

POLICY:

1. CCNB understands the importance of protecting the privacy of an individual's personal information (including health information). Privacy, in the context of service provided to clients of CCNB, may relate to a client's physical environment, possessions, physical needs, personal relationships and personal information. NOTE: If a client, client nominee or a staff member suspects or identifies any breach of privacy please email CCNB at privacy@ccnb.com.au for it to be immediately addressed by the CCNB Privacy Officer.
2. CCNB's Privacy Policy (this document) is available on request by any person.
3. This policy is reviewed where there is a change of legislation. Any changes are communicated to staff through team meetings.
4. CCNB staff must obtain consent for the collection and holding of client information upon initial assessment, and staff must provide to the client information on what records CCNB holds. Information provided to the client must include their ability to access their own personal information if they wish.
5. CCNB staff must not access client files unless they are required to do so while undertaking their normal duties in working with and for clients.
6. Client files are maintained electronically, for which access is limited. Client records should not be held on a shared drive with access to staff who are not involved in the aspects of service provision to individual clients.
7. 6. All CCNB staff are required to sign a confidentiality statement upon commencement of employment with CCNB which relates to client information, employee information and information of the business of CCNB to which the staff member may be exposed during their employment with CCNB.

Purpose:

- To protect the privacy of clients, staff, students and volunteers.
- To explain how CCNB manages personal information, including the way we collect, use and disclose personal information.
- To ensure that staff respect the right of the client/carer to confidentiality and privacy of information, and that privacy and confidentiality are maintained throughout all stages of collecting, storing, accessing and destruction/de-identification of information.
- To ensure staff recognise the need to identify and respect client's individual differences in the extent to which privacy is desired while adhering to Privacy Legislation.
- To ensure staff only seek the information they need relating to clients/carers to effectively provide services.

Scope:

- All CCNB staff, volunteers and students.
- All Brokered Agencies and staff contracted to provide services.
- All information relating to clients, families and carers.
- All information relating to CCNB staff, students and volunteers.

Definitions¹:

¹Australian Health Information Privacy Act 1988 (2017)

- Personal information: Information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual or an individual who is reasonably identifiable.
- Health information: is considered as being information or an opinion about:
 - a. the health (including an illness, disability or injury) of an individual at any time,
 - b. an individual's expressed wishes about the future provision of health services to the individual,
 - c. a health service provided, or to be provided, to an individual, and
 - d. other personal information collected to provide, or in providing, a health service to an individual.
- Sensitive information: Includes health information about an individual, and any information or an opinion about an individual's:
 - i. racial or ethnic origin,
 - ii. marital status,
 - iii. political opinions,
 - iv. membership of a political association/trade union,
 - v. religious beliefs or affiliations,
 - vi. philosophical beliefs,
 - vii. sexual orientation/practices, or
 - viii. criminal record.

Responsibilities:

1. Manager, Operations and Business Development
 - a. Taking reasonable steps to ensure this Privacy and Confidentiality Policy is made available to interested parties.²
 - b. Facilitating client access to their records when requested in writing, if no exceptions to access apply (see Exclusions in this document).
 - c. Providing the client with an opportunity to discuss their record to prevent the information being misunderstood or taken out of context.
 - d. Monitoring disclosure of client's personal information to overseas recipients, to ensure that the requirements for privacy and confidentiality can be maintained, e.g. where a client's immediate family live overseas.
2. Leadership Team
 - a. Monitoring staff to ensure their practices respect the rights of clients to privacy and confidentiality through team meetings and professional supervision sessions.
3. CCNB Privacy Officer
 - a. Administering the Register of Consents for photographic and/or audio/visual recordings.
 - b. Holding images in an electronic file with controlled access.
4. All CCNB Staff and Volunteers
 - a. Upholding client's rights to privacy and confidentiality.
 - b. Ensuring the guidelines for confidentiality are followed in their work practice.
 - c. All staff that handle client files are responsible for ensuring that the files are properly managed.

² Australian Privacy Principles (APP)1.5, and 1.6

- d. Ensuring that all client information entered is accurate, up to date, complete and relevant.³
- e. Staff who gather consent forms are to ensure they document on the client file what the client has consented to, and must pass the completed form to the CCNB Privacy Officer, to be filed in the Register of Consents.

Procedure:

Collection and use of client information:

1. The client Service Agreement requests the client to consent to the collection and sharing of information with relevant professionals, for the purposes of their care.
2. A Collection Statement is provided to all clients and outlines: the types of personal information collected; how it is collected and used; how it may be disclosed; and the importance of complete and accurate information. Personal information must be collected only from the client, unless the client consents to collection from someone other than the client, or it is unreasonable or impractical to do so.⁴
3. CCNB staff must not seek more information about the client than is necessary to perform the service/s required.
4. Client information is not released to any third party unless it is with the consent of the client. Any information regarding clients is released and/or accessible only to those who have a legitimate interest or need for the information as part of their role in delivery of services, in assessment of, or caring for, the client.
5. Other information about clients' families and social relationships, personal interests, skills, behaviour patterns and financial affairs, which is personal information, may be required to be collected for the purposes of delivering services. The purpose of this collection needs to be made clear to the client/responsible person.
6. Staff do not proceed with client assessment and care coordination and planning processes unless the client has provided consent for them to do so. Where the client is unable to provide consent, due to disability, medical condition or any other reason, then consent will be obtained from their authorised Responsible Person.
7. All client file notes are written in objective terms, observing:
 - a. respect for the feelings and dignity of client,
 - b. the right of clients to request and have facilitated access to their own records, and
 - c. freedom of information and court requirements which may subpoena client files.

Client access to records:

1. Clients are informed of their right to access their information within their Client Agreement, in the Collection Statement and are reminded periodically through service reviews and agreement renewal.
2. Once created, client files cannot be deleted. A client may request an amendment to their record if they believe the information is incorrect and to have it corrected to ensure that it is accurate, up to date, complete, relevant, and not misleading. If

³ APP 10.2

⁴ Refer Australian Privacy Principle 3.6

CCNB refuses to correct the information, it must provide written notice to the client with the reasons and the mechanisms for the client to complain about the refusal.⁵

3. All client requests to access their information must be made in writing, and responded to within 14 days of receipt.

Client images and audio/visual recordings:

1. If an image or audio/visual recording is required for any purpose, the client's/responsible person's consent is required using the *CCNB Consent to Use Information and Images* form.
2. If filming (rehearsing and recording) is being conducted at premises other than CCNB's own offices, the consent of the owner/agent of that property is required using the *CCNB Location Consent for Filming Purposes* form.
3. A register of consents is updated on receipt of any written notice of withdrawal of consent, and must be checked prior to the use of any image.
4. Refer to CCNB Policy *Control of Outgoing Documents and Internally Developed Resources*, for approval processes relating to the use of images for any CCNB publications. Where client images are intended to be used in the preparation of communication brochures, or similar activities, the written informed consent of the client/responsible person must be obtained for that circumstance only. The image may not be retained against possible future use for some other activity.

Right to complaint of a privacy breach:

1. Clients must be informed of their right to complain about a privacy breach and the process for making a complaint to CCNB. The information must include the way in which CCNB will manage the complaint.
2. Alternatively, the client may make a complaint to the NSW Privacy Commissioner OR (not both) the Office of the Australian Privacy Commissioner⁶ within 6 months of becoming aware of the issue.

Disclosure of personal information to overseas recipients:

1. When disclosing client information to overseas recipients who are not bound by the Australian Privacy Principles (APP) the client/responsible person must be informed that privacy/confidentiality cannot be assured, and the client must provide specific consent for disclosure.⁷

Exclusions:

- If there is a significant threat to client or staff safety which may impact on the client's right to privacy and confidentiality, staff safety will prevail.
- CCNB will not provide access to client records if:⁸
 - a. a serious threat exists to the life, health/safety of any individual or public health and safety,
 - b. it would have an unreasonable impact on the privacy of other individuals,
 - c. the request is frivolous or vexatious,

⁵ Refer APP 13.3 for Refusal to correct information

⁶ Refer A guide to privacy laws in NSW – fact sheet June 2014 – under the HRIP Act.

⁷ Refer APP 8.1 and 8.2 Cross border disclosure.

⁸ Refer to APP 12.3 for detail on exceptions to access.

- d. the information relates to existing or anticipated legal proceedings, provision of access would be unlawful, or has legal and/or unlawful implications.

Superseded Documents:

- 1.2.2 Privacy
- 1.2.3 Confidentiality

References:

1. Australian Privacy Principles – Privacy fact sheet 17 (January 2014) Australian Government
2. CCNB archived policies 1.2.2 Privacy and 1.2.3 Confidentiality

Register of Changes:

17.02.2021 – Added Note under Policy 1. Corrected job titles