



# PRIVACY AND DIGNITY POLICY

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## Policy statement

Kern Allied Health (Kern) will respect an individual's privacy, confidentiality and dignity in all undertakings and ensure that any information collected or disclosed in the course of providing therapy supports is kept confidential. Kern understands that this is of the utmost importance in establishing a trusting and transparent relationship.

Kern is bound by the Australian Privacy Principles under the Privacy Act 1988 (Cth) and other relevant laws about how private health service providers handle personal information. Kern is committed to complying with all applicable privacy laws which govern how Kern collects, uses, discloses and stores personal information.

Personal information refers to any identifying information or opinions about a participant in receipt of Kern therapy supports.

Kern collects and holds information in order to provide a safe working environment, deliver high-quality support and to meet obligations contained in funding and service agreements. Personal information may be used for quality improvement and accreditation purposes. Personal information is only ever released if required by law or requested by a participant in relation to their own personal file.

## Purpose

This policy outlines Kern's commitment to maintaining the confidentiality of personal information and respecting the right to privacy and dignity of participants. This policy documents the way Kern manages any personal information that is collected, maintained and administered for the purposes of providing a safe working environment and a high standard of clinical care. Kern handles personal information in accordance with relevant legislation and disposal guidelines.

## Scope

This policy applies to all Kern employees, contractors and service providers, volunteers, students and trainees involved across all Kern services. This policy focuses particularly on services provided to National Disability Insurance Scheme (NDIS) participants, including the impacts on families/ or carers, support workers and other service providers.

## Privacy principles

Kern uses the following Principle from the Privacy Act 1988: Australian Privacy Principle 1 - open and transparent management of personal information.

Personal information that is collected may include a participant's name, date of birth, contact details, NDIS participant plan and clinical notes from each appointment. Personal information may be used for quality improvement and accreditation purposes and this will be discussed prior to use and consent obtained.

## Release of information

Kern will only ever release personal information if required by law or requested by the participant, their family/ or carer, or Public Guardian in relation to their own personal information. If the participant is 16 years of age or over, information can only be released to their family or carer with their consent.

## Collection of solicited personal information

Kern will not collect personal information unless the information is necessary for service provision.

## Dealing with unsolicited personal information

If Kern receives information that was not solicited and is not necessary for the provision of therapy supports and/or to meet funding obligations, it will be destroyed as soon as practicable or de-identified.

## Notification of the collection of personal information

Kern will inform and seek permission prior to the collection of any personal information.

## **Use or disclosure of personal information**

Kern will only use or disclose Information in order to provide a safe working environment, clinical therapy support, meet legal obligations or for quality improvement purposes.

## **Direct marketing**

Kern will not disclose personal information for the purpose of direct marketing.

## **Quality of personal information**

All reasonable steps are taken to ensure that information is complete, current and accurate. Kern takes reasonable steps to ensure that information is protected from misuse, loss and unauthorised access.

## **Access to this policy**

Kern provides an explanation about this policy at the Initial Planning Meeting and requests that the participant and their family/ or carer sign the Privacy, Dignity and Consent form. Access to the full policy will be facilitated by staff on request to all participants and their families/ or carers. Participants or their family/ or carers or advocates have the right to request access to their personal records.

An Easy Read brochure will be provided at the Initial Planning Meeting. Information will be provided to participants in the relevant language/format if required.

A participant and their family/ or carer's consent is required prior to sharing personal information within and external to Kern, and prior to the commencement of therapy supports.

All persons aged 18 years and above are assumed to have the capacity to provide consent unless otherwise proven.

Personal information may be provided to other agencies, services or health providers if the participant provides consent (written or verbal) that is voluntary and informed.

When personal information is shared, it is shared securely.

Personal information may be disclosed in connection with the performance of a duty or the exercise of a power or function in accordance with relevant legislation (such as an emergency or disaster).

Personal information will be retained and disposed of in accordance with appropriate retention and disposal guidelines and ensures effective therapy support delivery and Kern's duty of care.

### **Performance standards**

All participants and their family/or carer have the policy and procedure explained to them clearly at the initial meeting. An Easy Read brochure explaining the policy and procedure is provided.

All participants and family/ or carer receive an explanation of the privacy and dignity consent form and agree who Kern may contact, in what manner, and for what purpose; both parties sign this form and it is uploaded on the Kern Client Management database.

Kern stores all client files on the Kern Client Management database.

Participant names are not on view to the public or by other service recipients.

Photographic, video or other identifying images are not displayed or aired publicly without written consent.

Participant files are periodically reviewed by Team Leaders/Clinical Services Managers to ensure Kern is maintaining the principles of this policy.

Any grievances and complaints about this policy are dealt with under the feedback and complaints policy.

## **Kern related documents**

- Privacy and dignity consent form (Standard 1)
- Rights policy (Standard 1)
- Safeguarding policy (Standard 1)
- Participation and inclusion (Standard 2)
- Choice and control policy and procedure (Standard 1)
- Code of conduct (Standard 6)
- Service agreement (Standard 5)
- Psychology specific privacy and dignity documents (Standard 1)

## **Legislative compliance**

- National Standards for Disability Services 1-6
- National Disability Insurance Scheme 2013: Principles
- National Disability Insurance Scheme Quality and Safeguarding Framework
- Privacy Act 1988
- Occupational Health and Safety Act 1984

## **National Standards Quality Indicators 2019**

- National Standards Quality Indicators: Core Modules 1: Rights  
(Privacy and Dignity) and 3: Provision of Supports (Access to Supports)

NB. If the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

## Approvals

Date of approval: **30/01/2020**

Revision two

Date of review: **30/01/2021**

Approved by: **Maeve Egan, General Manager**