

Privacy and confidentiality

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Background

In order to treat residents (the consumer) with dignity and respect, we must respect their privacy. Nazareth Care must ensure the behaviour and interactions of the workforce and others does not compromise resident privacy. Nazareth Care respects each resident's right to privacy in how we collect, use and communicate the resident's personal information.

Health information is one of the most sensitive types of personal information. It is essential that we respect a resident's right to privacy in how we collect, use and communicate health information.

Nazareth Care manages all personal information according to law and best practice.

Applicability

- all categories of employees
- governing body
- all volunteers
- students on placement
- contractors and consultants, whether or not they are employees
- all other service providers and stakeholders

Consumer outcome

I am treated with dignity and respect and can maintain my identity. I can make informed choices about my care and services, and live the life I choose.

Organisation statement

Nazareth Care:

- has a culture of inclusion and respect for consumers; and
- supports consumers to exercise choice and independence; and
- respects consumers' privacy.

Documents relevant to this policy

 Standard 1 - Requirement (3) (f) Each consumer's privacy is respected and personal information kept confidential [↗](#)

Policy Commitment

Nazareth Care commits to the privacy and confidentiality of resident's personal information (including health information). Privacy for residents may relate to the physical environment, possessions, physical needs, personal relationships and personal information.

Staff must obtain consent, from the outset, to collect and hold resident information.

- Staff must provide to the resident, or representative, information regarding the records we hold. Information provided must include the resident's ability to access their own personal information if they wish.
- Staff must not access resident files unless required to do so as part of their usual duties working with residents.
- Access to any resident files held manually or electronically is restricted to appropriate staff. Client records are not held in areas or on drives shared with staff or others who are not involved in providing service to the resident.
- All staff, when first employed, must sign a confidentiality agreement.
- All staff commit to privacy and confidentiality for each resident when we:
 - provide care to a resident
 - provide privacy for the resident within their home, room or private areas
 - discuss a resident's care and service requirements
 - store a resident's personal information, whether this relates to medical needs or general information.

Process Guidance

Outcome

The process below demonstrates that we respect resident's privacy and keep all personal information confidential.

1 Seek resident permission

- Ask permission from residents before entering their home, room or private areas.
- Provide privacy to each resident for personal care activities, e.g. bathing, toileting, dressing and private/intimate relationships.
- Ensure residents have privacy when speaking with visitors and during phone conversations if the resident or representative chooses.
- Do not open or read resident mail unless the resident requests this or needs assistance.
- Treat all information relating to residents confidentially.
- The residents' personal property is their own, and staff and other residents cannot use it unless invited to do so.
- Share confidential information about the resident, including their records, only when necessary for the delivery of care and services to the resident and in a way that maintains the resident's privacy and confidentiality.
- Conduct shift-to-shift handovers in areas where information cannot be overheard by those who should not have access to it. This also applies to information given to health care professionals or representatives involved in the resident's care or services.
- Staff are educated about privacy and dignity in accordance with the Aged Care Quality Standards.

2 Collection and use of client information

- The resident's agreement asks for consent to collect and share personal and health information with relevant health professionals for the purposes of providing effective care and services to the resident.
- The resident receives a Privacy Collection Statement. It outlines types of personal information collected, how it is collected and used, how it may be disclosed, the importance of complete and accurate information.
- Nazareth Care collects personal information only from the resident unless they consent to that information collected from someone other than themselves, or it is unreasonable or impractical to do so.
- Staff must not seek more information about the resident than is necessary to provide care and services.
- Staff will not release resident information to any third party without resident consent. Any resident information is released and/or accessible only to those with a legitimate interest or need as part of their care or service role.
- Sometimes other personal information must be collected about the resident's families and social relationships, personal interests, skills, behaviour patterns and financial affairs to provide services. We will explain clearly the purpose of this collection to the resident or representative.
- Documentation on all resident file notes is written objectively, observing:
 - respect for the resident's feelings and dignity
 - the resident's right to request and have access to their own records
 - freedom of information and court requirements that may subpoena resident files.

3 Advise resident of rights to access records

- Nazareth Care will inform residents of their right to access their information in their Agreement and Collection Statement and will remind them from time to time through service reviews and agreement renewal.
- Once created, resident files cannot be deleted. A resident may request an amendment to their record if they believe the information is incorrect and to ensure it is accurate, up to date, complete, relevant, and not misleading.
- Residents must request access to their information in writing, and the organisation must respond within 14 days of receipt. It is recommended this response is provided as soon as practicable

4 Seek consent to use resident images and audio/visual recordings

- If an image or audio/visual recording is required for any purpose, we will seek consent from the resident or representative using the Consent to Use Images & Information form.
- Nazareth Care will maintain records of consent. Nazareth Care will maintain any written notice of withdrawal of consent.
- If we intend to use resident images in communication brochures or similar activities, we must obtain written informed consent from the resident or representative for that situation only. The image cannot be retained for some possible future use.

5 Mechanisms to manage where there is a breach or suspected breach of privacy.

- Where there is a privacy breach or suspected privacy breach, this must be immediately recorded on an incident form, actioned upon, and escalated to the facility manager and the General manager of Quality& Risk. The incident will be thoroughly investigated, with Open disclosure will be followed.
- Nazareth Care will inform residents about their right to complain about a privacy breach and the process for making a complaint. This information sets out the way that we manage the complaint.
- Alternatively, the resident may complain to the Office of the Australian Privacy Commissioner within 6 months of the breach.

6 Disclosure of personal information to overseas recipients

- When disclosing resident information to people overseas who are not bound by Australian Privacy Principles, we will inform the resident or representative that privacy/confidentiality cannot be assured, and they must provide specific consent for that disclosure.

7 Exclusions

- If a significant threat to resident or staff safety affects the resident's right to privacy and confidentiality, staff safety will prevail.
- Nazareth Care will not provide access to resident records if:
 - there is a serious threat to the life, health or safety of any individual or public health and safety
 - it would unreasonably infringe the privacy of other individuals
 - the information relates to legal proceedings or is in some way illegal or unlawful.

Relevant Legislation

Privacy Act 1988 - Part III, Division 2 Australian Privacy Principles

Notifiable Data Breaches scheme

References

Name	Source
<u>Resources for health service providers</u>	Office of the Australian Information Commissioner
Aged Care Quality Standards	