

LIFE ADORE LIVING – HEALTH AND DISABILITY SUPPORT SERVICES PTY LTD

Approved By: Board of Directors

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CONFIDENTIALITY OF INFORMATION

1. STATEMENT OF PURPOSE

This policy and accompanying procedures have been developed to align with the following standards and legislative requirements:

- National Disability Service Standards
- The Privacy and Personal Information Protection Act 1998

The aim of this policy is to ensure that:

- Every individual receives services that uphold their legal and human rights, allowing them to make choices and participate fully in the community.

[Standards in Action, 3rd Edition, April 2016, Standard 1: Rights]

- Every individual is informed of their rights and can expect them to be respected.
- Every individual's right to privacy is honoured, and their personal information is managed ethically and confidentially, in compliance with relevant legislation.

[Standards in Action, 3rd Edition, April 2016, Standard 1: Rights – Practice Requirement 1]

- Service providers must actively uphold and promote the legal and human rights of every individual.

[Standards in Action, 3rd Edition, April 2016, Standard 1: Rights – Practice Requirement 2]

2. PRIVACY AND CONFIDENTIALITY POLICY

For the purposes of this policy, all information regarding an individual—whether medical, personal, financial, or otherwise—who receives services from Life Adore Living will be handled with the utmost confidentiality.

Every individual receiving services from Life Adore Living will be afforded the same level of privacy, dignity, and confidentiality as is expected by other members of the community.

This right extends to information that Life Adore Living staff may acquire or be given during the course of their duties concerning the families, friends, advocates, or guardians of these individuals.

Life Adore Living is dedicated to safeguarding your personal information and agrees to comply with the Australian Privacy Principles (APPs) outlined in the Commonwealth Privacy Amendment (Enhancing Privacy Protection) Act 2012. This policy details our procedures for managing the information of people with disabilities and their families, as well as the information related to our staff.

Additionally, Life Adore Living will adhere to the Health Records and Information Privacy Act 2002 to protect information regarding your health and health records.

3. POLICY FOR MAINTAINING CLIENT INFORMATION

- Each client (or their representative) will be fully informed about:
 - What information Life Adore Living holds about the individual;
 - The reasons for maintaining that information;
 - The location of the information;
 - Who has access to the information;
 - The right of the individual (or their guardian/responsible person to review their personal records and any ‘file notes’; and
 - The right to file a complaint if their privacy, dignity, and confidentiality are not respected by Life Adore Living staff.

Information recorded by Life Adore Living staff regarding an individual will be limited to what is necessary to ensure the efficient and effective delivery of services. Such information will be shared with other staff on a ‘need-to-know’ basis only. If a staff member needs to know specific information about an individual to provide appropriate service, they are considered to have a ‘need to know’. All records and ‘file notes’ remain the property of Life Adore Living and cannot be removed, either in part or whole, by any client or their representative.

Written consent from the client (or their guardian/responsible person) is required before any information about the individual is requested from or disclosed to another service agency or external person by Life Adore Living staff.

Exceptions to this policy are limited to those specified by other agreements or by law. For instance:

- Records regarding a client's life and circumstances may be subpoenaed by the courts and must be provided by Life Adore Living as required by law.
- Certain statistical information about individuals receiving services from Life Adore Living may be required by government agencies; however, such information will not identify specific individuals.

PROCEDURES FOR OBTAINING, STORING, AND MANAGING CONFIDENTIAL CLIENT INFORMATION

3.1 Requesting and Obtaining Confidential Information

3.1.1 Personal information from a client should be obtained in a setting that ensures privacy and confidentiality. Any specific requests made by the client regarding their privacy needs during this process will be honored, such as the preference for a particular carer, guardian, or advocate to be present.

3.1.2 Life Adore Living staff members will only collect information regarding a client's personal affairs with the consent of the client or their guardian/responsible person. A "Consent to Release/Request Information Form" must be filled out by the staff member detailing the required information and signed by the client or their guardian/responsible person (see Attachment 1 for the Consent Form). Once signed, the consent form will be filed appropriately within the client's records.

3.1.3 When staff members from Life Adore Living request information, the client (or their guardian/responsible person) has the right to withhold information for privacy reasons and cannot be pressured to disclose information they choose to keep private.

3.1.4. Life Adore Living staff must inform participants (or their representatives) that by consenting to receive services from Life Adore Living and providing confidential information for that service, the information will only be used by Life Adore Living, unless the client requests otherwise.

3.2 Use of Confidential Information

3.2.1 Staff members at Life Adore Living may utilize client information that does not directly or indirectly identify a client for purposes such as planning, service reviews, and evaluations.

3.2.2 Staff members at Life Adore Living will only use information regarding a client's personal affairs for the purpose for which it was collected, unless specific consent is obtained from the client or their guardian/responsible person. Such information typically includes the assessment of the client's need for services, personal information that identifies the client, medical and diagnostic details, and information relevant to the provision of services.

3.2.3 Staff members at Life Adore Living will utilize client information that does not directly or indirectly identify a client for statistical purposes, including the Minimum Data Set (Department of Justice and Community Services), Census Data, or any other information that Life Adore Living is required to gather for statistical analysis.

3.2.4 The Manager of Life Adore Living will ensure that new, casual, and agency staff members are only given access to client information necessary for performing their duties, while maintaining client confidentiality. This information may include client profiles, specific medication or medical needs, program requirements, routine activities, and preferences.

3.3 Management of Confidential Information

3.3.1 The Manager of Life Adore Living and/or other designated staff members are responsible for maintaining client files and records.

3.3.2 Client files and records must be securely stored in a locked filing cabinet, which should remain locked when the unit office is unattended.

3.3.3 In the event of loss or theft of a client file or record, the Manager of Life Adore Living must be notified immediately, providing details about when it was last seen, where it was stored, and the actions taken by the staff member. The Manager will then inform the Chief Executive Officer and provide a briefing report on the situation and actions taken. If a client file or record is stolen, the police will be notified.

3.3.4 Client files are the responsibility and property of Life Adore Living. While clients have the right to access their personal records, the files remain the property of Life Adore Living and will be archived upon the client's exit from the service.

3.4 Access to Confidential Information

3.4.1 The Manager of Life Adore Living will be notified when a client (or their guardian or responsible person) requests access to their file

or records. The Manager must be consulted regarding the arrangements for releasing the information, and the authority of the requester to access the information must be verified.

3.4.2 An authorized representative may also request access on behalf of the client, provided that the client or their guardian/person responsible consents to this. In such cases, the client's consent must be verified, and the purpose for disclosing the information to the third party must be confirmed with the client or their guardian/person responsible. This information must be documented on the 'Consent to Release/Request Information Form'.

3.4.3 Except in exceptional circumstances, requested information about an individual should only be sent by mail to another service agency or external party, clearly marked as 'strictly personal and confidential'. The information must be addressed to a specific contact person.

3.4.4 If the requested information is to be sent via facsimile, identifying details (e.g., name, address, age, gender, telephone number, etc.) of the individual must be redacted before faxing. A complete hard copy should then be sent by mail to the requester following the aforementioned procedure.

3.4.5 If a client transfers within Life Adore Living, their case file will be transferred to the receiving unit.

3.4.6 If a client is transferring out of Life Adore Living at the request of the client or their legal guardian, a discharge summary detailing the current situation will be provided to the new service provider to assist them in meeting the client's needs.

3.5 Entries to Client Files

3.5.1 Information recorded by Life Adore Living staff about any client must be accurate, concise, and focused only on essential details that other support staff need to know. The information should be objective, legible, and include the name of the person recording it along with the date. This information is solely intended to ensure that the best possible services are provided to the client.

3.5.2 The client files and records maintained by Life Adore Living for each client will be regularly reviewed to identify any redundant or unnecessary information, which will then be archived.

3.5.3 No notes or records regarding a client will be photocopied unless the copy is being sent by a Life Adore Living staff member to another service agency or external party with the written consent of the client and/or their guardian or responsible person.

3.5.4 No file notes or records should be removed from their secure location unless it is to photocopy them for the aforementioned purpose or to archive them for storage when they are no longer needed for service provision (e.g., when the individual has exited Life Adore Living).

3.5.5 Staff members at Life Adore Living found to have violated the privacy, dignity, and confidentiality of an individual client, or who knowingly record discriminatory, inaccurate, or misleading information about that individual, may face disciplinary action.

4. GUIDELINES FOR COMMENCING AND MAINTAINING CLIENT FILES

4.1 The client or their authorized representative will be informed that Life Adore Living will maintain personal information about them to deliver services. They will also be advised of the type and format of the information kept by *Life Adore Living*. This will occur at the start of the service.

4.2 A client file will be opened upon admission, and a file will be assigned to the client.

4.3 The client file will serve as the Master file, maintained by Life Adore Living in the required format. Other working files may be used

(e.g., Individual Service Plan), provided there is regular integration of records into the Master file.

4.4 The responsibility for maintaining the client file lies with the Manager of Life Adore Living and other designated staff. This includes ensuring the accuracy and accessibility of the information and that all working files are consistently integrated into the Master client file.

4.5 The client file will be stored in the Unit and secured in a locked filing cabinet.

4.6 All staff members providing services to the client are responsible for thoroughly documenting significant issues and events related to their work with the client and ensuring that this information is regularly added to the client's file.