

<b>Version</b>	1: 2016/03/2016
<b>Related to</b>	Outcome Standard/Standard: 3.6
<b>Relevant to</b>	All employees, residents, clients, representatives, volunteers, visitors, contractors
<b>Authority</b>	Board of Management and their delegate - Chief Executive Officer

### 1. Policy Statement

**Tabulam and Templer Home for the Aged (TTHA)** has processes and systems in place to uphold all customer's rights to privacy, and seeks to clearly communicate the personal information handling practices of the organisation and to enhance organisational transparency in relation to privacy.

### 2. Scope

This policy applies to all residents, employees, volunteers, and representatives of TTHA.

### 3. Definitions

(Note: Commonly defined terms are located in the *Introduction to TTHA Continuous Improvement System*. Any defined terms below are specific to this document).

<b>Cookies</b>	Small pieces of data which are sent from Freedom Aged Care's web browser when the website is visited. The cookie is stored on the browser's computer as a historical identifier and is used for interactive features and remembering preferences and settings.
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TTHA has processes in place to protect the privacy of personal information it collects, holds and administers in the process of providing its services. These commitments are undertaken in compliance with the Australian Privacy Principles as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Privacy Act 1988.

#### Collection

It is our usual practice to collect personal information (including health and sensitive information) directly from the individual or their authorised representative.

Other ways we may collect information about you are:

- Information you provide via our Website;
- where you provide information directly to us during a recruitment process;
- where you complete paper based forms or our computer programs;
- where you interact directly with our employees and such other persons acting for us or on our behalf, such as our human resource staff;
- from related entities; and
- from publicly available sources of information.

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The organisation will only collect information for the purposes directly related to our functions and activities. For example, information required for best possible care and service provision, billing or property purchase. When collecting information individuals will be informed of the reasons for its collection and the way it will be used. TTHA will make individuals' information available to them upon request in writing.

## **Types of Information Collected**

Personal details such as;

- name, gender, date of birth, next of kin details, telephone numbers, pension status and number;
- photograph for identification on records including the medication chart;
- photographs uploaded on the Website from time to time;
- Volunteer, visitor, and contractor names on attendance at TTHA;
- Representative names, and addresses and phone numbers;
- Medicare number, health fund details if relevant, ambulance membership number, pharmaceutical entitlement, state trustee number if relevant; and
- financial and banking details relevant for payments as required by the *Aged Care Act 1997*.

Sensitive information can includes;

- health information including:
  - previous and current physical and mental health conditions and or disabilities;
  - advance care wishes (directive);
  - health assessments about physical, mental and lifestyle needs and preferences, an individualised plan of care, ongoing health charting, health professional reports and notes and test results that form the health record; and
- police checks from prospective employees or subcontractors.

Other sensitive information such as;

- Ethnicity or cultural background
- Religious beliefs and practices
- Sexual preferences.

(Please note you have a right not to provide the last three types of sensitive information listed above if you do not wish to).

We may also collect any other personal information you or a person ostensibly authorised by you submits to us, as well as any other information that we consider is necessary to perform our functions and activities.

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## Use and Disclosure

TTHA will only use personal information for the purposes for which it was given to us, or for purposes which are directly related to service delivery or organisational activities, eg. To lodge funding claims to Medicare, converse with the Department of Health from time to time; visits by the Aged Care Quality Agency. All these agencies are also bound by the same Privacy Act.

In conducting our operations, your personal and health information is used by nursing and care staff and visiting health professionals involved in your care such as; medical practitioner/s, physiotherapist, pharmacist, podiatrist to enable them to provide you with care and services appropriate to your needs and preferences. In an emergency, information is provided to health professionals for example ambulance officers and locum doctors.

Personal information is also provided on a need to know basis to service departments such as; catering, cleaning, laundry and maintenance and specialist suppliers like continence aid supplier. For our community care recipients we may need to share your information with other providers, in order to provide you with your individualized service.

As required by the Aged Care Act, the police and the Department of Health are informed where a resident/client is unexplainably missing or if physical elder abuse has occurred. As required by the Department of Health, there is also a requirement to report certain illnesses such as; gastroenteritis or influenza outbreak.

We do not give out or share information to other government agencies, organisations or anyone else, unless one of the following applies:

- The individual has consented;
- The purpose is directly related to the purpose indicated at the time of collection and the individual would reasonably expect that information of that kind is usually passed to appropriate individuals, bodies or agencies;
- It is otherwise required or authorised by law or court proceedings;
- It will prevent or lessen a serious and imminent threat to somebody's life or health;
- It is reasonably necessary for the enforcement of the criminal law; or
- An individual is incapable of giving or communicating consent and personal information is required to be given to a 'responsible person' for the necessary provision of appropriate care or treatment or for compassionate reasons.

If you do not wish for your personal information to be collected in a way anticipated by our Privacy Policy, we will use reasonable endeavours to accommodate your request. If we do comply with your request, or if you provide us with inaccurate or incorrect information, we may not have sufficient information to conduct our business and we may be limited:

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- in our ability to provide our services;
- in our ability to keep you informed about organisational updates and services information;
- in considering your application for employment with us; or
- in our ability to respond to your inquiry or request.

## **Data Quality**

TTHA shall endeavour to ensure that personal information collected is relevant, accurate, complete, and up-to-date for the purpose for which it is to be used, both at the time of collection and of use. This will include maintaining and updating personal information when we are advised by individuals that their personal information has changed, and at other times as necessary.

## **Data Security**

TTHA shall endeavor to protect personal information against loss, unauthorised access, use, modification or disclosure, and against other misuse.

This includes password protection for accessing our electronic IT system, securing paper files in locked cabinets/areas and physical access restrictions. When no longer required, personal information will be destroyed or deleted in a secure manner per our policy for document destruction.

## **Openness**

In addition to this Privacy Policy, TTHA's consent form includes information about how personal information may be used or disclosed. If TTHA receives unsolicited personal information we will notify the individual at the time of, or as soon as practicable, that we have received personal information from someone other than themselves, the circumstances of that collection and the purpose for which the information is required. If the information could not have been collected with consent from the individual or their authorised representative, the organisation will, as soon as practicable, destroy the information or ensure the information is de-identified.

## **Access and Correction**

We shall receive written requests from individuals to access their personal information we hold about them, or requests that we change that personal information. We may allow access or make the changes unless we consider that there is a sound reason under the Privacy Act, Freedom of Information Act or other relevant law to withhold the information, or not make the changes.

If we do not agree to provide access to personal information or to amend or annotate the information we hold about them, the individual may seek a review of our decision or may appeal our decision under the Freedom Of Information Act.

If we do not agree to make requested changes to personal information the individual may make a statement about the requested changes and we will attach this to the record. Refusal by TTHA to amend or release personal information to the individual will be provided via a written notice that outlines the reasons or grounds for refusal, and the mechanisms for complaint.

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Individuals can obtain further information about how to request access or changes to the information we hold about them by contacting us on 03 8720 1359.

## **Identifiers**

TTHA shall identify individuals (including residents, clients and employees) by a unique identifier assigned internally. TTHA may, however, retain a record of other external personal identifiers that are required to provide services, coordinate care with other organisations, or otherwise fulfil service, operational or reporting requirements.

## **Anonymity**

Where lawful and practicable individuals can participate in activities anonymously.

## **Marketing our Products and Services**

We may use or disclose personal information to let customers and their families know about, and to develop, products and services in which they may be interested. Individuals can contact us at any time if they no longer wish us to use their information in this way by calling 03 8720 1359.

- From time to time we may utilise non-sensitive personal information to provide better services and for marketing purposes, on sites such as Facebook. On occasions we send out emails, SMS or posted marketing or communications materials, to opt-out of receiving this information you a resident or their representative may contact our Privacy Officer. Similarly if not wishing to participate in these types of activities please contact our Privacy Officer.

## **Email**

As emails can be sent more efficiently and economically than postal mail, we give our customers and their representatives the opportunity to supply their email address and consent to use these for mailing purposes.

## **Our Website**

In addition to our privacy policy generally, there are specific issues relating to your privacy associated with the Website. If you access the Websites from outside Australia, you accept responsibility for ensuring or confirming compliance with all laws in that jurisdiction that apply to you as a result of that access or any consequent transactions or dealings with us, the Website or other users.

When you access the Website from a computer, mobile phone, or other device, we may make a record of your visit and logs for statistical and business purposes and we may collect information including: the user's server address, the user's domain name, IP address, the date and time of visit, the pages accessed and documents downloaded, the previous site visited, the operating system used and the type of browser used. We may also track some of the actions you take on the Website such as when you provide information or content to us.

We use "cookies" (small pieces of data we store for an extended period of time on your computer, mobile phone, or other device) to make the Website easier to use. We also use them to know when

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you are interacting on the Website. You can remove or block cookies using the settings in your browser, but in some cases that may impact your ability to use some areas on the Website. If you use an external source to publish information on the Website (such as a mobile application or a Connect site), you should check the privacy setting for that post, as it is set by that external source.

Where the Website contain links to other websites, we do not control those websites, and we are not responsible for the privacy practices of the content of such websites. We do not take responsibility for the content in, or currency of, any externally linked sites. The inclusion of any link within the Website does not imply endorsement by us of the linked site, nor does it suggest any relationship with the organisation linked.

## Complaints

If an individual believes that TTHA has breached any aspect of this privacy policy or the associated legislation, a complaint may be lodged by contacting:

### TTHA Privacy Officer

**Name:** Eva Simo, CEO

**Email:** [eva.simo@ttha.org.au](mailto:eva.simo@ttha.org.au)

**Call:** 03 8720 1359

If the complaint is not addressed to the individual's satisfaction, or they do not wish to approach TTHA in the first instance, they have the opportunity to direct the issue to:

### Health Services Commissioner (Vic)

**Call:** 1300 582 113

**Address:** 26th Floor, 570 Bourke Street

Melbourne. Vic 3000

**Website:** <http://www.health.vic.gov.au/hsc/complaint.html>

### Office of the Australian Information Commissioner

**Call:** 1300 363 992

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Address:** GPO Box 5218 Sydney NSW 2001

**Website:** <http://www.oaic.gov.au/>

## Associated Forms

- Application to Change Personal Information
- Application to Access Personal Information

## 4. Appendices

NIL

## 5. References

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- Accreditation Standards and Outcomes for Residential Aged Care Services: Australian Aged Care Quality Agency, 2014: <https://www.aacqa.gov.au/for-providers/accreditation-standards>
- Australian Government Department of Health & Ageing, 2014. Standards & Guidelines for Residential Aged Care Services Manual:  
<http://www.resicaremanual.health.gov.au/wp-content/uploads/Residential-Care-Manual-PDF.pdf>
- Results and Processes Guide, June 2014; Australian Aged Care Quality Agency:  
[https://www.aacqa.gov.au/education-programs/other-resources/copy\\_of\\_Resultsandprocesses.pdf](https://www.aacqa.gov.au/education-programs/other-resources/copy_of_Resultsandprocesses.pdf)
- Department of Social Services (Ageing and Aged Care): <https://www.dss.gov.au/our-responsibilities/ageing-and-aged-care>
- Freedom of Information Act 1982
- Australian Privacy Principles (2014): [www.oaic.gov.au/privacy-act/australian-privacy-principles](http://www.oaic.gov.au/privacy-act/australian-privacy-principles)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Privacy Act 1988

### **6. Flow Charts**

Nil

### **7. Table of Amendments**

<b>Version number</b>	<b>Date</b>	<b>Short description of amendment</b>
1	01/03/2016	New Board policy