



## POLICIES AND PROCEDURES

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# Complete Nursing & Home Care Privacy and Confidentiality Policy

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**Document owner:** Services Delivery Manager

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### 1. Purpose and Scope

**Complete Nursing and Home Care** is committed to protecting the privacy and confidentiality of Customers, staff, management, students, volunteers and stakeholders in the way information is collected, stored and used.

This policy provides guidance on **Complete Nursing and Home Care's** legal obligations and ethical expectations in relation to privacy and confidentiality.

**Complete Nursing and Home Care** holds two types of information which are covered by this policy, personal and organisational information.

Information/records are to be kept for 7 years for adults and 10 years for children.

### 2. Definitions

Privacy provisions of the **Privacy Act 1988** and Australian Privacy Principles guidelines govern the collection, protection and disclosure of personal information provided to **Complete Nursing and Home Care** by Customers, staff, volunteers, students and stakeholders.

Confidentiality applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access, and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain.

Consent means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.

Individual means any person such as a Customer, staff member, volunteer, student, contractor or a member of the public.

Organisational information includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the Privacy Act (2014) but some organisational information may be deemed confidential.

Personal information means information or an opinion (including information or an opinion forming part of a database) about an individual (Office of the Federal Privacy Commissioner, 2001). It may include information such as names, addresses, bank account details and health conditions. The use of personal information is guided by the Federal Privacy Act (1988) and Australian Privacy Principles guidelines.

The public domain in relation to confidentiality is “common knowledge,” i.e. information that can be accessed by the general public.

### 3. Principles

**Complete Nursing and Home Care** is committed to ensuring that information is used in an ethical and responsible manner.

**Complete Nursing and Home Care** recognises the need to be consistent, cautious and thorough in the way that information about Customers, stakeholders, staff, students and volunteers is recorded, stored and managed.

All individuals including Customers, stakeholders, staff, students and volunteers have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy and/or legal framework.

All staff, students and volunteers are to have an appropriate level of understanding about how to meet the organisation’s legal and ethical obligations to ensure privacy and confidentiality.

### 4. Outcomes

**Complete Nursing and Home Care** provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative requirements and ethical obligations.

All staff understand their privacy and confidentiality responsibilities in relation to personal information and organisational information about **Complete Nursing and Home Care**, its Customers, staff and stakeholders. This understanding is demonstrated in all work practices.

### 5. Risk Management

**Complete Nursing and Home Care** ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

All staff, volunteers, and students are made aware of this policy during orientation.

All staff are provided with ongoing support and information to assist them to establish and maintain privacy and confidentiality.

### 6. Collection of Information

Personal information collected by **Complete Nursing and Home Care** is only for purposes which are directly related to the functions or activities of the organisation. These purposes include:

- Enquiry about programs
- Referral to programs
- Providing support to Customers
- Administrative activities, including human resources management
- Sector development activities
- Community development activities
- Fundraising
- Complaint handling.

For more detailed information about these purposes and the information handling practices that apply to them, refer to the [Customer File Management Policy](#), [Human Resources Management Policy](#), [Feedback and Complaints Management Policy](#) and [Information Management Policy](#).

**Complete Nursing and Home Care** provides information to Customers on collecting health and personal information including:

- Purpose of collecting information

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- How information will be used
- Who (if anyone) information may be transferred to and under what circumstances information will be transferred
- Limits to privacy of personal information
- How a Customer can access or amend their health information
- How a Customer can make a complaint about the use of their personal information.

See also [Customer Rights and Responsibilities Form](#) and [Information for Customers – How to Provide Feedback](#).

## 6.1 Use and Disclosure

**Complete Nursing and Home Care** only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organisation. It may be provided to government agencies, other organisations or individuals if:

- The individual has consented
- It is required or authorised by law
- It will prevent or lessen a serious and imminent threat to somebody's life or health.

Further information regarding the use and disclosure of Customer information can be found in the [Customer File Management Policy](#).

## 6.2 Data Quality

**Complete Nursing and Home Care** takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

## 6.3 Data Security

**Complete Nursing and Home Care** takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse.

These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas
- Physically securing the areas in which the personal information is stored
- Not storing personal information in public areas
- Positioning computer terminals and fax machines so that they cannot be seen or accessed by unauthorised people or members of the public.

Reasonable technical safeguards include:

- Using passwords to restrict computer access.
- Establishing different access levels so that not all staff can view all information
- Ensuring information is transferred securely (for example, not transmitting health information via non-secure email)
- Using electronic audit trails
- Installing virus protections and firewalls.

Reasonable administrative safeguards include not only the existence of policies and procedures for guidance but also training to ensure staff, students and volunteers are competent in this area.

### 6.4 Breach of Privacy or Confidentiality

If staff are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor. If this is not possible or appropriate, follow delegations indicated in the Grievance and Dispute Settling Policy. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.

If a Customer or stakeholder is dissatisfied with the conduct of an **Complete Nursing and Home Care** staff, a complaint should be raised as per the Feedback and Complaints Policy. Information on making a complaint will be made available to Customers, stakeholders and will be found on the **Complete Nursing and Home Care** website. Additionally, a complaint can be taken over the phone by any staff member.

## 7. Policy Governance

<b>Management Team</b>	Provides policy, oversight and review
<b>Administration Officer</b>	Oversees regular review of Policy
<b>General Manager</b>	Drives culture of Policy adherence and signs off on annual risk / hazard review
<b>HR Manager</b>	Ensure staff comply with policy and foster a culture where risks can be identified and escalated
<b>WHS Committee</b>	Continuously improving policy, strategy and supporting framework
<b>Staff and Contractors</b>	Comply with policies and procedures

### Resources:

Australian Privacy Principles guidelines

Australian Privacy Act 1988

## Workplace participant acknowledgement

*I acknowledge:*

- *receiving the CNHC Policy;*
- *that I will comply with the Policy; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

Name:

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Signed:

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Date:

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