



PRIVACY PRINCIPLES

PURPOSE:

To ensure that effective information systems are in place to collect, use, disclose and store personal information for the primary purposes of providing care and services to our residents.

To ensure practices relevant to collection, use, storage and disclosure of information comply with the APP.

To establish the rights of individuals to access and correct personal & health information held about them while adhering to the Australian Privacy Principle's (APP) March 2014.

DEFINITION:

Personal Information:

- Names.
- Dates of Birth.
- Gender details.
- Address & contact details including email address belonging to clients, next of kin or representatives.
- Income, assets & pension status.
- Business details of suppliers & contractors.
- Work history.
- Education qualifications & training records
- Competency assessments.
- Details of salary & wages.
- Performance assessments & counselling details.
- Criminal record checks.

Health Information:

- Incidents
- Accidents
- First aid records
- Workers compensation claims & documents
- Rehabilitation & attendance records
- Medical or other health records



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KEY POLICY:

Holmwood Aged Care will ensure that all information collected from and about residents is directly relevant to our primary purpose that is the delivery of direct care and related services. Not used or disclose collected information for a secondary purpose unless that secondary purpose is directly related to the primary purpose, or related to some other legal or legislative obligation.

Holmwood Aged Care ensures that our practices, procedures, and systems comply with the APP.

Holmwood Aged Care has established systems in place for archiving and destruction of documents.

Holmwood Aged Care manage inquiries any complaints while complying with the APP.

RESPONSIBILITY AND AUTHORITY:

The Facility Manager is responsible for ensuring that all requirements relating to this policy & procedure are implemented and providing the necessary resources and education requirements.

All members of staff are responsible for ensuring that all documentation, especially documents that relate to residents are stored in a confidential and secure environment at all times.

All other health professionals must adhere to this policy and procedure.

BACKGROUND:

A key principle of the management of a quality facility is data-driven decision-making. Manual or computerised systems are to be in place:

- For the collection of data,
- For effective management of information,
- To meet statutory reporting requirements, and
- To meet the quality needs of residents and carers, managers and staff and the facility itself and all other stakeholders.



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Records

Holmwood Aged Care determines what kind of personal information it collects and holds. It collects personal data in the following ways:

Residents

- Directly from the resident or their representatives.
- From residents health care providers.
- From other Aged Care Providers & Aged Care Referral Services.
- From Commonwealth Government.

Employees

- Directly from the employees
- Through general background checks (criminal history checks)
- From other sources such as referees & employment agencies

Suppliers, Contractors, Service Providers and their employees

- Directly from service provider

Holmwood Aged Care must also inform you that's its Privacy Policy contains information about how to access and seek correction of personal information, how to make a complaint about a privacy breach, and how complaints will be handled.

Holmwood Aged Care must also inform you whether your personal information is likely to be disclosed to overseas recipients.

PROCEDURE:

The facility has a system for the management of information.

The Facility Manager ensures recordkeeping and information management within the facility.

Each policies / procedures, forms & flowcharts include the following information:

- Standard;
- Outcome;
- Form number;
- Date of issue;
- Page Number; and
- Version Number.

Documents that are controlled under this system will include (but is not limited to):

Policies and Procedures;

- Forms;
- Flow Charts;
- Quality Documents
- Position Descriptions
- Surveys and Audit



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- All documents issued will have a date of issue and number of version.
- All information contained in documents/forms will be in accordance with relevant Acts, Regulations, Codes and Standards.

Confidentiality and security of resident information will be evident within the facility.

Documentation within medical and nursing records will be in accordance with relevant legislation and contemporary practice. (Privacy Act 2000).

STORAGE AND DESTRUCTION OF RECORDS:

Holmwood Aged Care is required to take reasonable steps to ensure that the personal information it collects, holds, uses and discloses is accurate, up to date and complete with reference to the purpose for which it is collected, used or disclosed.

Holmwood Aged Care security and access protocols are maintained in order to implement reasonable steps to ensure that personal information is protected from misuse, interference, loss, unauthorised access, modification and disclosure. Internal access controls and protocols ensure that only authorised staff can access personal information in circumstances where they are required to do so in the performance of their duties. Our IT system allows electronic file access to be tracked and audited to ensure that only authorised access to personal information has occurred.

Holmwood Aged Care ensures that hard copies of any personal information is secured in lockable archived room within the facility, any personal information archived off site is stored securely at Fort Knox Record Management.

Any computerised information is stored directly onto Holmwood Aged Care terminal server, which is backed up daily and stored securely off site.

Documents/records will be kept in a safe and secure environment away from non-authorised personnel and protected from defacement, destruction or deletions.

All personal information related to Resident medical and care records and staff records suppliers/contractors, and volunteers are to be retained for a minimum of 7 years.

Destruction must then be first authorised by The Facility Manager. Once authorized, confidential information is selected it is placed in security bin to be destroyed.

Holmwood Aged Care will ensure that all stakeholders are aware of the agreement where an external service provider is responsible for the destruction of documents. (Ezy Way)

Large shredding bin is stored in a secured area in administration; the locked bin is then collected and replaced as required.



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The Management of Holmwood Aged Care will determine how and whom personal information will be disclosed.

The Management of Holmwood Aged Care will ensure that all stakeholders are informed about the changes related to APP Privacy Policy.

DISCLOSURE

The personal information Holmwood Aged care holds can only be used for the particular purpose for which it was collected (Primary Purpose) unless certain exceptions apply. Personal information can be used for a secondary or other purpose where consent has been obtained, where it is reasonably expected to be used for a related purpose, where required or authorised by law or a Court / Tribunal order, where reasonably necessary for enforcement purposes conducted by or on behalf of an enforcement body, or where certain “permitted general situations” or “permitted health situations” exist.

Circumstances where personal information may be disclosed broadly include compliance with statutory obligations, arranging for insurance, progressing insurance claims and meeting occupational health and safety obligations. Holmwood Aged Care may disclose personal information of members of the public, clients, suppliers, contractors and service providers which is provides for the purposes of fulfilling clients requests, providing personalized services, maintaining accounts and records, statistical analysis, conducting market research and marketing, and assessing and evaluating Holmwood Aged Care’s website.

ACCESS TO INFORMATION

Requests made by individuals to access their personal information held by Holmwood Aged Care will generally be granted, unless certain limited circumstances apply. Those circumstances may include where it is reasonably determined that granting access would pose a serious threat to the life, health, or safety of an individual or to the public health or safety, where granting access would have an unreasonable impact on the privacy of other individuals, where the request is frivolous or vexatious, or where legal proceedings are on foot.

Holmwood Aged Care may also deny access in some circumstances where it is required to do so by law or access would be unlawful, where commercial negotiations or decision making processes may be prejudiced, where unlawful activity or serious misconduct is suspected, or where enforcement related activities may be prejudiced.

Holmwood Aged Care responds to requests to access personal information within a reasonable period (usually 45 days or sooner) and gives access to the information in a manner requested where reasonable and practicable. If access needs to be refused due to one of the above exceptions, Holmwood Aged Care will take reasonable steps in the circumstances to provide access that meets the needs of Holmwood Aged Care and the individual, including through using a mutually agreed intermediary.



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If access is refused, Holmwood Aged Care will give the individual a written notice which sets out the reasons for refusal, how to complain about the refusal, and where it relates to a commercially sensitive decision making process, the reason for refusal may include an explanation of the nature of the commercially sensitive decision.

Holmwood Aged Care may require that reasonable charges be paid in respect of granting access to personal information, however the charges must not be excessive, and must not apply to the making of the request. Requests for access to personal information should be made in writing and addresses to the facility Manager.

REQUEST TO UPDATE OR CORRECT

If Holmwood Aged Care holds personal information about an individual, and is satisfied that the information is inaccurate, out of date, incomplete, irrelevant or misleading or the individual requests that Holmwood Aged Care correct the information, then Holmwood Aged Care will take reasonable steps to correct the information to ensure that it is accurate, up to date, complete, relevant and not misleading.

If Holmwood Aged Care corrects personal information that it previously disclosed to someone else, and the individual requests that Holmwood Aged Care notify the other person of the correction, then Holmwood Aged Care will take reasonable steps in the circumstances to give that notification unless it is impracticable or unlawful to do so.

If in some circumstances Holmwood Aged Care refuses to correct personal information as requested, it will provide the individual with a written notice that sets out the reasons for refusal, how to complain about the refusal.

When Holmwood Aged Care refuses to correct personal information as requested, and the individual requests Cumberland View to add a statement to their records that the information is inaccurate, out of date, incomplete, irrelevant or misleading, then Holmwood Aged Care will take reasonable steps in the circumstances to add the statement to the record in a manner that will make it apparent to the information. Holmwood Aged Care will respond to requests to correct, update or add a statement within a reasonable period after request is made, and will not charge the individual for making the request, the correction, or adding of the statement. Requests to update or correct personal information can be made by contacting the Facility Manager. Requests will usually be met or responded to within 30 days.

BREACH OF APP

All complaints concerning breaches of the Act and APP will be examined, and unless they are considered frivolous or vexatious, it will be investigated by Holmwood Aged Care's Facility Manager. Complaints should be submitted in writing directly to the Facility Manager. Holmwood Aged Care follows dedicated procedures for identifying and reporting privacy breaches, and for receiving and responding to complaints.



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Holmwood Aged Care maintains a complaints register, and will investigate complaints concerning the mishandling of personal information, security breaches, and allegations of breaches of the Act and the APPs, and any matters which are referred from the Office of the Australian Information Commission (OAIC). Your complaint will be promptly acknowledged, and will be dealt with within a reasonable amount of time depending on the complexity of the matter.

You will receive updates as to the progress of your complaint if the investigation takes longer than expected. Less complex complaints can usually be dealt with within 30 days, however more complex matters may take longer to resolve.

Where a notification of a breach of privacy, or a complaint about the handling of personal information is received, Holmwood Aged Care will take immediate steps to contain the breach, which may involve securing or quarantining personal information or Holmwood Aged Care files which contain the personal information.

Holmwood Aged Care will conduct a preliminary assessment and necessary actions taken. These actions may include notifying the individual(s) whose personal information is subject to the breach / complaint. Where the preliminary assessment finds that the matter is complex or of a serious nature, independent investigators and or legal advisors may be retained to assist with the investigation. All investigations will determine whether or not there appears to have been a breach of Holmwood Aged Care obligations under the Act.

If the complainant is not satisfied with the investigation or the outcome, they may make a further complaint to the OAIC. <http://www.oaic.gov.au/privacy/making-a-privacy-complaint> or you can also contact the Aged Care Complaints Scheme in relation to any concerns you have about the care and services provided. <http://agedcarecomplaints.govspace.gov.au/>

CLOSED CIRCUIT TV

CCTV recording devices are in place to ensure the safety and security of residents, visitors and staff. The CCTV footage may only be used to investigate incidents, accidents, and work issues that could potentially negatively impact on resident health and wellbeing, and any issue related to the continued safety and health of residents, visitors or staff. The recordings made by CCTV are constant and the footage is securely held 7 days, at which time automatic deletion occurs. CCTV footage can be downloaded and held if necessary as a part of an ongoing investigation, with footage saved to file and held securely.

The CCTV recording equipment is located in the Manager office with access limited to Management. Access to CCTV system is secured and protected by password access. CCTV footage remains the property of Holmwood Aged Care and will only be available to Management, police, some government agencies in limited circumstances, and other relevant identities. If there is a legal requirement for a copy of the footage, it will only be made available via subpoena and with written clearance from Holmwood Aged Care legal advisors.

Residents, visitor and staff are made aware of the presence of the CCTV recording devices through the signage displayed at the entry to the facility. In order to protect personal privacy, footage will not be shown, used or shared in any other way except when required by law or court order.