

Privacy Policy

1. PURPOSE and SCOPE

- 1.1. This policy covers personal information held by UCWPA about individual clients. It does **not** apply to employee records where those records directly relate to a past or current employer/employee relationship.

2. DEFINITIONS

- 2.1. Personal information – Information or an opinion (including information or an opinion forming part of a data base), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
- 2.2. Sensitive information – information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a Political Association, religious beliefs, philosophical beliefs, membership of a professional or Trade Association, membership of a trade union, sexual practices, criminal record and health information.
- 2.3. Client – any individual to whom UCWPA provides a service, including residents of Residential Aged Care Services.

3. BACKGROUND

- 3.1. This policy has been developed in response to the Privacy Amendment (Private Sector) Act 2000 and is based on the 10 National Privacy Principles contained in the Privacy Act 1988.

4. POLICY

- 4.1. UCWPA services only collect personal and sensitive information from clients where that information is required in order to provide an appropriate service for that client.
- 4.2. Each client must give his or her consent to the collection and use of personal and sensitive information prior to the collection of that information.
 - 4.2.1. Where clients do not give consent, no information is to be collected. This may result in limited, or no, service being provided.
- 4.3. Personal and sensitive information about clients is only available to those staff who need that information to provide a service for that client.
 - 4.3.1. All staff will ensure that electronic data is kept within secure network storage, and undertake to only access that data which is necessary to perform their role.
- 4.4. Information will not be disclosed to a third party without the written consent of the client concerned unless:

- 4.4.1. health or other information is required for statistical purposes, where it is not possible to identify an individual from the information;
 - 4.4.2. where required by law, information may be given to the appropriate authority without the prior consent of the person concerned. Where this occurs, notification that such an action has occurred will be placed on the client's record;
 - 4.4.3. UCWPA reasonably believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health or safety, or a serious threat to public health or public safety.
- 4.5. All clients are able to view personal and sensitive information collected about them and held by UCWPA, and to request UCWPA to make corrections where they feel the information is not up-to-date, incomplete or inaccurate.
- 4.5.1. Each service has its own procedure for accessing client records. This procedure details:
 - the way in which the request to view information can be made;
 - ways of establishing that the individual asking for the information is who they say they are;
 - how that information is made available to the person requesting to view the file; and
 - how changes to the information collected will be made.
 - 4.5.2. Where the service and the client are unable to agree about whether the information is accurate, up-to-date and complete, the service must, at the request of the individual, take reasonable steps to associate with the information the individual's claim to this effect.
- 4.6. Personal and sensitive information is kept in secure storage areas and archived when required using UCWPA approved archiving management procedures.
- 4.7. UCWPA services will obtain informed consent for any images of individuals taken for promotional purposes. Services will use consent forms that contain detail about the purposes for which the photograph or video/DVD footage will be used.
- 4.7.1. In some circumstances it can be difficult to gain informed consent. In cases where it is intended to take photographs or video footage at a large event, services may consider giving notice to people attending the function that photographs or video footage will be taken and used for specified purposes. Giving notice demonstrates respect for individual privacy and allows an attendee to make arrangements if they are sensitive to the use of their image.
 - 4.7.2. Specific care should be taken in the publication of photographs or video/DVD images of children. It is recommended that the consent of the child's parent or legal guardian be sought in relation to photographs or video/DVD footage of persons under the age of eighteen.
- 4.8. When no longer required, that is, when the individual is no longer receiving a service from UCWPA, or the information is not required to be kept by law, personal and sensitive information is managed using the UCWPA Records Management disposal schedule.

- 4.9. Any client research studies completed by UCWPA employees or students on placement must comply with privacy principles and each participant is required to sign a consent form prior to participation. Participants in the study should be informed in understandable language about three main points:
- 4.9.1. First, the participant(s) should be informed about the nature of the research.
 - 4.9.2. Secondly, the participant(s) should be informed that their participation is completely voluntary and that they are free to withdraw from or not participate in the study at any time. Consent must be made without pressure being put on the participant to engage in the study.
 - 4.9.3. Finally, the potential consequences of participating or withdrawing should be presented to the participant(s). This includes risks, and limitations of confidentiality.
- 4.10. If an individual wishes to make a complaint about privacy, that person is to contact the Manager, Quality, who will investigate the complaint by using the steps described in UCWPA Policy – Client (External Complaints) Resolution.

5. DOCUMENTATION

- 5.1. UCWPA Consent to Obtain Personal and Sensitive Information Form
- 5.2. UCWPA services' Procedure to Access Personal and Sensitive Information (including Health Information)

6. REFERENCES

- 6.1. Privacy Amendment (Private Sector) Act 2000
- 6.2. Extract from the Privacy Act 1988 – National Privacy Principles
- 6.3. Human Rights and Equal Opportunity Commission Act 1986
- 6.4. Racial Discrimination Act 1975
- 6.5. Sex Discrimination Act 1984
- 6.6. Disability Discrimination Act 1992
- 6.7. State Records Photographic Images and Privacy - Information Sheet
- 6.8. UCWPA Polices:
 - 6.8.1. Records Management
 - 6.8.2. Client (External Complaints) Resolution
 - 6.8.3. Network Information Management