

<b>CF POL 3.A.03</b>	<b>Privacy Policy and Procedure</b>
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<b>Applies to:</b> All Staff, Agency Staff, Contractors and Subcontractors
<b>Specific responsibility:</b> Care Consultancy Management Services
<b>Policy Approval:</b> As per CF Board of Directors Delegations of Authority

<b>Policy context:</b> This policy relates to	
Standards or other external requirements	Aged Care Quality Standards 1, 2, 3, 4, 6, 7, 8
The Aged Care Quality Standards	The Aged Care Act 1997
Legislation or other requirements	Terms and Conditions of Aged Care Funding

<b>Consumer Outcome</b>
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.
<b>Organisation Statement</b>
Each consumer’s privacy is respected, and personal information is kept confidential.
<b>Purpose</b>
Care Assessment Consultants Pty Ltd ACN 098 161 105 trading as Care Forward ( <b>we, us, our</b> ) Care Forward is a locally owned and operated organisation, specialising in health and homecare services designed to support the independence of older Tasmanians and people living with chronic conditions or disabilities. We are required to comply with the Australia Privacy Principles ( <b>APPs</b> ) in the <i>Privacy Act 1988</i> (Cth) ( <b>Privacy Act</b> ) as well as the Personal Information Protection Principles ( <b>PIPPs</b> ) under the <i>Personal Information Protection Act 2004</i> (Tas) ( <b>PIP Act</b> ).
<b>Policy Statement</b>
We understand the importance of, and are committed to, protecting your personal information. This Privacy Policy explains how we manage your personal information (that is, information or an opinion, whether true or not, about an individual who is identified or is reasonably identifiable), including our obligations and your rights in respect of our dealings with your personal information. We may also collect sensitive information.
<b>Definitions (as applicable)</b>
<b>Sensitive information</b> means: (a) information or an opinion about an individual’s:

- (i) racial or ethnic origin; or
- (ii) political opinion;
- (iii) membership of a political association; or;
- (iv) religious beliefs or affiliations; or
- (v) philosophical beliefs; or
- (vi) membership of a professional or trade association; or
- (vii) membership of a trade union; or
- (viii) sexual preferences or practices; or
- (ix) criminal record;

that is also personal information; or

- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information.

**Health information** means:

- (a) information or an opinion about:
  - (i) the health or a disability (at any time) of an individual; or
  - (ii) an individual’s expressed wishes about the future provision of health services to him or her; or
  - (iii) a health service provided, or to be provided, to an individual; that is also personal information;
 or
- (b) other personal information collected to provide, or in providing, a health service; or
- (c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
- (d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

Please take a moment to read our Privacy Policy as it describes what happens to your personal information that is collected in the course of our business, including via our website at [www.careforward.com.au](http://www.careforward.com.au) (the **Website**).

**The purpose of information collected**

health information) in order to provide you with relevant care and treatment.

We will only collect personal information (other than sensitive information) for purposes which are reasonably necessary for one of our functions or activities.

In the case of sensitive information (such as health information), we will only collect this information:

- with your consent, where such information is reasonably necessary for one of our functions or activities; or

- where otherwise permitted by the APPs and PIPPs, or required or authorised by some other law, such as where a permitted health situation (as defined in section 16B of the Privacy Act) exists in relation to the collection of the information, for example:
  - **direct provision of health service:** where the health information is necessary to provide a health service to you, and the information is collected in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind us;
  - **indirect provision of health service:** where the health information pertains to the family, social or medical history of you (being a third party who is related to our client), and that information is necessary to provide a health service to the client and is collected from the client (or where the client is physically or incapable of giving that information, a responsible person for the client); or
  - **research:** where the collection is necessary for the management, funding or monitoring of a health service, but the purpose cannot be served by collecting de-identified information, it is impracticable to obtain your consent, and the information is collected in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind us.

The information we collect will only be retained as long as necessary for any permitted purpose.

Where practicable, you can have the option of dealing or transacting with us anonymously or using a pseudonym. However, in some circumstances, it may be impracticable to do so, for example, when we need to verify your identity, obtain client's consent, or provide care services.

If you refuse to provide us with the relevant personal information, we may not be able to provide you with the support or services you require.

### **Type of information collected**

We collect personal and sensitive information including but not limited to:

- Name, address, telephone number;
- Date of birth and country of birth;
- Occupation;
- Indigenous status;
- Medicare number and Department of Veterans Affairs details;
- Religion;
- Health fund and payment details;
- medical history; and
- Details of individual diagnosis, care and treatment

### **How information is collected and stored**

We will collect personal information by lawful and fair means and, where practicable, directly from you with your knowledge, or if not, we will take such steps as are reasonable in the circumstances to notify you of the collection of your personal information, in accordance with APP 5.2 and PIPP 1(3).

We may collect personal information from individuals or organisations in a number of ways. These include but are not limited to applications for a business account, contractual arrangements, surveys or questionnaires, receipt of employment applications, receipt of referrals, registration for program services, or direct communications with us by telephone, fax, writing, email, or any other electronic means.

In general, we will collect personal information about individuals directly from those individuals or in some circumstances their authorised representative. At each point of contact by our staff you will be told what information is being collected, how your privacy will be protected and your rights in relation to such information

Personal and/or sensitive information may sometimes be collected from a third party or from a publicly available source, but only if it is unreasonable or impracticable for us to collect the information directly from you.

To ensure privacy for our clients, subcontractors, stakeholder organisations or staff when discussing sensitive or personal matters, we will ensure:

- information is shared or disclosed on a need-to-know basis and to the extent permitted by the Privacy Act;
- details are captured in a private space
- communications that require confidentiality are conducted in a private setting – single office space or private homes
- clients are notified of home visits
- all directors sign deeds of confidentiality
- all staff sign confidentiality documents
- mutual disclosure and/or non-disclosure documents are prepared and signed by organisations participating in contracting negotiations
- all contracts, subcontracts and agreements contain clauses outlining the principles of this policy
- face to face interviews are held in private office spaces.

**Adoption and use of government related identifiers**

The Company is authorised to use (or adopt) government related identifiers, particularly healthcare identifiers for healthcare recipients in accordance with the *Healthcare Identifiers Act 2010* (Cth).

In the case of assessment services information sent outside the My Aged Care Assessor Portal cannot be used to identify the client by any other means than their Aged Care ID number. Screenshots of information from the My Aged Care Assessor portal bearing client information must not be emailed under any circumstances.

The practice of sending client details via unsecure channels (eg email) may constitute a breach of the Privacy Act 1988 (C'wealth) and state and territory privacy provisions.

**Personal Information Security**

We are committed to keeping your personal information secure, and we will take reasonable precautions to protect your personal information from unauthorised access, loss, release, misuse or alteration.

Personal information may be stored in hard copy documents but is generally stored electronically on our software or systems. We may also outsource our data storage (including via our partner, Care Personnel Pty Ltd trading as Care Consultancy) to a data storage service provider which we are satisfied to have adequate cyber security framework and practices. We take our clients' privacy seriously and will not use or disclose your personal or sensitive information unnecessarily

We maintain physical security over paper and electronic data stores, such as locks and security systems. We also use computer and network security technologies such as firewalls, antivirus software, external email filtering and passwords to control and restrict access to authorised staff for approved purposes and to secure personal information from unauthorised access, interference, disclosure, misuse and loss.

All personal information no longer needed and/or after legal requirements for retaining documents have expired will be destroyed or permanently de-identified.

**How information may be disclosed or used:**

The purposes for which we use and disclose personal information typically include:

- providing you with health assessment, treatment and management services;
- assisting you in coordinating your care and dealing with healthcare professionals;
- delivering any other services which we provide;
- meeting our legal obligations, including any reporting obligations to Government agencies;

- providing information to your family members or other support persons, where you have authorised us to do so (or in circumstances where you are not capable of providing such authorisation); and
- conducting billing and otherwise administering our business.

We will not give personal information about an individual to other Government agencies, private sector organisations or use the personal information for any other purposes other than the purpose for which it was collected, unless one of the following applies:

- you would reasonably expect, or has been told, that information of that kind is usually passed to those individuals, bodies or agencies for a purpose related to the primary purpose of which the information was collected, or in the case of sensitive information, a purpose *directly* related to that primary purpose of collection;
- otherwise with your consent
- it is required or authorised by law, for example, under the *Healthcare Identifiers Act 2010* (Cth);
- a permitted health situation exists in relation to that use or disclosure, for example the disclosure of necessary health information to a responsible person for you if you are incapable or unable to communicate consent, which is not otherwise contrary to your express wish prior to losing capacity;
- it will prevent or lessen a serious and imminent threat to somebody's life or health, or
- it is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

#### **Disclosure of information to overseas recipients**

We will not use or disclose any personal information to an overseas entity without express consent in writing from the concerned individual. In these circumstances we will use every endeavour to ensure that the foreign entity has appropriate measures in place to protect any personal information so disclosed.

However, we may disclose personal information outside of Tasmania (interstate), for example, to a relevant Government department or a data storage service provider interstate. As a personal information custodian within the meaning of the PIP Act, we are also bound by the PIPPs under the PIP Act. Among other things, the PIP Act permits the disclosure of personal information outside of Tasmania if the personal information custodian reasonably believes that the recipient of the information is subject to a law or contract that has principles for fair handling of the information that are substantially similar to the personal information protection principles under the PIP Act.

### **Participation in research projects**

If you are being invited to participate in a research project, you will be:

- given a choice about participating or not
- given the right to withdraw at any time
- informed about the purpose of the research project, the information to be collected, and how information they provide will be used, and
- given copies of any subsequent publications upon request.

We will comply with the National Statement on Ethical Conduct in Human Research and will, where appropriate apply to the Human Research Ethics Committee for approval prior to participating in any research project.

The collection of personal information will be limited to that which is required for the conduct of the project. Individual participants will not be identified. Organisational participants in research projects will generally be identified in The Company research, unless the nature of a particular project requires anonymity, or an organisation specifically requests it.

### **How an individual may access personal information and/or seek correction of such information:**

Our aim is to ensure that all personal information collected is accurate, complete and up-to-date. Individuals can request access and/or request corrections to the personal information held by us by contacting the.

Procedure for gaining access:

- All requests for access to personal information must be made in writing to the
- We will acknowledge a request for access to personal information within 14 days.
- It is reasonable to expect that extraction of the personal information required may then take up to fifteen working days due to the need to access both paper based and computerised information systems. A nominal fee may be charged to meet the costs of extracting the information. This is at the discretion of the CEO.
- If this timeframe is impracticable we will notify you of a more appropriate timeframe.
- You will be asked to verify their identity.

There may be instances where access is denied to certain record or aspects of records in accordance with the Privacy Act. These circumstances include:

- access would create a serious threat to safety;
- providing access will have an unreasonable impact upon the privacy of other individuals;
- denying access is required or authorised by law;
- the request is frivolous or vexatious;
- legal proceedings are underway or anticipated, and the information would not be accessible through the process of discovery in the proceedings;
- negotiations may be prejudiced by such access;
- providing access is likely to prejudice law enforcement;
- providing access is likely to prejudice action being taken or to be taken with respect to suspected unlawful activity or serious misconduct relating to the Group's functions or activities; or
- access would reveal a commercially sensitive decision-making process.

If we deny access to personal information, we will provide reasons in writing to You.

**How you may complain about a breach of the Australian Privacy Principles:**

Complaints can be made directly to us by telephone, email or in writing using the details provided here:

Telephone: 1300 364 876

Email:

South: Level 1, 6 Bayfield Street, Rosny Park TAS 7018

North: 403 West Tamar Highway, Riverside TAS 7250

North West: 11 Steele St, Devonport TAS 7310, 26 Cattley St, Burnie TAS 7320

If you believe we have not adequately dealt with your complaint, you may complain to the Privacy Commissioner whose contact details are as follows:

Officer of the Australian Information Commissioner (OAIC)

Phone: 1300 363 992

Email: enquiries@oaic.gov.au

GPO Box 5218 Sydney NSW 2001

**How an individual may complain about a breach of the Personal Information Protection Principles**

If the complaint is made under the PIP Act, you should refer the matter to the Tasmanian Ombudsman.

**How we will deal with such a complaint:**

Any complaint by an individual over an alleged breach of privacy will be dealt with under the Complaints Management Procedure and Policy.

**Procedures for review of this policy**

This policy will be reviewed and updated, if necessary, every two years, by Care Consultancy Management Services and any changes made will be approved by the delegated representative of the Board of Directors from the 1<sup>st</sup> of July 2022 (establishment date of the Board).

We reserve the right to change the terms of this Privacy Policy from time to time, without notice to you. An up-to-date copy of our Privacy Policy is available on our Website.

**Documentation**

Documents related to this policy	
Related policies	CF POL 3.A.15 Notifiable Data Breaches CF POL 3.A.16 Use of Security Cameras CF POL 3.A.15 Records Management



Forms, record keeping or other organisational documents	Charter of Aged Care Rights
References	<p><i>Aged Care Act 1997</i> (“the Act”)            User Rights Principles.</p> <ul style="list-style-type: none"> <li>• <i>Charter of Aged Care Rights</i> (“Charter”)</li> <li>• Aged Care Quality Standards</li> <li>• Service User Rights and Responsibilities</li> <li>• Quality of Care Principles 2014.</li> </ul>

Policy review and version tracking			
Review	Date Approved	Signed	Next Review Due
1	7/10/2013	Joe Towns	23/02/2018
2	23/02/2018	Wendy Edwards	23/02/2021
3	01/07/2022	Wendy Edwards	01/07/2024
4	17/11/2023	CC Executive	