



P006 – Privacy and Confidentiality

Version	Approved:	Comments	Next review date
1.0	01/05/2019		01/09/2020

Applies to:
All staff

Contents

PURPOSE.....	2
POLICY.....	2
Confidentiality	2
Privacy.....	2
Purpose of information held	3
Quality of personal information	4
Disclosure of personal information	4
Access to personal information	5
Correction of personal information	5
Storage and security of personal information	5
Destruction of personal information.....	6
Grievance and complaints procedure.....	6
How to contact First Call Nursing.....	7
DOCUMENTS	7

PURPOSE

First Call Nursing is bound by the Privacy Act 1988 and the Australian Privacy Principles (APP), which requires that organisations that hold personal and health information about people do so in an open and transparent manner and handle that information responsibly and confidentially.

This privacy policy outlines the personal information handling practices of First Call Nursing and is based on the Australian Privacy Principles. The Australian Privacy Principles are effective from 12 March 2014.

The APPs are found in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 Ref.

www.oaic.gov.au

Clients/carers must read and sign that they have understood and consent to their personal information being collected prior to providing personal data to First Call.

POLICY

Confidentiality

First Call Nursing adheres to a strict code of confidentiality within the application of its service provision.

First Call Nursing Support Staff are to relate client information, whether it be written or verbal to the office staff of First Call Nursing **only**.

First Call Nursing office staff are to relate client information, whether it be written or verbal to:

- Staff providing services for the client directly only.
- Clients, carers, service providers, organisations or facilities directly related to the client with their permission only.

Written requests are required for client information from clients, carers, service providers, organisations or facilities.

First Call Nursing support staff and professional staff are not to discuss amongst themselves information pertaining to any other staff member, client, carer, service provider, organisation or facility that does not directly relate to the application of their duties, role or authority while providing a client service.

Any breach of this policy will be considered serious and could constitute serious misconduct.

Privacy

Personal information

'Personal Information' means information, 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 that information, regardless of its source.

First Call Nursing collects and holds:

- Personal and health information of clients or prospective clients relating to providing care and services in their home or at a facility,
- Personal and health information of employees or prospective employees relating to their employment.

Collection of information

First Call Nursing only collects personal information that is necessary for any of the functions or activities required to provide client care and services and staff employment.

First Call Nursing collects personal information on clients or prospective clients in any of the following ways:

- From the Commonwealth Government Department of Aged Care Assessment Team.
- From Medicare Australia.
- From the Department of Social Services.
- From the individual's doctor.
- From the individual:
 - Upon the individual's initial inquiry or by the individuals' completion of the application for care services.
 - During interviews with the individual or their nominated representative or family.
 - Upon completion of the individual's assessment and support plan for services.
 - Upon completion of the individual's service agreement.
- From staff observation, other health providers or facilities.
- From completion of other relevant documentation.

First Call Nursing collects personal information on employees or prospective employees in any of the following ways:

- Information provided from the individual.
- Documentation completed and provided by the individual.
- Resumes provided by the individual.
- Information provided by referees proposed by the individual.
- Information provided on request from previous employers.
- Information obtained from the Workers Compensation Regulator relating to the individual's claims history.

This information is collected to provide or in providing a health service and is therefore also 'sensitive information' as prescribed by the *Privacy Act 1988* (as amended). Sensitive information is collected in accordance with the Privacy Act (Australian Privacy Principle 3) and is only collected after informing the individual and obtaining their consent.

Section 88 of the *Aged Care Act 1997* requires First Call Nursing to collect personal information prescribed by that Act and the Aged Care Principles.

If First Call Nursing receives unsolicited information such as information that is not relevant or did not actively seek to collect, this information will be securely destroyed as soon as practicable.

Purpose of information held

First Call Nursing may hold personal information on clients or prospective clients for the following purposes:

- To provide appropriate ongoing care and services.
- To comply with the provisions of the *Aged Care Act 1997* and associated Acts.
- To determine the individual's eligibility to entitlements provided by the *Aged Care Act 1997*.

First Call Nursing may hold personal information on employees or prospective employees for the following purposes:

- To enable us to properly assess the quality of applications for employment applied for.
- To enable us to contact the individual.
- To enable us to meet employment conditions and meet industrial employment legislation.
- To enable us to monitor, review and manage the individual's work performance in accordance with employment contracts and the organisations policies and procedures.

Quality of personal information

First Call Nursing takes a number of steps to ensure that all personal information we collect is accurate, up-to-date and complete. This includes:

- Recording information in a consistent format.
- Promptly adding updated or new personal information to records.

We also review the quality of personal information before we use or disclose it – disclosure only with client's written permission.

A client may access and update or correct their personal information by making a request to First Call management.

Disclosure of personal information

First Call Nursing will inform and seek the consent of the individual prior to the disclosure of personal information to any external agency or person.

First Call Nursing may disclose personal information about clients or prospective clients for the following reasons:

- To determine the individual's eligibility to entitlements provided by the *Aged Care Act 1997*.
- To enable us to contact any nominated person to lawfully inform of a client's health status.
- To provide a health professional or another health facility with health information required for appropriate ongoing care or referral.
- To lawfully liaise with the individual's nominated representative and to contact family if requested or needed.

First Call Nursing may disclose personal information about employees or prospective employees for the following reasons:

- To enable us to properly assess the quality of applications for employment applied for.
- To report to enforcement agencies to meet any legislative requirements such as a suspected or alleged sexual or physical assault of a resident.
- To provide information to health authorities in the case of an emergency or adverse health event.

First Call Nursing will not disclose personal information for any other purposes unless:

- The individual has given consent to the use or disclosure of information.
- The information is required or authorised by or under the Australian law or a court/tribunal order.
- A permitted health situation or emergency exists.
- It is reasonably believed that the information is reasonably necessary by an enforcement body.

If First Call Nursing is required to disclose personal information to an overseas recipient, all individuals will be informed and their consent gained. First Call Nursing will take all such steps as are reasonable in

the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to the information.

First Call Nursing will ensure that all aspects of the Privacy Act (Australian Principle 7) are met and will not disclose or use personal information for the purpose of direct marketing.

Access to personal information

Under the Privacy Act (Privacy Principle 12), an individual has the right to ask for access to their own personal information held about them by First Call Nursing.

Individuals may be asked to verify their identity prior to accessing personal information. Access to this information will be provided on request except where we can lawfully deny or limit access as prescribed by the Privacy Act 1988 (as amended).

An individual does not need to provide a reason for requesting access.

On advice from First Call Nursing's legal representative, access to personal information may be denied. If we refuse to give individuals access to personal information, we must notify you in writing setting out the reasons.

First Call Nursing will provide a reasonable range of choices of how access will be available depending on an individual's particular needs.

First Call Nursing may choose to charge for the service of providing access. What is charged will be reasonable and consistent with fees imposed by the Commonwealth for access to documentation under the Freedom of Information Act 1982.

Access may be obtained by:

- Contacting our Office, First Call Nursing on telephone **02 9600 6612**.
- Written request for personal information.

Correction of personal information

If the individual believes the personal information held about the individual is inaccurate, incomplete or not up to date, the individual may request an amendment and a correction of the information. A request for correction of information may be made to First Call Nursing.

If First Call Nursing does not agree with the amendment, we will note the individual's disagreement and the reasons why.

Storage and security of personal information

First Call Nursing may store personal information about the individual in any of the following ways:

- Electronically on our computer databases.
- Hard copy documents kept securely within the premises.

First Call Nursing is committed to ensuring we securely protect all individuals' personal information from misuse, loss, unauthorised access, modification or disclosure.

First Call nursing takes steps to protect the security of the personal information we hold from both internal and external threats by:

- Regularly assessing the risk of misuse, interference, loss, and unauthorised access, modification or disclosure that information.
- Electronic databases have security levels and only authorised staff are able to access relevant personal information.

- All computers and electronic devices are protected by up-to-date virus and external fire wall protection.
- No personal information is stored on individual computers. Information is stored on the cloud, operated by reputable Australian based service providers.
- All personal information is securely backed up in databases stored on the cloud.
- All relevant staff have signed a Confidentiality Agreement and have received education on privacy and confidentiality.
- Conducting regular audits to assess whether we have adequately complied with or implemented these measures.
- Any breach or suspected breach of data security are dealt with using a risk management approach and appropriately actioned by First Call Nursing.

Destruction of personal information

Disposal of records requires that they be rendered unreadable by appropriate mechanical, physical or electronic processes. All electronic information is secured by using password protection. Any paper records are maintained in accordance with the *Aged Care Act 1997*, *Records Principles 1997* and the guidelines outlined in the Australian Government Administrative Disposal Authority. First Call Nursing securely destroys all paper personal information when they are no longer required to be retained. Records are placed in security bins and destruction is carried out by a secure document external provider.

Grievance and complaints procedure

If a client or representative wishes to make a complaint about our management of personal information, a written complaint may be submitted to the Manager. Staff who wish to make a complaint may do so in accordance with P001 Complaints and Feedback Policy.

First Call Nursing aims to achieve a mutually agreeable solution to all complaints received through the internal process. However, if the complaint has not been resolved internally to the complainant's satisfaction, the complaint may be lodged with the Aged Care Complaints Scheme in the following ways:

- Telephone: **1800 550 552** (during business hours)
- Telephone: **1800 035 544 (NDIS Commission)**
- **If you need an interpreter**, tell us when you call and we will arrange to use the [Translating and Interpreting Service \(TIS\)](#). Alternatively, please call the TIS directly on **131 450** and ask them to transfer you to our number **1800 550 552**.
- **If you are hearing or speech impaired**, contact us through the [National Relay Service](#): TTY users: phone **1800 555 677**, then ask for the number **1800 550 552**. Speak and Listen users: phone **1800 555 727** then ask for the number **1800 550 552**.
- Internet relay users: connect to the [National Relay Service](#) and enter **1800 550 552**.
- Online at: <http://agedcarecomplaints.govspace.gov.au/>
- Writing to:

Aged Care Complaints Scheme
Department of Social Services
GPO Box 9848
Sydney NSW 2000

How to contact First Call Nursing

If an individual has any questions, complaints or requires further information, please contact us at:

First Call Nursing
Suite 8/72-74 Bathurst Street
Liverpool NSW 2170

Phone: **02 9600 6612** or after hours on: **0408 438 902**

Any individual may request a copy of the organisation's Privacy Policy by contacting the Office on **(02) 9600 6612**. The policy may be provided to the individual in the particular form that they request, such as a paper copy or an emailed PDF document.

Under the Privacy Act (Australian Privacy Principle 2), an individual may have the option of not identifying themselves or using a pseudonym in relation to a particular matter. First Call Nursing will not breach any Privacy or other legislation regarding disclosing information and may find it impracticable to deal with individuals who have not identified themselves or who have used a pseudonym.

References

Office of Australian Information Commissioner: <http://www.oaic.gov.au/>

Office of Australian Information Commissioner (2014) Australian Privacy Principles. Privacy Fact Sheet 17. January 2014.

Office of Australian Information Commissioner (2012) Ten steps to protect other people's personal information. April 2012.

Privacy Act 1988.

Privacy Amendment (Enhancing Privacy Protection) Act 2012.

DOCUMENTS

F044 Employee Confidentiality Agreement

F044 - EMPLOYEE CONFIDENTIALITY AGREEMENT

This Agreement is made between _____ ("EMPLOYEE")
and **First Call Nursing** on _____ 20____.

EMPLOYEE will perform services for First Call Nursing which may require First Call Nursing to disclose confidential and proprietary information ("Confidential Information") to EMPLOYEE. (Confidential Information is any information of any kind, nature, or description concerning any matters affecting or relating to Employee's services for First Call Nursing, the business or operations of First Call Nursing. Accordingly, to protect the First Call Nursing Confidential Information that will be disclosed to EMPLOYEE, the EMPLOYEE agrees as follows.

- A.** EMPLOYEE will hold the Confidential Information received from First Call Nursing in strict confidence and shall exercise a reasonable degree of care to prevent disclosure to others.
- B.** EMPLOYEE will not disclose or divulge either directly or indirectly the Confidential Information to others unless first authorized to do so in writing by First Call Nursing.
- C.** EMPLOYEE will not reproduce the Confidential Information nor use this information commercially or for any purpose other than the performance of his/her duties for First Call Nursing.
- D.** EMPLOYEE will, upon the request or upon termination of his/her relationship with First Call Nursing, deliver to First Call Nursing any notes, documents, equipment, and materials received from First Call Nursing or originating from its activities for First Call Nursing.
- E.** First Call Nursing shall have the sole right to determine the treatment of any information received from EMPLOYEE in the course of their duty, including the right to keep the same as a trade secret, to use and disclose the same in its own name or to follow any other procedure as First Call Nursing may deem appropriate.
- F.** First Call Nursing reserves the right to take disciplinary action, up to and including termination for violations of this agreement.

EMPLOYEE represents and warrants that it is not under any preexisting obligations inconsistent with the provisions of this Agreement.

Signing below signifies that the EMPLOYEE agrees to the terms and conditions of the agreement stated above.

First Call Nursing

EMPLOYEE

First Call Nursing Management

Employee Signature

Date:

Date:
