

1.4.1

PRIVACY POLICY

Applies to:	Staff, Board
Specific responsibility	Staff, Board

Version	1.2
Date approved	June 2019
Next review date	June 2021

Policy context	
This policy relates to:	
Standards or other external requirements	<ul style="list-style-type: none"> • NSW Disability Service Standards • NDIS Practice Standards and Quality Indicators • UN Convention on the Rights of the Child • UN Convention on the Rights of Persons with Disabilities
Legislation or other requirements	<ul style="list-style-type: none"> • Privacy and Personal Information Protection Act (NSW) 1998 • Privacy Act (Commonwealth) 1988 • Privacy Amendment Act (Commonwealth) 2004 • Privacy Amendment (Enhancing Privacy Protection) Act 2012 • Age Discrimination Act (Commonwealth) 2004 • Australian Human Rights Commission Act (Commonwealth) 1986 • Disability Discrimination Act (Commonwealth) 1992 • Racial Discrimination Act (Commonwealth) 1975 • Sex Discrimination Act (Commonwealth) 1984 • Disability Inclusion Act (NSW) 2014 • Anti-Discrimination Act (NSW) 1977 • Disability Services Act (NSW) 1993 • Community Services (Complaints, Appeals and Monitoring) Act (NSW) 1993 • Mental Health Act (NSW) 2007 • Mental Health Act (QLD) 2016 • National Disability Insurance Scheme (NSW Enabling) 2013 • Victims' Rights and Support Act (NSW) 2013
Contractual obligations	<ul style="list-style-type: none"> • NSW Department of Education and Communities • Department of Social Services • NDIS Quality and Safeguards Commission • NDIS Quality and Safeguards Commission Code of Conduct Guidance for Workers • NDIS Quality and Safeguards Code of Conduct Guidance for NDIS Providers



POLICY STATEMENT

Shaping Outcomes is committed to protecting and upholding the right to privacy of service users, staff, Board members and representatives of agencies we deal with.

In particular, Shaping Outcomes is committed to protecting and upholding the rights of our service users to privacy in the way we collect, store and use information about them, their needs and the services we provide to them.

Shaping Outcomes requires staff and Board members to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

Shaping Outcomes is subject to the Privacy Act (Commonwealth) 1988, Privacy and Personal Information Protection Act (NSW) 1998, and the Privacy Amendment Act (Commonwealth) 2004 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012. The organisation will follow the guidelines of the Australian Privacy Principles in its information management practices.

Shaping Outcomes will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of service users and organisational personnel
- service users are provided with information about their rights regarding privacy
- service users and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature
- all staff and Board members understand what is required in meeting these obligations.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

PROCEDURES

Dealing with personal information

In dealing with personal information, Shaping Outcomes staff will:

- ensure privacy for service users, staff or Board members when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation and its activities
- use fair and lawful ways to collect personal information
- collect personal information only by consent from an individual or their nominated representative

- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.

Responsibilities for managing privacy

- All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- The CEO is responsible for content in Shaping Outcomes publications, communications and web site and must ensure the following:
 - appropriate consent is obtained for the inclusion of any personal information about any individual including Shaping Outcomes personnel
 - information being provided by other agencies or external individuals conforms to privacy principles
 - that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.
- The CEO is responsible for safeguarding personal information relating to Shaping Outcomes staff, Board members, contractors and Shaping Outcomes members.
- The Privacy Contact Officer will be the CEO who will be responsible for:
 - ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information
 - ensuring that service users and other relevant individuals are provided with information about their rights regarding privacy
 - handling any queries or complaint about a privacy issue.

Privacy information for service users

At intake, service users will be told what information is being collected, how their privacy will be protected and their rights in relation to this information.

Consent is obtained from service users' parent/carer/representative to exchange information, identifying what information can be shared, who it can be shared with, and for how long it can be shared.

Privacy for interviews and personal discussions

To ensure privacy for service users or staff when discussing sensitive or personal matters, the organisation will conduct service user/family meetings in designated private rooms such as the family room and the individual meeting room. The Key Workers' office is located away from the Reception area, and telephone calls are made on mobiles enabling Key Workers to move into the privacy of meeting rooms if required.

Participants in research projects

People being invited to participate in a research project must be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used
- given copies of any subsequent publications.

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified.

Organisational participants in research projects will generally be identified in Shaping Outcomes research, unless the nature of a particular project requires anonymity, or an organisation specifically requests it.

DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none"> • 1.2.1 Service Users Rights and Service Charter • 1.3.1 Duty of Care • 1.3.4 Child Protection • 1.4.2 Service User Records • 2.1.1 Service Users' Social Inclusion and Participation • 4.1.1 Service User feedback • 4.1.2 Managing Complaints • 6.5.3 Confidentiality • 6.5.4 Code of Ethics and Conduct • 6.11.15 Organisation Performance Evaluation
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> • Charter of Rights and Responsibilities • About Shaping Outcomes brochure • Know Your Rights and Responsibilities brochure • Child Protection brochure • NDIS Service Agreement (Consents section) • Code of Conduct • Confidentiality Agreement

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Biennial	CEO	Board

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1.0	November 2014	Management Committee	November 2016
1.1	November 2016	Management Committee	November 2018
1.2	June 2019	Board	June 2021
1.3			