

Privacy and Information Management Policy

Policy

Gold Coast Occupational Therapy will comply with:

- Privacy Act 1988
- Privacy Amendment Act 2012

This includes having systems in place governing the appropriate collection, use, storage and disclosure of personal information, access to and correction and disposal of that information.

Outcome

Compliance with Australian legislative requirements governing privacy of personal information. All Gold Coast Occupational Therapy clients are satisfied that their personal information is kept private and only used for the intended purpose. Gold Coast Occupational Therapy complies with Occupational Therapy Australia's Code of Ethics and NQSC Code of Conduct.

Background

The Privacy Act 1988 (Privacy Act) is an Australian law which regulates the handling of personal information about individuals by private sector organisations. Amendments were made to this legislation in 2012 (the Privacy Amendment Act 2012) which updates the Australian Privacy Principles (APP) and came into effect in March 2014. The amendment requires an organisation to explicitly state how they will adhere to the APP and inform their participants on how their privacy will be protected. The APP cover the collection, use, storage and disclosure of personal information, and access to and correction of that information. The APP are summarised in Appendix 1 of this document.

The Queensland Information Privacy Act 2009 does not cover actions by individual citizens, privacy sector organisations or the community sector. Organisations with an annual turnover of more than \$3 million dollars and private sector health service providers are subject to the Commonwealth privacy legislation.

Definitions

'Personal information' means information (or an opinion) we hold (whether written or not) from which a person's identity is either clear or can be reasonably determined.

'Sensitive information' is a particular type of personal information - such as health, race, sexual orientation or religious information.

Procedures

1. The Director of Gold Coast Occupational Therapy will review the Privacy Policy annually to ensure it complies with changes in legislation and ensure they understand their responsibility to protect the privacy of individuals' personal information.

Managing Privacy of Participant Information Storage

- Participant information collected is kept in an individual participant record.
- Each participant record has a unique identification number (NDIS number).
- A participant record includes: personal information • clinical notes • investigations • correspondence from other healthcare providers • data recording sheets • photographs • video footage.
- Anti-virus, anti-malware software and regularly changed password protection is used as a means of protecting information stored on the computer.
- Participant information is backed up to a password protected secure cloud platform - Google Drive.
- Paper records are kept in locked, fireproof cabinets.
- Participant information is stored for seven years post the date of last discharge. In the case of participants aged under 18 years, information is kept until their 25th birthday and seven years post discharge.
- Participant related information, or any papers identifying a participant are destroyed by shredding and deleting from the computer and all databases.
- User access to all computers and mobile devices holding participant information is managed by passwords and automatic inactive logouts.
- Only the Director of Gold Coast Occupational Therapy has access to participant records.

Managing Privacy and Confidentiality Requirements of Participants

- Gold Coast Occupational Therapy refers to their Privacy Policy on the participant's NDIS Service Agreement.
- The NDIS Service Agreement includes five specific consents:
 1. Consent for sharing information
 2. Consent for receiving services
 3. Consent for photography
 4. Consent to participate in Participant Satisfaction Surveys
 5. Consent to participate in Quality Management Activities
- These consents are discussed with the participant and /or their decision maker in a way they can understand prior to the commencement of service.
- Persons contacting Gold Coast Occupational Therapy with an enquiry do not need to provide personal details. However, once a decision is made to progress

to utilising Gold Coast Occupational Therapy services, personal and sensitive information will need to be collected.

- Gold Coast Occupational Therapy may need to share pertinent participant information with other health professionals, equipment suppliers, service providers, NDIS or school. Information is only shared in order to provide the best service possible. Permission to share information is sought from the participant prior to the delivery of services and as required at other points of intervention as / if required.
- Personal information is not disclosed to third parties outside of Gold Coast Occupational Therapy, other than for a purpose made known to the participant and to which they have consented, or unless required by law.
- “There are certain circumstances where NDIS providers should disclose information about a person without consent from the person involved. This might include mandatory reporting requirements on child protection matters, and obligations to report incidences of violence, exploitation, neglect and abuse, and sexual misconduct to the NDIS Commission and police”. (NQSC Code of Conduct)
- Participants are informed there may be circumstances when the law requires Gold Coast Occupational Therapy to share information without their consent.
- Therapist will request permission to perform procedures that require physical touch or invasion of personal space and explain these procedures. Informed consent may need to be provided by an alternative decision maker. Therapist will monitor for signs of implied consent and withdrawal of consent in participants who have difficulty communicating or understanding events (intellectual, communication impairment).
- Therapist will consider everyday personal privacy needs to maintain participant’s dignity.

Maintaining Privacy During Telehealth

- Gold Coast Occupational Therapy uses a telehealth platform that is compliant with Australian privacy and security legislation (Coviu).
- Gold Coast Occupational Therapy seeks specific consent from participants to participate in telehealth, informing them of the risks and benefits of using telehealth (see Telehealth Consent form).

Keeping Accurate Participant Information

- Participants are informed of the need to provide us with up to date, accurate and complete information.
- Gold Coast Occupational Therapy staff update information on the participant record at the time of reviews or when they become aware of change in information.

- Therapist updates the participant record as soon as practical after the delivery of services to ensure information is accurate and correct.

Using Participant Information for Other Purposes

Under no circumstances will Gold Coast Occupational Therapy use personal details for purposes other than stated above, unless specific written consent is given by the participant or their representative.

Participant Access to Their Information

Participants have the right to access the personal information Gold Coast Occupational Therapy holds about them. To do this, participants must contact the Director of Gold Coast Occupational Therapy.

Management of a Privacy Complaint

- If a person has a complaint regarding the way in which their personal information is being handled by Gold Coast Occupational Therapy, in the first instance they are to contact the Director. The complaint will be dealt with as per *the Complaints Management Policy*. If the parties are unable to reach a satisfactory solution through negotiation, the person may request an independent person (such as the Office of the Australian Privacy Commissioner or the NDIS Quality and Safeguards Commission) to investigate the complaint. Gold Coast Occupational Therapy will provide every cooperation with this process.

Guiding documents:

- Office of the Australian Information Commissioner. Guidelines on Privacy in the Private Health Sector.
- Occupational Therapy Australia (2020). Telehealth guidelines.

Appendix 1: Summary of the 13 Australian Privacy Principles

APP 1 — Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 — Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 — Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 — Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 — Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 — Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or

disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 — Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.