

General Policies and Procedures

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Policy 4.8 Confidentiality and Privacy of Participant and Carer Information

Version 2

Date 22.12.2021

Reference Documents:

- Program Service Standards
- Policy 4.24 Dignity of Risk and Duty of Care
- Consent to Exchange Information form

Policy Statement

Participants and carers right to privacy and confidentiality is recognised, respected, and protected in all aspects of their contact with Birrang.

Birrang will at all times operate according to the requirements of applicable privacy legislation.

Birrang will only request and retain information that is necessary to:

- Assess a potential Participant's eligibility for a service.
- Provide a safe and responsive service.
- Monitor the services received.
- Fulfil our duty of care responsibilities; and
- Fulfil contract requirements to provide non identifying data and statistical information to a funding body.

Birrang is committed to ensuring the confidentiality and privacy of all Participant information, in all the forms in which it might be stored. All Participant service records are to be kept up to date and stored securely.

Birrang will respect the personal privacy and dignity of each Participant as outlined in this Policy and the Dignity of Risk and Duty of Care Policy.

Participants will have access on request, to the information that Birrang holds about them, and have the right to have any inaccurate information corrected.

Participant information will generally not be disclosed to a third party without the prior knowledge and consent of the Participant or their appointed guardian, attorney, or advocate, each Participant will be asked as part of the initial intake process to complete a Consent to Exchange Information Form.

However, there could be occasions on which Birrang must release personal information to a third party, and these will be explained to each Participant before personal information is collected in the Assessment Interview.

These occasions will include, but not necessarily be limited to the following:

1. The exercise of duty of care occasionally, there might be conflicts between Birrang's duty of care to the Participant and the duty to maintain privacy and respect confidentiality. If there are concerns that a Participant might cause harm to himself/herself, or pose a threat to another individual or group, or that someone else poses a threat to a Participant, confidentiality might need to be broken to ensure the safety of the individuals or group concerned.

2. Fulfilling Legal Obligations

Confidentiality might need to be broken in order for Birrang to comply with its obligations at law.

The personal information below is not to be collected and recorded without the Participants consent.

- Medical conditions and health status.
- Racial or ethnic background.
- Political opinions and membership of political organisations.
- Religious and philosophical beliefs and/or affiliations.
- Employment, qualifications and/or industrial affiliations.
- Sexual preferences or practices; and
- Criminal records

PROCEDURES

Participant and Carer Information

As part of their orientation to the service, all new Participants (and carers where relevant) will be advised of:

- Birrang's commitment to maintaining their privacy and confidentiality and the occasions when legal requirements or our duty of care to ensure the safety and wellbeing of all of our Participants could mean that we might not be able to keep our commitment.
- The practices in place to help meet privacy and confidentiality obligations.
- The reasons why particular information is requested, and what Birrang does with the information.
- Their rights to decline to provide information; and
- How they can access the personal information that Birrang holds, and any limitations to that access.

This information will be summarised in an easy-to-read Privacy and Confidentiality section in the participation handbook which will be provided to all Participants (and carers where relevant) when they commence receiving a service.

Participants (or families and/or advocates) will be required to give informed consent before personal information is communicated to a third party, except in situations where not informing the third party could:

1. Constitute a breach of our duty of care by placing the Participant or others at risk; or
2. Place Birrang in breach of legal requirements.

Interviews with Participants (and carers and advocates) will be conducted in a room where privacy can be assured.

If a staff member is in a situation where they believe that they need to disclose information about a Participant that they ordinarily would not disclose, they should seek the advice of the Program Manager before making the disclosure.

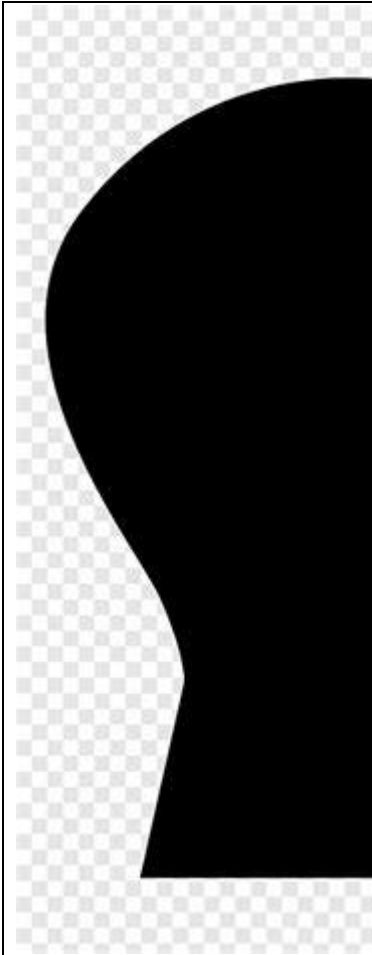
- Computer screens must not be visible to members of the public
- Participant files are not to be left on unattended desks.
- Staff must log off their computer when they leave their desk and must not reveal their access password to anyone.
- Hard copies of information regarding service users will be stored in a filing cabinet that is kept locked when the office is unattended, with keys only available to authorised staff.
- Participant (and carer where relevant) information that is in electronic form and stored on Birrang's computer network will be password protected so that information is only accessible to authorised staff.

- Participant files, or individual sections or pages of files, are not to be removed from Birrang remises in any format, unless Birrang is so directed by an authority with the legal mandate to give the direction to do so.
- Information from a Participant file is not to be copied, except as part of a backup procedure, without the express permission of the Participant.
- Organisational arrangements for maintaining Participant privacy and confidentiality will be reviewed as part of a privacy audit

Policy Review and Continuous Improvement

Continuous Quality Improvement of Birrang 's services help to ensure the best outcome for Participants. Birrang Policies and Processes will be regularly reviewed and updated in the light of changes to Legislation, best practice recommendations and Community attitudes as well as updates from National Disability Insurance Scheme Guidelines and the NDIS Quality and Safeguards Commission Compliance framework.

Multimodal Communication



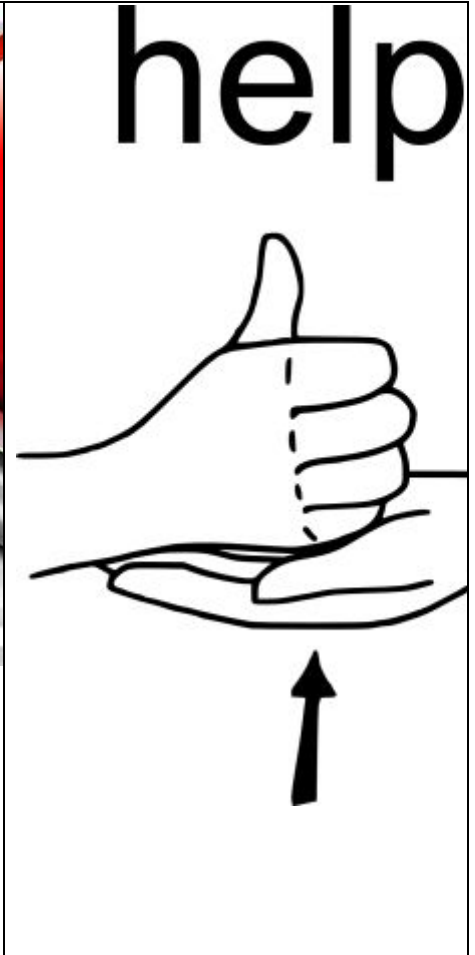
Speech & Vocalization



Typing



Mid-Tech Devices



Sign Language

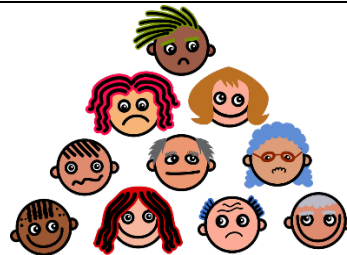


Birrang recognizes that many Participants accessing our services had complex communication needs. Birrang values all forms of Participant communication, respects the Participant's need for different modes of communication and acknowledges how they express their needs. As part of our intake process, we will work with the Participant to determine the Participant's preferred mode of communication



Body Language

Handwriting



Pictures & Choice Boards

Gestures

Facial Expressions

Texting