



## **Privacy and Dignity Policy**

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### 1.1. Purpose

The purpose of this policy is to ensure services are delivered in ways that respect the Privacy and Dignity of clients by establishing standards of privacy, dignity, confidentiality and data protection in accordance with;

- The Privacy Act (1998)
- Freedom of Information Act (WA) (1992)
- Freedom of Information Regulations (1993)
- Disability Services Act (1993)
- NDIS Code of Conduct
- NDIS Practice Standards and Quality Indicators 2021
- NDIS Act 2013
- UN Convention on Rights of Persons with Disabilities

This policy relates to all Down South Therapy activities and applies to all employees, contractors, students, advocates, Directors and others who may act on behalf of Down South Therapy (DST).

The key elements of consent for participants that Down South Therapy Services adhere to are:

- The client is adequately informed before giving consent,
- The client gives their consent voluntarily
- The consent is current and specific
- The client has the capacity to understand and communicate their consent.

### 1.2. Collection of Personal Information from Clients

Down South Therapy requires consent to be obtained from Clients/ Guardians to collect and use personal and/or sensitive information before initial services are delivered. When a client commences with Down South Therapy a Client Consent Form will be signed off by the Client and each subsequent year after to ensure consent is current and specific. This form addresses the collection and sharing of information internally and with third parties as required

'Personal Information' is information or opinion in any form, whether true or not, that identifies or enables identification of an individual. Down South Therapy collects only personal information that is necessary for one or more of its functions or services and ensures that all information is collected by fair and lawful means. Types of personal information may include;

- Client identifying information (Name, age, address)
- Identification and contact details for next of kin/ person responsible/ carer or guardian
- Referral information
- Details of medical conditions/disability
- Case/ progress notes
- Racial or ethnic origin,
- Sexual orientation or practices,
- Criminal record,
- Video or audio footage
- Participation in periodic Audits
- Other such information that is relevant for us to provide our services in the manner that the client has requested, or to comply with the Law.

All personal information is only used for the purposes for which it was collected except where legal exemptions exist.

All information collected by the company is collected by lawful and fair means and is, where practical to do so, collected directly from the client. The client is informed who is collecting the information (Down South Therapy), how it is stored and what it is used for.

Personal information is collected by staff through completion of various intake, referral/application or service delivery forms. Generally such forms are completed by the client, with assistance if necessary, by the clients carer or referring agency. All forms used for the collection of information are approved by the Down South Therapy Directors and are compliant with the Australian Privacy Principals.

Information may also be collected, reviewed or updated through face to face meetings, interviews, telephone calls or emails.

### **1.3. Non-disclosure or Withdrawal of Consent**

Down South Therapy Services may not be in a position to provide or continue service where clients do not disclose or give consent. A client has the right to withdraw part of or all their consent at anytime.

### **1.4. Client Access to Personal Information**

Individuals have the right to access their personal information, except where access may present a threat to an individual or is deemed unlawful.

Information may be accessed upon request by the individual following confirmation of their identity. A client or carer can ask that personal information be corrected, if it is inaccurate, incomplete or out of date.

### **1.5. Use of information within Down South Therapy**

'Use' refers to the handling of information *within* Down South Therapy, the use of personal information regarding clients is restricted to those within the agency who have a legitimate 'need to know'.

Information contained in client files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

Only staff members within the service have access to the client files and information relating to the clients, unless the client has given prior written permission.

It is accepted that all staff members may discuss personal client details with their supervisor or senior staff for supervision, determination of work, health and safety issues or to ensure the proper service to support the client.

### **1.6. Security**

Down South Therapy takes all responsible steps to protect personal information against misuse and provides safeguards to ensure against loss, unauthorised access, misuse, modification or disclosure.

Personal information held by Down South Therapy on databases, file servers or personal computers are 2-factor password protected and 90 day password expiry to prevent unauthorised access.

Personal records are secured in locked cabinets.

The Client Management System Down South Therapy uses (Penelope) is also 2-factor password protected with password expiry limits set to 30 days. Please see Penelope’s Privacy and Security information via [Penelope Privacy-and-security-information](#)

All emails sent from the organisation contain privacy statement and security disclaimer.

### 1.7. Record Keeping

Access to client records is restricted to those who have a legitimate ‘need to know’ or a legal right to access

Information contained in client files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes.

Personal information kept by Down South Therapy is regularly updated and reviewed to ensure information is accurate, up to date and only used for the intended purposes.

Personal information is kept by Down South Therapy for Seven years in accordance with the *Privacy Act 1998*

### 1.8. Disclosure of Information to those outside Down South Therapy

‘Disclosure’ is the transfer of information to a third party outside the organisation.

Personal information is not disclosed to a person, body or agency (other than the individual concerned) unless;

- It is subpoenaed by a court; or
- Failure to disclose the information would in the reasonable belief of Down South Therapy Services place you or another person at serious risk to life, health or safety; or
- Your prior approval has been obtained to
  - provide a written report to another professional or agency. e.g. GP, school or a lawyer; or
  - discuss the material with another person, eg. a parent, employer or health provider; or
  - disclose the information in another way; or
- You would reasonably expect your personal information to be disclosed to another professional or agency (e.g. your GP) and disclosure of your personal information to that third party is for a purpose which is directly related to the primary purpose for which your personal information was collected; or
- Disclosure is otherwise required or authorised by law; or
- Required for NDIS reporting requirements; or
- When consulting with colleagues, or in the course of supervision, your therapist will preserve your privacy at the utmost professional manner.

Where personal information is to be disclosed to a third party outside of DST, the client will need to provide written consent using one of the following methods:

- Completing a DST Client Consent Form
- Notifying DST by written communication via SMS or email if unable to complete the forms above.

### **1.9. Staff Training and Compliance**

Staff are trained in implementation of the company's Privacy and Dignity Policy and breaches of these requirements are considered a serious disciplinary issue, which may result in disciplinary action being taken up to and including termination of employment.