

# Confidentiality and Privacy

## POLICY AND PROCEDURE

### Purpose

Subee Confidentiality and Privacy Policy provides a framework around the kinds of information collected; how it is collected and stored; purposes of collection, use and disclosure; access to information; and complaints.

Subee supports a culture of privacy and confidentiality throughout the organisation to protect the rights of clients, staff, and the business.

### Definitions

Confidentiality relates specifically to the protection of information concerning clients, staff, and the organisation. It refers to the act of keeping information, documents, or objects secure.

As opposed to privacy which relates to the rights of individuals to have information about them kept private. Privacy laws regulate the handling of personal information.

### Scope

- This policy applies to all information collected as part of service delivery and includes both demographic and clinical information.
- Personal information is defined as information which directly or indirectly identifies a user of the service, including family members.
- Sensitive information is defined as information or opinion regarding racial or ethnic origin, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices, criminal record, political opinions or affiliations and professional affiliations as well as health and genetic information ([The Privacy Act 1988](#)).

- For the purposes of this policy, Subee does not discriminate between 'personal' and 'sensitive' information in terms of how it is managed.
- [Privacy Act 1988 \(Privacy Act\)](#) and the Australian Privacy Principles (APPs)
- Relevant to the [Australian Community Industry Standards \(ACIS\) 4.0](#), [The National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](#) and the [New Aged Care Quality Standards](#).

### Policy Statement

Transparency of information management. Subee will:

- Make its Privacy Policy freely available on the company website.
- Include reference (summary) to the policy in Information Packs; in accessible language; and clear links to the full policy.
- The kinds of personal information that Subee collects and holds.
- Subee will only collect personal and/or sensitive information that is directly related to the function for which Subee has been engaged.
- Sensitive information may include but is not limited to, name, health status, religious beliefs, cultural beliefs and practices, gender, sexuality.
- In all instance's individuals must consent to the collection of information

Types of information we will typically collect include:

- Carer/friends and family information
- Contact details of Allied Health Professionals who support you
- Contact information and address
- Date of Birth

P-Confidentiality & Privacy Policy	Printed documents are uncontrolled. View current documents on the Subee Intranet	
V5.0	08/03/2024	Page 1 of 4



# Confidentiality and Privacy

## POLICY AND PROCEDURE

- Gender
- Health diagnosis
- Name
- Your daily goals, lifestyle information (for care plans)
- Your opinions and feedback on our services via anonymous surveys

### Clean Desk Policy

All desks should be cleared of confidential documents prior to leaving at the end of each day or within a locked space.

When working in a work area exposed to the public, information of a personal or sensitive nature should not be visible. This includes but is not limited to white boards and computer screen.

### How Subee collects and holds personal information.

- Where possible information will be collected from the person themselves.
- If information is collected from a third party this will be done with consent (for example, legal guardians and carers) and the person advised.
- Subee will allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis. Note, as a health service provider anonymity is largely impractical - apart from anonymous surveys conducted for CQI this mode of collection would be the exception and staff should refer to the CFO/Clinical Team Leader for clarification if required.

Subee will not use or disclose government related identifiers.

- All staff on induction read and sign this policy and complete an online Privacy Ausmed Module, Keeping secrets: The health care workers duty of confidentiality.
- Information shall be stored and archived on a secure network with access granted to support service delivery only; information destroyed shall be done so in accordance with the Records Management Policy.
- Electronic Information is protected by a double password.
- Computer screen lock is set at 5 minutes if keyboard is idle and automatic log out at 10 minutes if keyboard is idle.
- Subee maintains electronic records only. Documents are held as required by law and destroyed appropriately, inclusive of unsolicited information not required as part of service delivery.

The purposes for which Subee collects, holds, uses and discloses personal information. Subee will:

- Only collect information that supports the delivery of health care (for example the completion of care plans and risk assessments) and/or duty of care to clients and employees and where there is a service agreement or request in place or pending (as clients accessing services).
- Not use sensitive information for the purposes of direct marketing; use personal information for the purpose of direct marketing only if that information has been collected from the person themselves, if the person could reasonably expect the organisation to use the information in such a manner; and, if the person is provided with an accessible opt out mechanism.
- You can opt out at any time by contacting us via the contact form on the website, emailing

P-Confidentiality & Privacy Policy	Printed documents are uncontrolled. View current documents on the Subee Intranet	
V5.0	08/03/2024	Page 2 of 4



# Confidentiality and Privacy

## POLICY AND PROCEDURE

[subee@subee.com.au](mailto:subee@subee.com.au), or writing to us at PO Box 1872, Coffs Harbour NSW 2450

- Take steps to ensure that information collected is accurate, up to date and complete through clear lines of responsibility, review and internal audit.
- You must contact us if you would like to see any of the personal or health information collected by us, or if you have further questions about the handling of your personal or health information. You may also make a complaint about our handling of your personal information to the [Office of the Australian Information Commissioner](#), the [NDIS Quality and Safeguards Commission](#) or the [Aged Care Quality and Safety Commission](#).
- We may need to disclose personal and/or health information to third parties who are concerned with the provision or procurement of services, including sub-contractors. Disclosures may also be made to other third parties, including health professionals, advisors and regulatory authorities. Where disclosure takes place, we will seek to ensure that your information is handled appropriately
- Clients can withdraw their consent for information collection or sharing at any stage of their agreement. This would be recorded in their client file with and their service coordinator if not already would be informed.

### Assistive Technology Access

#### Assistive technology access codes/password

Employees should not have access to client password for assistive technology devices such as computers and smart phones.

If client is unable to enter password please contact the clients service coordinator so OT assessment can be

arranged for a supportive device that can be accessed via another means eg voice

Support can be offered on assistive technology devices once client enters password.

Supports may include but are not limited to;

- Online shopping
- Tele health appointments
- Making appointment
- Accessing resources
- Playing games

Employees should not be on social media platforms with the client

### Access of Personal Information

Upon request Subee will provide access to personal information within 30 days, unless:

- There is reason to believe that providing access will pose a serious threat to the life, health, or safety of the individual, or to public health and safety
- Providing access would impact on the privacy of others
- The request is determined to be frivolous or vexatious
- Other reasons (legal or otherwise) listed under sub clause 12.3 of the APP
- Requests should be made via the contact form on the website; in writing addressed to the Operations Manager, PO Box 1872, Coffs Harbour NSW 2450 or via email to [subee@subee.com.au](mailto:subee@subee.com.au).
- Access to personal information will be free of charge in all circumstances.
- How an individual may complain about a breach of the [Australian Privacy Principles](#) and how Subee will deal with such a complaint.

P-Confidentiality & Privacy Policy	Printed documents are uncontrolled. View current documents on the Subee Intranet	
V5.0	08/03/2024	Page 3 of 4



# Confidentiality and Privacy

## POLICY AND PROCEDURE

- If Subee denies access (under sub clause 12.3 of the APP) written notice shall be provided as to the grounds for refusal and external mechanisms of complaint.
- In such a situation, Subee will refer individuals to the [NSW Privacy Commissioner](#) and/or the [Australian Privacy Commissioner](#). Links to both will be maintained on the Subee website.
  - Whether Subee is likely to disclose personal information to overseas recipients; and if so, in what countries, if it is practical to define.
  - Subee will not disclose personal information to overseas recipients when it breaches the APP and there is no consent given.
  - Personal information collected shall only be stored and backed up in Australian facilities.

### Maintenance and Destruction

- Documents and files should be maintained in accordance with the [Privacy Act](#) and destroyed according to timeframes set out in Privacy Act 1988; 7 years for an adult, or up to age 25 for anyone entering the service under the age of 18.
- All documents with client information (including personal and sensitive information) should be shredded or destroyed using a confidential service.

### Repercussions of breach of policy

- Any breach of this policy may result in instant dismissal or a note on the employee's file at the discretion of the business owner or Company Director
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- Data breaches will be followed according to Subee Data Breach Policy

### Responsibility and Authority

- The Executive Manager/Chief Financial Officer and Management Team have responsibility and authority to ensure this policy and procedure is followed
- It is the Quality Manager's responsibility to ensure that the policy is reviewed to reflect changes in legislation as they occur.
- The Quality Manager has the responsibility of checking compliance against this policy and procedure.
- All employees are responsible for knowing and following this procedure and maintaining client, employee and businesses confidentiality.

### Training

All employees complete the Ausmed eLearning module, Keeping Secrets: The health care workers duty of Confidentiality within the first month of employment.

All employees acknowledge they have read and signed the Subee Privacy & Confidentiality Policy at induction.

P-Confidentiality & Privacy Policy	Printed documents are uncontrolled. View current documents on the Subee Intranet	
V5.0	08/03/2024	Page 4 of 4

