientation processes **1.2 Management Committee & 2.6 Recruitment of Staff**).

Key documents: *Privacy Statement, Project-specific brochures*

MANAGEMENT COMMITTEE APPROVAL: 3/12/09