

PRIVACY AND CONFIDENTIALITY

QuestCare respects each client's right to privacy, dignity and confidentiality including the collection, use and disclosure of personal information. QuestCare adheres to the requirements as outlined in the *Aged Care Quality and Safety Commission Rules 2018 (Commission Rules)*

Our organisation complies with the requirements of the *Privacy Act 1988, Privacy Amendment (Enhancing Privacy Protection) Act 2012 and Privacy and Personal Information Protection Act 1998* and other relevant legislation as outlined in the Aged Care Quality Rules

Staff are aware of the organisation's policy and practices to ensure client privacy and confidentiality

Staff can participate in training to support them in maintaining the privacy and confidentiality of client's information

Clients are advised of the organisation's privacy policy in the Service Handbook

Clients provide written consent to share information with others as applicable to their needs

Clients are encouraged to provide feedback on any perceived breaches of privacy and confidentiality

Processes to support privacy and confidentiality are audited periodically to ensure implementation and appropriateness

Privacy and Confidentiality

PRINCIPLES FOR THE COLLECTION OF PARTICIPANT INFORMATION

QuestCare is committed to the principles outlined in the *Privacy Act 1988* and *Privacy Amendment (Enhancing Privacy Protection) Act 2012* and has in place procedures that ensure compliance with the legislation including the protection of sensitive information including health information.¹ The Service Handbook outlines our approach to maintaining privacy and confidentiality of client information.

Management and staff are provided with training and information on the rights of clients to privacy and confidentiality and the processes to support this.

The key guidelines for respecting client privacy and confidentiality in our organisation are:

1. Clients are provided with information on our organisation's privacy policy in the Service Handbook
2. Client files and other information are securely stored in locked filing cabinets. All electronic information is password protected and only internal staff have access
3. Our organisation takes steps to correct information where appropriate and regularly review service user information to ensure it is accurate and up to date
4. We only collect information about clients that is relevant to the provision of support and we explain to clients why we collect the information and what we use it for
5. We have a Client Consent Form that details approved consent
6. We seek consent from clients to, in an emergency, disclose personal information to other health service providers as appropriate to provide emergency care or services
7. We seek consent from participants to provide access to client records to government officials (or their delegates) in the conduct of quality reviews or the investigation of complaints. We advise clients that these individuals are required to keep all information accessed through this process confidential
8. Information provided to government bodies regarding service provision does not identify the client. If any information is provided to outside government agencies for data purposes, we ensure that the information is de-identified, and we make a note in the client's record what information was shared and to whom
9. Consent to share personal information can be withdrawn at any time by the client.
10. Clients can ask to see the information that we keep about them and are supported to access this information if requested within 30 days of the request. Information is provided in a format accessible by the client. The client can nominate a representative to access the records held by us
11. Clients are supported by us should they have a complaint or dispute regarding our privacy policy or the management of their personal information

¹ Australian Government Office of the Australian Information Commissioner 2014 *Privacy Fact Sheet 17: Australian Privacy Principles*

12. All information relating to clients is confidential and is not disclosed to any other person or organisation without the client's permission
13. We only share information when it is necessary to ensure appropriate support is delivered and only with the client's permission/consent beforehand
14. The provision of information to people outside the service is authorised by the relevant Manager
15. We do not discuss a participant or their support with people not directly involved in supporting them
16. Assessments and reviews are always conducted in private with the client (and/or guardian) and the QuestCare Manager unless the client consents to their carer, advocate or other person being present
17. During client assessments the QuestCare Manager asks the client about any privacy requirements they have such as their preference for a male or female support worker etc. These are noted on their assessment form and on the support plan
18. Any discussions between staff about a client are held in a private space
19. Any references to individual clients in meeting minutes are referred with consideration of detail of the conversation
20. We confidentially destroy any personal information held about our clients when it is no longer necessary to provide support.

CONFIDENTIALITY OF COMPLAINTS AND DISPUTES

As far as possible, the fact that a client has lodged a complaint and the details of that complaint are kept confidential amongst staff directly concerned with its resolution. Similarly, information on disputes between a client and a staff member or a client and a carer is kept confidential. The client's permission is obtained prior to any information being given to other parties whom it may be desirable to involve in the resolution of the complaint or dispute.

Client's right to Access Information

Clients of QuestCare have a right to read any personal information kept about them. A request from a client (or their guardian) to access information is referred to the relevant QuestCare Manager who confirms the request and then arranges for the Client to view their information.

Access is provided to the client within two weeks from the date of the request.

A QuestCare Manager is available to assist the client in understanding the information and to explain terminology or other assistance, as required.

On advice from our legal representative, access to a client's record may be denied. This will be discussed with the participant/guardian should this situation arise.