

	<b>Developed by</b>	Jessica Quilty	<b>Date</b>	12.3.14	<b>Policy Title</b>	Privacy (APP) Policy
	<b>Reviewed by</b>	Cathy White	<b>Date</b>	22.08.17	<b>ISO 9001</b>	7.5.4, 5.2
	<b>Authorisation</b>	Debby Brennan	<b>Date</b>	29.08.17	<b>HSQS</b>	1.1, 1.7, 4.1, 5.2

## 1. Purpose

The [Privacy Act 1988](#) (Privacy Act) is an Australian Federal law which regulates the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information. As a business that provides a health service and holds health information, Carers Link is bound by the Privacy Act and must comply with the [Australian Privacy Principles \(APPs\)](#). Under APP 1.3, *APP entities must have a clearly expressed and up to date policy (the APP privacy policy) about the management of personal information by the entity.* This policy outlines our commitment and compliance with this standard.

## 2. Policy

Carers Link will manage personal information in an open and transparent way, maintaining compliance with all the Australian Privacy Principles (APP) and any binding APP codes. This policy is available to all stakeholders free of charge and is accessible in both print and electronic formats. Should a person have difficulty understanding the content of the policy they may make a request to Carers Link to have it made available in a different format. If such a request is made, Carers Link will take such steps as are reasonable in the circumstances, to give the person or body a copy in the form requested.

### 2.1 What type of information do we collect and hold?

Carers Link collects personal information in order to provide well informed, personalised support services to its customers. We only collect information that is reasonably necessary for, or directly related to, our organisation's functions or activities. This may include:

- Personal details such as your name, date of birth, gender and how you like to be addressed
- Contact details for your nominated support person, advocate and next of kin
- Emergency information
- Details of your disability, illness, medical condition, allergies and medications
- Your funding body and contribution fees
- Your cultural and communication preferences
- Your likes and dislikes
- Your goals and aspirations
- Your behaviour support requirements
- Shift plans and lifestyle supporter preferences
- Home risk assessment information
- Complaints, incidents and feedback if you choose to identify yourself
- Progress notes and shift summaries from your support staff
- Your consent authorisation

As an APP entity we must ensure that the personal information we collect is accurate, up-to-date and complete.

### 2.2 How do we collect this information?

Carers Link collects your personal information through the following:

- Intake and assessment
- The forms we send you to complete
- Referral partners
- Your funded service provider (in the instance of brokerage)

- Care planning
- In-home risk assessment forms
- Staff reports
- Positive behavior support plans
- Information from your funding body
- Through complaints, feedback, incident and hazard reporting
- Talking with you and/or your carer

We will always endeavour to collect information directly from you or your nominated support person/guardian. There may be some instances where it is unreasonable or impractical to collect personal information directly, such as in the case of an emergency referral or when we are providing brokerage services on behalf of another organisation. In this case, the service provider collecting the information will advise you of their intention to disclose that information to our organisation for the purposes of delivering the agreed service.

From time to time we will receive a referral from another organisation that will forward us a profile of your information. In such case we will notify you of the disclosure and take steps to confirm the information and data collected with you or your support person, as soon as it is reasonably practical to do so.

#### Unsolicited information

Should we receive unsolicited personal information we will determine whether or not we could have collected the information through our usual collection processes. Should we feel that the information could not have been collected and it is not contained in a Commonwealth record, we will, as soon as is practicable, lawful and reasonable to do so, destroy the information (see 2.8 for further detail on the disposal of personal information).

Should we make the decision that the information is relevant to the services we are providing and could have been reasonably collected, we will ensure its accuracy and record, store and use this information in accordance with this policy.

### **2.3 How do we hold your information?**

Your personal information is stored in a number of ways:

- On an electronic database accessed through password protected computers
- On our shared hard drive accessed only by authorised office staff with a password
- In your personal hard folder that is securely locked in a filing cabinet
- In incident and complaint folders both electronic and hard copy
- In our feedback reports
- In on-site archives

As an APP entity we take reasonable steps to protect your information from misuse, interference and loss; and from unauthorised access, modification or disclosure. Carers Link backs up its data offsite in a secure data centre. Information is collected daily and stored in a safe (locally) encrypted format. No information is sent offshore.

### **2.4 The purposes for which we collect, hold, use and disclose personal information**

#### Primary purpose

The primary purpose for which Carers Link collects, holds, uses and discloses your personal information is to help us provide you with an appropriate, person-centered, quality service. The information you provide to us is used by our support and coordination staff to determine your eligibility, support requirements and service design.

We do not disclose your personal information outside of the entity without your or your guardian's consent.

#### Secondary purpose

We only disclose your personal information for a secondary purpose with your or your guardian's consent, or in a permitted general situation such as:

- When there is a serious threat to the life, health or safety of an individual, or to public health or safety
- Taking appropriate action in relation to suspected unlawful activity or serious misconduct
- Locating a person reported as missing.

#### Internal quality purposes

An APP entity is permitted to use the information collected for internal purposes such as auditing, business planning, billing or de-identifying personal information. In the case of external auditing for quality purposes under ISO 9001:2008 and Human Services Quality Standards, we will de-identify your information or seek your consent to participate in a file review and/or interview.

#### NMDS reporting

Service providers that are funded under the National Disability Agreement are required under their funding arrangements to record key information about their service users on an ongoing basis.

Service providers need to provide the data they collect to the department, on a quarterly basis. The department will transmit confidentialised records to the Australian Institute of Health and Welfare (AIHW) annually. This data, provided to the department and the AIHW, will not be used to affect individual entitlements.

#### What do you need to tell us?

We endeavour only to ask questions that are relevant to your support. Should you feel that a question is not relevant; you can indicate such and refuse to provide that information. Please be mindful that Carers Link may refuse to provide a service should it be determined that inadequate or incomplete information could diminish the quality of service or pose a threat to you, staff or organisation. In such case, you will be advised in writing the reasons we are unable to provide the service, and the information we require, in order to commence service delivery. You are able to appeal this decision, see 2.10 Complaints and feedback for further detail.

#### Direct Marketing

Carers Link will not use or disclose your personal information for the purposes of direct marketing without your consent. In any such case, conditions relating to opt-out mechanisms will be met.

### **2.5 Accessing and updating your personal information**

Should you wish to access or update your personal information, you can make a request in writing to [info@carerslink.com.au](mailto:info@carerslink.com.au) indicating what information you would like to access and any updates you would like to have implemented.

#### Access

Your request will be acknowledged within two business days and access will be granted within seven days unless Carers Link reasonably believes one or more of the following applies:

- Giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- Giving access would have an unreasonable impact on the privacy of other individuals
- The request for access is frivolous or vexatious
- The information relates to existing or anticipated legal proceedings between Carers Link and the individual, and would not be accessible by the process of discovery in those proceedings

- Giving access would reveal the intentions of Carers Link in relation to negotiations with the individual in such a way as to prejudice those negotiations
- Giving access would be unlawful
- Denying access is required or authorised by or under an Australian law or a court/tribunal order
- Carers Link has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our organisation's functions or activities has been, is being or may be engaged in and giving access would be likely to prejudice outcomes as described under APP 12.3.

In the case that access is denied, notification of the reasons for the decision will be sent in writing within seven days. Customers can lodge an appeal of the decision, see 2.10 Complaints and feedback below.

#### Updating or correcting information

As an APP entity we must take reasonable steps to ensure the personal information that we use or disclose is accurate, up-to-date, complete and relevant. We monitor the accuracy of information through a number of ways including:

- Care plan review
- Feedback from you
- Case notes and feedback from our staff
- Liaison with your other providers (as consented by you)

Should we update information that has previously been sent to third parties (such as in the case of referral), with your permission, we will take reasonable steps to correct the information held by the third party.

If you make a request to correct information or associate a statement that Carers Link feels is inaccurate, out-of-date, incomplete, incorrect, irrelevant or misleading, your request may be denied. In such case notification of the reasons for the decision will be sent in writing within seven days. Customers can lodge an appeal of the decision, see 2.10 Complaints and feedback below.

#### **2.6 Anonymity and pseudonymity**

Under APP 2, individuals have the option of not identifying themselves, or of using a pseudonym, when dealing with an APP entity unless it is impractical for the organisation to deal with the person under these circumstances. As a disability and aged care service provider it is impracticable to deal with our customers without properly identifying them. All customers and stakeholders, however, are able to make a complaint, provide feedback and complete surveys anonymously.

#### **2.7 Adoption, use or disclosure of government related identifiers**

Carers Link does not adopt any government related identifiers of an individual as its own.

#### **2.8 Disposing of personal information**

Carers Link utilises a confidential bin to dispose of personal information that is no longer required to deliver service, is not a Commonwealth record, and is not required by or under an Australian law, or a court/tribunal order. This includes all customer records and sensitive information. The bin is emptied and destroyed by Grace Records Management. Destruction processes include shredding to ASIO Category 4 accreditation and pulping. Grace Records Management will then recycle the waste. Field staff follow strict procedures for de-identifying and destroying shift information when it is impractical to return information to the office for disposal in the confidential bin.

Please note Carers Link archives your personal files for seven years from cessation of service before placing the information in the confidential bin for destruction.

## 2.9 Website

Carers Link collects personal information and makes use of cookies in its websites. This information is only used to log the following information for statistical purposes:

- The number of page hits;
- The number of unique sessions as identified by server address and top-level domain name (e.g. .com, gov, org, etc);
- The pages accessed or downloaded by session; and
- The type of browser being used.

### Cookies

A cookie is a small piece of data which is sent from Carers Link's web server to your web browser when you visit the Carers Link website. The cookie is stored on your machine as a historical identifier and is used for interactive features and remembering your preferences and settings.

Carers Link cookies are not used to collect personal information for any other purpose. Most internet browsers accept cookies by default. You can specify the use of cookies by configuring the preferences and options in your browser and/or firewall. If you choose to disable cookies, you will still be able to access most of the content on the Carers Link website, however some interactive features may become unavailable.

## 2.10 Complaints and feedback

Should you have any questions about how your personal information is collected, stored, protected or disposed of you can consult this policy or contact the Chief Services Executive at [info@carerslink.com.au](mailto:info@carerslink.com.au) or phone 07 3901 1165.

You are entitled to appeal any decision made regarding your privacy, as described in this policy, through our complaints process. All appeals will be reviewed by the Carers Link Director and Commercial Manager who will seek external advice as required. Appeals will be processed in a reasonable time, depending on the size of the request. You can expect to be given an approximate time frame from the Director when you make your appeal. You can also lodge a complaint with the Director should you be concerned that your personal information is not being protected or that Carers Link is not meeting the APP guidelines under the [Privacy Act](#). Please request a copy of Carers Link complaints procedure and associated documents to facilitate this simple process.

Should you be dissatisfied with your response you can you can make a complaint to the [Office of the Australian Information Commissioner \(OAIC\)](#) about the handling of your personal information. To find out more about privacy law reform and your rights under the Act visit <http://www.oaic.gov.au/privacy/privacy-act/privacy-law-reform>

## 3. Legislation

[Privacy Act 1988](#)

[Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#)

[Disability Services Regulation 2006](#)