

	<b>Policy Title</b>	<b>Privacy Policy</b>
	<b>NDIS Practice Standards</b>	<b>1 &amp; 2</b>
	<b>Aged Care Quality Standards</b>	<b>7 &amp; 8</b>

## 1. PURPOSE

The purpose of this Policy to advise customers how and why Carers Link collects, stores, uses and discloses their personal information. It also describes how we protect customer information as we are required to do under the *Privacy Act 1988* and the 13 Australian Privacy Principles which form Schedule 1 the Act. This Policy details our commitment to and compliance with the legislation. A copy of the Privacy Principles can be found at *Legislation* at the end of this Policy.

## 2. POLICY

Carers Link is bound by the Privacy Act and must comply with the 13 [Australian Privacy Principles set out in the Act](#). The Privacy Principles require us to “have a clearly expressed and up to date policy about the management of personal information...” This Policy represents our commitment to comply with that requirement.

Carers Link will manage personal information in an open and transparent way. This Policy is freely available to all stakeholders and is accessible in both print and electronic formats. Should anyone have difficulty accessing or understanding the Policy, they can ask Carers Link to provide it in a different format. If such a request is made, Carers Link will take all reasonable steps to provide the person or organisation with a copy in the form requested.

## 3. SCOPE

This Policy and its procedures applies to all Carers Link staff - including part-time employees and contractors – and to all customers from whom we collect and store personal information, including directly funded, user pay and brokerage customers.

## 4. DEFINITIONS

### 4.1 Customers

A customer is anyone who receives or purchases services / support from Carers Link, whether regularly or on a short term basis.

### 4.2 Personal Information

Is information or an opinion about an identified person, whether true or not, and whether recorded in a material form or not. Common examples of personal information are a person’s name, signature, address, telephone number, date of birth, bank account details and commentary or opinion about a person (*Section 6 of the Privacy Act 1988*)

### 4.3 Sensitive Information

Means:

(a) information or an opinion about an [individual](#)'s:

- racial or ethnic origin; or
- political opinions; or
- membership of a political association; or
- religious beliefs or affiliations; or
- philosophical beliefs; or
- membership of a professional or trade association; or
- membership of a trade union; or
- sexual orientation or practices; or
- criminal record; that is also personal information; or

(b) health information about an individual; or

(c) genetic information about an individual that is not otherwise health information.

(d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or

(e) biometric templates.

## **5. PROCEDURES**

### **5.1 WHAT TYPE OF INFORMATION DO WE COLLECT AND STORE?**

Carers Link collects personal information in order to provide well informed, personalised support services to its customers. We only collect information that is necessary for, or directly relates to, the activities our organisation undertakes in supporting you.

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 and feedback from you, if you choose to identify yourself
- Progress notes and shift summaries from your support staff, including details of any incidents which occurred on shift
- Your consent authorisation

Under privacy law, we must ensure that the personal information we collect from you is accurate, up-to-date and complete.

## 5.2 HOW DO WE COLLECT / RECEIVE THIS INFORMATION?

Carers Link collects your personal information through:

- Intake and assessment processes
- The forms we send you to complete
- Referral partners
- Your funded service provider (in the instance of brokerage)
- Care planning
- 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 always aim to collect information directly from you or your nominated support person/guardian. There may be some instances where it is not possible to collect personal information directly, such as during an emergency referral or when we are providing brokerage services on behalf of another organisation. In these cases, 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 includes a profile of your information. In such cases we will notify you of the information disclosure and take steps to confirm its accuracy with you or your support person, as soon as it is reasonably possible to do so.

### 5.2.1 Unsolicited information

Should we receive unsolicited personal information about you we will determine whether or not we could have collected the information through Carers Link's usual collection processes. Should we decide that the information would not have normally been collected by us and it is not contained in a Commonwealth record, is not required to be retained by an Australian law, court or tribunal, we will, as soon as it is practicable to do so, destroy the information (see 5.7 for further detail on the disposal of personal information).

Should we decide that the information is relevant to the services we are providing and could have reasonably been collected by Carers Link, we will ensure its accuracy and record, store and use this information in accordance with this Policy.

## 5.3 HOW DO WE STORE YOUR INFORMATION?

Your personal information is stored in the following ways:

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

Carers Link takes its responsibility to protect your personal and sensitive information very seriously. We take every possible step 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 ever sent offshore.

## **5.4 THE PURPOSES FOR WHICH WE COLLECT, STORE, USE AND DISCLOSE PERSONAL INFORMATION**

### **5.4.1 Primary purpose**

The primary purpose for which Carers Link collects, stores, 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 workers and support coordination staff to determine your eligibility, support requirements and service design.

We do not disclose your personal information to anyone outside of Carers Link without your permission or the permission of your guardian.

### **5.4.2 Secondary purpose**

We only disclose your personal information for a secondary purpose with your consent or that of your guardian, or in a legally permitted situation such as:

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

### **5.4.3 Quality and Auditing Purposes**

Carers Link is permitted by law to use the information collected for internal purposes such as internal auditing, business planning, billing or de-identifying personal information. In the case of external auditing by the NDIS Commission or the Aged Care Quality Commission, we will de-identify your information and seek your consent to participate in a file review and/or interview by auditors.

### **5.4.4 What Information Do You Need to Provide?**

We aim to only ask questions that are relevant to your support. Should you feel that a question is not relevant, you can say so and refuse to provide that information.

However, customers need to be mindful that Carers Link may refuse to provide a service if inadequate or incomplete information would diminish the quality of service or pose a threat to you, our staff or the organisation. In such cases, you will be advised in writing of the reasons we are unable to provide the service, and the information we require in order to commence service delivery. You can appeal our decision - see 5.9 *Complaints and Feedback* for further detail.

### **5.4.5 Direct Marketing**

Direct marketing involves the use or disclosure of personal information to enable direct communication with someone to promote goods and services to that person.

Carers Link group customer emails such as newsletters will include the proviso 'If you no longer wish to receive emails promoting the services / programs available from Carers Link please email [info@carerslink.com.au](mailto:info@carerslink.com.au) to advise us and we will remove you from our mailing list'.

Carers Link will never 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.

## **5.5 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 provide.

### **5.5.1 Access to Your Personal Information**

Your request to access your personal information 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 seeking access, and would not be accessible through the normal 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 Australian Privacy Principle 12.3.

If access is denied, reasons for the decision will be sent to you in writing within seven days of that decision being made. Customers can lodge an appeal of the decision - see 5.9 *Complaints and Feedback*.

### **5.5.2 Updating or Correcting Information**

Legally, Carers Link 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 in a number of ways including:

- Care Plan review – at the time of the review of your *All About Me Plan* or your *Health and Care Plan* we make sure the information contained in the Plans is still relevant and accurate
- feedback from you
- case notes and feedback from our staff
- liaison with your other providers (when consent is provided by you)

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

If you make a request to update or correct information with information that Carers Link feels is inaccurate, out-of-date, incomplete, incorrect, irrelevant or misleading, your request may be denied. In such cases, notification of the reasons for the decision will be sent to you in writing within seven days. You can lodge an appeal against our decision - see 5.9 *Complaints and Feedback*.

## **5.6 ANONYMITY AND PSEUDONYMITY**

Under Australian Privacy Principle 2, customers have the option of not identifying themselves, or of using a pseudonym, when dealing with Carers Link, unless it is impracticable for us to deal with the person under these circumstances. As a disability and aged care service provider it is impracticable for Carers Link to support our customers without properly identifying them.

All customers and stakeholders, however, can make a complaint, provide feedback and complete surveys anonymously.

## **5.7 DISPOSING OF PERSONAL INFORMATION**

Carers Link uses a confidential, locked bin to dispose of personal information that is no longer required to assist with service delivery, is not a Commonwealth record, and is not required by Australian law or a court/tribunal order to be stored.

This includes all customer records and sensitive information. The bin is removed and the contents are destroyed by Grace Records Management. Destruction processes include shredding to ASIO Category 4 standard and pulping. Grace Records Management will then recycle the waste. Support workers in the field follow strict procedures for de-identifying and destroying shift information when it is impracticable to return information to the office for disposal in the confidential bin.

Please note, Carers Link archives the key information kept in your hard copy personal files for seven years from the time we finish providing services to you, before placing the information in the confidential bin for destruction.

## **5.8 WEBSITE**

Carers Link collects personal information and makes use of cookies in its website. 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 the server address and domain name
- The pages accessed or downloaded by session and
- The type of browser being used.

### **5.8.1 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 not be available.

## **5.9 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 (CSE) at [info@carerslink.com.au](mailto:info@carerslink.com.au) or by phone at 07 3901 1165. The CSE is Carers Link's nominated Privacy Officer

You are entitled to appeal any decision made by Carers Link which may affect your privacy through our complaints process. All appeals will be reviewed by the Carers Link CSE and / or Commercial Manager who will seek external advice, if required.

Appeals will be processed in a reasonable time, depending on the size and complexity of your request. You can expect to be given an approximate completion time frame from the CSE when you lodge your appeal. You can also lodge a complaint with the CSE should you be concerned that your personal information is not being protected or that Carers Link is not meeting the requirements of the Australian Privacy Principles. You can view a copy of Carers Link's Complaints and Feedback Policy on our website.

Should you be dissatisfied with our response 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>

## 6. LEGISLATION

Australian Privacy Principles - [https://www.oaic.gov.au/privacy/australia-privacy-principles/Privacy Act 1988](https://www.oaic.gov.au/privacy/australia-privacy-principles/Privacy%20Act%201988)

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

[Disability Services Regulation 2006](#)

[Queensland Privacy Information Act 2009 -](#)

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014>