

Respite Choices Policy Manual

Policy Name	Gathering and Storage of Personal Information	Policy Number	4b
Document Approval Gathering and Storage of Personal Information Policy for M.R.C has been endorsed and approved by: Chris Dench Company Director. M.R.C. Signature: x Date Approved: 20/12/17		Document Version Control: Document Name: Gathering and Storage of Personal Information Policy Version: 5 Document status: Draft/Under Review/ Final Revised Date: 20/12/17 Next review date: 20/12/18	
Purpose			
<ul style="list-style-type: none"> To ensure that <i>Respite Choices</i> maintains and makes available Clients personal information in a manner that meets the requirements of relevant legislation. To ensure that <i>Respite Choices</i> gathers and stores personal information in a way that promotes privacy, dignity and confidentiality of the service user. 			
Scope			
<i>M.R.C. Management, Employees and Clients</i>			
Related Documentation :			
Standard	Disability Standard: 1– Rights		
Legislative obligations	Anti-Discrimination Act 1977 (NSW) Australian Human Rights Commission Act 1986 (Commonwealth) Carers (Recognition) Act 2010 (NSW) Children and Young Persons Act 1998 Community Services (Complaints, Reviews and Monitoring) Act 1993 Crimes Act 1900 (NSW) Disability Discrimination Act 1992 (Commonwealth) Disability Inclusion Act 2014 Freedom of Information Act 1989 (NSW) Guardianship Act 1987 (NSW) Health Records and Information Privacy Act 2002 (2002) Human Rights and Equal Opportunity Commission Act (Commonwealth) Independent Commission Against Corruption Act 1988 (NSW) Section 8 Privacy Act 1988 (Commonwealth) Privacy and Personal Information Protection Act 1998 (NSW) Public Health Act 1991 (NSW)		
Contractual obligations	ADHC , NDIA Terms of Business		
Organisational Values and Beliefs			
<p><i>Respite Choices</i> ensures compliance to legal and other requirements, particularly in relation to privacy, dignity and confidentiality. This includes adhering to the Information Protection Principles (IPP's) and the Health Privacy Principles (HPP's) that govern the way in which personal information must be collected, stored, used, accessed and disclosed.(Appendix 4b.1 and 4b.1a)</p> <p><i>Respite Choices</i> ensures client's files contain documentation reflecting the promotion of effective service delivery to Clients and promotes privacy, dignity and confidentiality in the way in which these records are maintained.</p> <p><i>Respite Choices</i> also adheres to and follows the Statutory Voluntary Out-of-home Care Procedures (VOOHC) in relation to the children and young people it provides care for.</p> <p><i>M.R.C.</i> believes that is best practice to follow the Information Protection Principles even though <i>M.R.C</i> is not legally required to adhere to them.</p>			

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M.R.C. believes that the Director is responsible for all clients' files and that all files must be kept up to date, tidy and confidential at all times.

Procedure/s

MRC employees are to implement the following:

- Clients will be informed upon entry to the service about information that is collected, how it is stored and its use by the organisation. (Appendix1a.3) Clients will be informed that information about them is private and that they have a right to use the complaints procedure and support to undergo this process if they feel this has been breached.
- All client information whether personal, psychological or medical should be considered confidential. This includes base information such as name, address, age and sex.
- Information collected from a client for one purpose must not be used for any other purpose without the Clients consent. However the information may be used so long as identification of the client is prevented. The information need to be de identified before it can provide any party external to MRC. *Personal information* should be stored for the period for which any of the purposes for which it was gathered is still valid. Once a client exits the service, information will be kept for a minimum period of seven (7) years.
- Copies of care plans and care plan reviews for children and young people will be kept until that individual is 18 years of age and all other information until they are of 25 years.
- The disposal of *personal information* records should involve an appropriate mechanical, physical or electronic process, which renders them unreadable. Special attention should be paid to the disposal of waste material, which may contain *personal information*.
- Hard copies of client documentation are kept in a locked filing cabinet. Keys to filing cabinet are kept in a key safe protected by a code or key that is only made known to *M.R.C.* Management personnel.
- When documentation and data is archived all information backed up on the computer system and all paper copies are destroyed in a confidential manner. All personal information saved electronically will be saved on a server that is password protected. Passwords and back up disk are only accessible to administrative staff and kept in a fire proof safe within *Respite Choices'* office and at an offsite location.
- Access to and retrieval of *personal information* should be restricted to those with a "need to know" for the purpose of carrying out the agreed service/s to a particular client. Usually this refers to staff directly involved in service provision to that client.
- *Personal information* should only be faxed in exceptional circumstances, and preferably only when the retrieving unit can guarantee the security and confidentiality of the information.

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Information recorded in service user's files should be:

- **Accurate** – Distinguishing between what is seen and what the recorder has been told. Information must be correct. If possible/appropriate check back with client at time of documenting/writing report.
- **Brief** – Do not repeat information. If a specialist or therapist has seen a client do not write a comprehensive report of what was said or advised. The specialist or therapist should write a separate report that can be filed in the correct place and referred to when necessary.
- **Complete** – Document all relevant details. Document at the time of an incident or as close to that time as possible will help to ensure details are not left out or forgotten.
- **Objective** – Write what is seen not what you think you see. Subjective information implies a judgment has been made, and is an interpretation of events. Objective information reports only what was observed.
- **Legible** – Only write notes and reports in pen. Sign and date all entries.

Never use white out on mistakes. Put a single line through the error and initial, and then write correct information. Whiting out or completely obliterating information may be construed as an attempt to conceal something.

All relevant information must be documented in appropriate sections of the Clients file.

The following is a minimal content list of a Clients file:

- Identifying information on the consumer including:
 - Name and contact details
 - Date of birth
 - Current contact details of family/person responsible /guardian or advocate
 - Date of first contact
 - Diagnosis (if appropriate)
 - Language spoken and interpreter requirements
- Record of intake including relevant reports
- *Individual plans* and reviews (including individual care needs as appropriate).
- Medical information including allergies, vaccinations, medical history and ongoing medical conditions.
- Assessments / Reports carried out by staff, such as therapists and case workers, program information and external service providers.
- Guardianship orders and the existence of any other relevant community files.
- Ongoing record of significant events and incidents'

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Information Collection Procedure

MRC Employees are to reflect the following information when Collecting, Storing and Using Employees, Customers and Clients personal information.

- Upon entry to the service the client/ customer are to be informed about the possible uses of information that is collected about them. Provide them with a Client Information Brochure.
- Employees will be notified upon induction about this Policy and provided a copy as requested
- Use the forms referred to in the Appendices section at the bottom of this Policy to gather personal information about Employees, Clients and Customers.

What information is collected about you?

- **Clients:** MRC collects relevant personal information about you for the purposes of assessing your eligibility for our services and for providing the services outlined in your Service Agreement. Information collected will be about you and any one that may be responsible for you. The details we require are outlined in the client profile form and consist of base information such as personal details as well as more complex details such as support plan requirements. You are not required by law to provide the personal information we request from you, but MRC may not be able to provide you with a service if we do not have this information.
- **Staff:** MRC collects relevant personal information about you for the purposes of assessing your eligibility for employment and for assessing your suitability for engagement in employment with a range of client needs.

How is your information stored?

- **Clients and Staff:** The information is stored both electronically and manually. Both methods require passwords to access that are only available to M.R.C. administration personnel.
- **Clients:** M.R.C. has a legal obligation to protect the privacy of your personal information and to ensure your paper and computer based records are secure. Your information may only be accessed by authorised staff that needs this information to provide your services. This could include situations where you have requested other services to be provided or funded by another source.

What we use your Information for?

- **Clients:** The use of the information we collect about you is for the purpose of assessment, planning and for providing the appropriate level of care. Information is only exchanged with external parties with your consent. This will be obtained by you completing the "Authority to Obtain and release information" form. The collection of information is only for the benefit of you. Information collected about you is private. All client information will be considered confidential.

Is your information used for any other purposes?

- Except when the intended release of information was notified to you at the time it was collected, or is allowed or required by law, MRC will always seek your consent before sharing your personal information with external service providers or agencies.

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- Clients and or their person responsible will be informed upon entry to the service of their right to view information held by the service about them and staff will respond positively to requests from people using the service to access their own personal information.
- With the permission of the client and or their person responsible, families are also invited to see any information kept about them.

Managing Breaches of Confidentiality

- If a breach of confidentiality is suspected by an individual, they will be requested to complete the grievance and complaints form.
- The complaints procedure from the Complaints Policies 7a or the Staff Complaints, Disputes and suggestions Policy 7b- will be implemented and adhered to.
- If a breach is identified within MRC, the individual whose information has been breached will be contacted immediately to discuss the matter and this information will be referred to the Human Resources department within MRC.
- A breach by an employee will be dealt with via our disciplinary action procedure.

Information Exchange

Respite Choices ensures that individuals are not identified when providing information to funding bodies and other agencies about service usage.

- Names or personal information provided on any forms is to be blacked out or deleted where possible
- Staff member's names, qualifications and training information may be shared with other organisations for the purposes of obtaining contracts and tenders. It is only to be provided as requested by external parties.
- The MRC Service Coordinator and the MRC Company Director are the authorised staff within MRC who can provide and receive information about Children and Young Persons in accordance with the VOOHC procedures.
- Information exchange of any Client, Customer or Employee needs to be discussed with the Director prior to doing so

When sharing information M.R.C. will:

- Display the appropriate level of professional respect and sensitivity for the confidentiality, privacy and dignity of each person. This includes sharing information with other services on a need to know basis only.
- Observe the same principles when raising issues in the context of professional supervision and debriefing.
- Respect the right of Clients' to privacy and pass on information to parents/ guardians only with their consent or under circumstances outlined in the consent procedure.

For VOOHC Clients MRC will also adhere to the following:

- We will only request information about a child or young person that complies with section 9.6 of the VOOHC procedures
- Ensure consent is gained before releasing information, however " the care and protection of

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young person will take precedence over the protection of confidentiality or of an individual's privacy" ¹

- Adhere to chapter 16A of the Children and Young Person's Act 1998 – “ only information relevant to the safety, welfare, or wellbeing of a child or young person may be exchanged, however information may need to be shared about the client irrespective of their consent”
- Ensure that the information exchanged and or provided is for the purpose of assisting the agency and complies with chapter 16A of the Children and Young Person's Act 1998 (refer section 9.6 VOOHC Procedures)
- Exchange information with the Children Guardian as detailed in section 9.14 of the VOOHC procedures

Resources	Refer Appendix
<ul style="list-style-type: none"> • “A guide to protecting privacy in NSW” – Brochure available from Privacy NSW website, www.lawlink.nsw.gov.au • Privacy NSW Fact Sheet No.1 “The Information Protection Principles” – available at Privacy NSW website, http://www.community.nsw.gov.au/docs/wr/assets/main/documents/privacy_fact_1.pdf • Privacy and Personal Information Protection Act 1998 (PIIP Act) • Privacy NSW Fact Sheet No. 4 “The Health Privacy Principles” – available at Privacy NSW website, www.community.gov.au 	<ul style="list-style-type: none"> • 4b.1 – Client Consent form • 1b.3a - Client Information and Service Charter • 7a.3 Suggestions and Complaints • 1b.2 - Client Profile form

² See the Children's Guardian Statutory Procedures for Voluntary out-of-Home Care