

2021

IN GOOD HANDS OCCUPATIONAL THERAPY PTY LTD

(ABN – 27647567897)

Policy & Procedure Manual



IGH

Occupational Therapy

**National Disability Insurance Scheme
(NDIS) Operations**



1.3 Privacy and Dignity

Policy and Procedure

This policy and procedure have been structured to communicate to workers correct and appropriate means for the security of confidential information, and the benefit of the company. This policy and procedure extend to all In Good Hands Occupational Therapy Pty Ltd's workers, and failure to abide by this will result in strict disciplinary action. This Policy and Procedure also relates to the Records and Information Management Policy and Procedure; therefore, for further information, reference the Policy and Procedure where required. Furthermore, it incorporates and utilises the policies and procedures outlined in In Good Hands Occupational Therapy Pty Ltd's General Privacy Policy and Procedure.

This extends to all workers and meets relevant laws and regulations and standards.

Definitions

Health Information	Data related to a person's medical history, including symptoms, diagnoses, procedures, and outcomes.
Confidentiality	The state of keeping or being kept secret or private, professionals should not share personal details about someone with others, unless that person has said they can, or it is absolutely necessary.
Personal Information	Any information relating to an individual.
Sensitive Information	Data that must be protected from unauthorized access to safeguard the privacy or security of an individual or organisation.
Privacy	The state of something being free from public attention.

Policy

In Good Hands Occupational Therapy Pty Ltd supports the privacy and confidentiality of their workers and participants through the utilisation of the Records and Information Management Policy and Procedure. In Good Hands Occupational Therapy Pty Ltd is required to maintain the protection of workers and participants privacy continuously. Every person has the right to decide whom to share personal information. Workers remain responsible for the privacy and security provided to the participants and fellow workers. Before any information is gathered, In Good Hands Occupational Therapy Pty Ltd must ensure that the information will be used correctly and appropriately.

The procedures of privacy and confidentiality communicate with the lifecycle of data as follows:



- Create a collection of all forms of participant details and any other relevant information as well as service agreements to ensure they have given both verbal and written consent.
- Store all information securely as per the Records and Information Management Policy and Procedure and limit access.
- Use the information to update when applicable, disclose the information to staff members and report if necessary.
- Archive the documents securely once the participant has exited the service as per the Records and Information Management policy and procedure and limit access.
- Once the archive period is complete, dispose of documents securely as per the Records and Information Management policy and procedure.

Procedures

The CEO/Director is committed to ensuring that In Good Hands Occupational Therapy Pty Ltd follows the 1988 (Cth) Privacy Act standards, as well as any other relevant government and territory laws and specifications.

Which can include but is not limited



It is the responsibility of all In Good Hands Occupational Therapy Pty Ltd's workers to read and comply with the state and federal legislation concerning privacy and confidentiality, including this policy and procedure. This includes:

- Collection/Creation
- Process
- Storage
- Utilisation
- Disclosure
- Disposal.



In Good Hands Occupational Therapy Pty Ltd is required to give workers appropriate training regarding their knowledge of systems in place for the confidentiality of company data; this will be done through performance reviews. If it is found that a worker does not encompass correct knowledge, extra training may be given to ensure consistency throughout In Good Hands Occupational Therapy Pty Ltd, with conjunction with the Human Resources Policy and Procedure. The In Good Hands Occupational Therapy Pty Ltd Privacy Statement must be in the In Good Hands Occupational Therapy Pty Ltd Participant Handbook.

Personal Information

In Good Hands Occupational Therapy Pty Ltd is required to provide workers with consent forms for personal information, which will be considered respectfully, and no information will be used without consent.

Personal information includes but is not limited to:

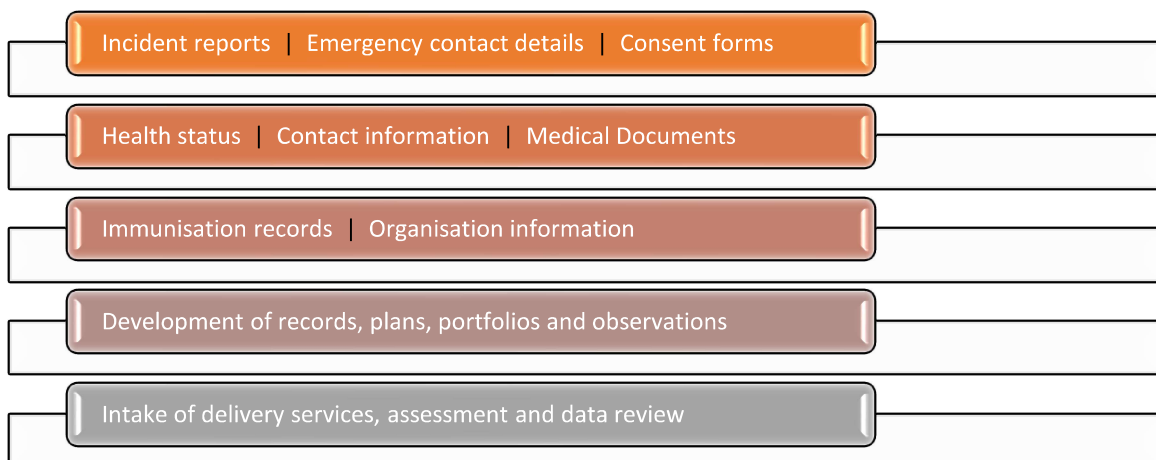
- Photographs.
- Films.
- Recordings.

Participant Information Collection and Consent

In Good Hands Occupational Therapy Pty Ltd will only require confidential information to determine potential participants suitability for a service and to monitor the services provided.

A participant is entitled to supply, access, update and use any personal information if necessary, to ensure correct information is in the system, they may refuse to disclose some information and have the right to revoke their consent to disclose personal information.

Personal participant information that In Good Hands Occupational Therapy Pty Ltd collects. Involves but is not limited to:





Before collecting personal information from participants or their advocates, In Good Hands Occupational Therapy Pty Ltd's workers must clarify why the information is being collected, exactly how it is being stored and used as well as why In Good Hands Occupational Therapy Pty Ltd requires the information. In Good Hands Occupational Therapy Pty Ltd only gathers the necessary personal information of participants for the protected and adequate provision of services. All private and confidential information must be stored safely.

In Good Hands Occupational Therapy Pty Ltd implements and employs the use of Privacy Statements for participants, their family members, and advocates. The Privacy Statement is a document In Good Hands Occupational Therapy Pty Ltd provides which has information on how In Good Hands Occupational Therapy Pty Ltd abides by all privacy laws whilst protecting participants privacy. Workers who are in direct communication with participants or their related personnel must do the following:

- Ensure they have signed their own privacy statement annually and it is kept up to date.
- Provide written information to participants if requested (such as this Policy and Procedure).
- Provide verbal information to participants if requested.
- Understand and comply with participants (or their related personnel) communicational requirements, such as overcome any language barriers.

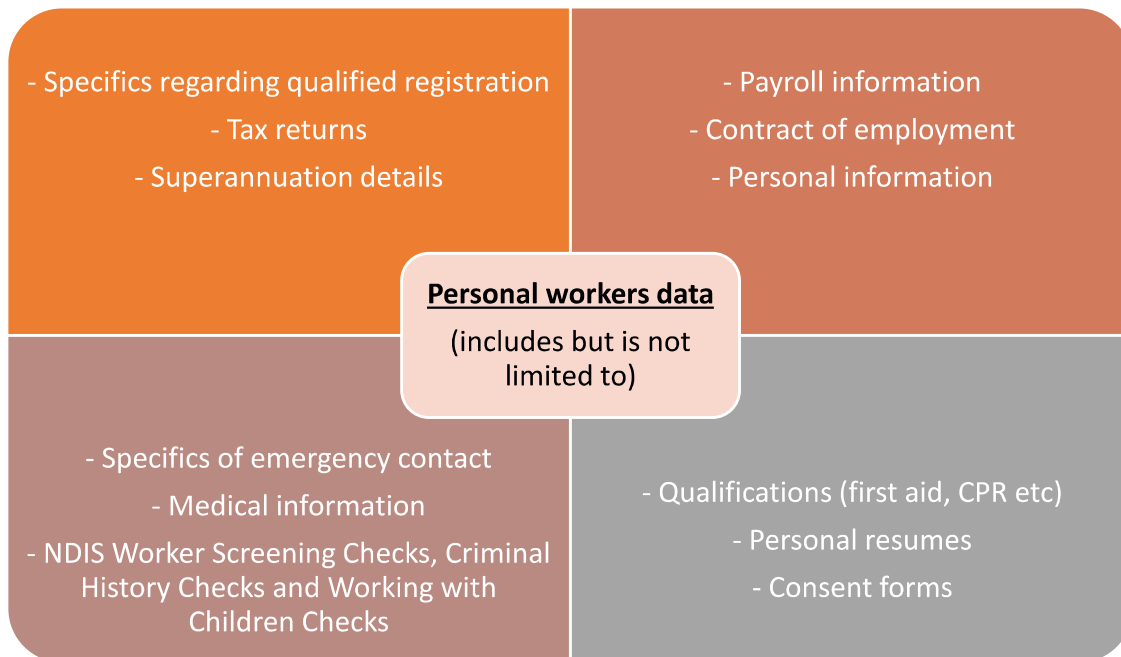
In Good Hands Occupational Therapy Pty Ltd's workers will support participants if they need to gain access to an interpreter if required. Participants, their family members and advocates are accountable for ensuring the correct use of others personal information, the return of the consent form, respecting peoples wishes not to be captured on camera, and ensuring the communication of accurate information.

Following the information provided in this policy and procedure, In Good Hands Occupational Therapy Pty Ltd's workers must use a Consent Form to verify and clarify the information stated in this policy and procedure. This consent form indicates whether participants have allowed In Good Hands Occupational Therapy Pty Ltd to hold, retain and use vital information of the participant. This information may include the following; however, is not limited to:

- Full Name.
- Nationality.
- Date of Birth.
- Preferences.
- Personal Goals.
- Medical Information.
- Referrals.
- Case/Progress Notes.



Personal Workers Data



Audits

An NDIS approved quality auditor has the right to request an interview from any participant file that requires assessment. In Good Hands Occupational Therapy Pty Ltd must ensure they are abiding by the standards outlined in the 2018 National Disability Insurance Scheme (Approved Quality Auditors Scheme) Guidelines. This automatically includes participants in the NDIS Practice Standards audits. However, a participant may refuse to participate in audits with a written notice directed to the CEO/Director.

Privacy and Confidentiality

Worker or participant personal information can only be disclosed in order to comply with legislative responsibilities such as mandatory reporting when required by law, to outside associations with the worker or participant's consent or of the child participants, parents or guardians, with the written consent of the authorised individual, and if emergency medical treatment is required.

If an individual is in a situation where they are unsure about disclosing another's personal information, they should communicate and discuss with the CEO/Director.

International: In Good Hands Occupational Therapy Pty Ltd is required to ensure that any foreign participants do not violate any Australian Privacy Principles (APPs); this is under the Privacy Act 1988. However, this requirement will not apply if the foreign participant is dependent to legislation or binding system, in which has the power to protect the private and confidential information in an approach significantly equivalent to that delivered by the APPs.



Storage and Access

View In Good Hands Occupational Therapy Pty Ltd’s Records and Information Management Policy and Procedure for additional details on exactly how In Good Hands Occupational Therapy Pty Ltd systems are able to ensure privacy for storing, and protection of private data.

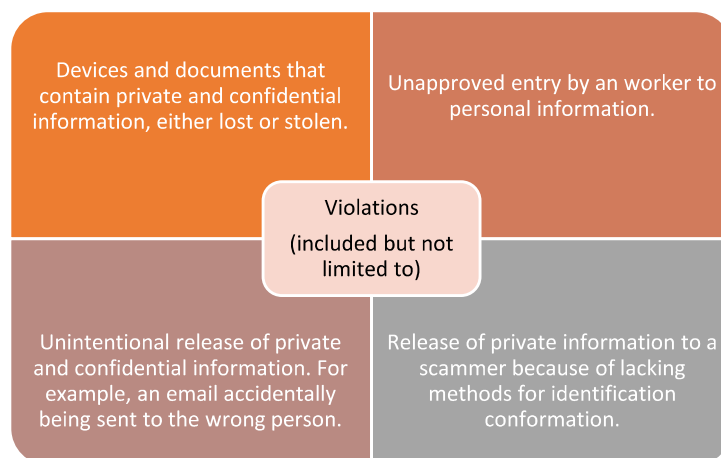
Both the CEO/Director and workers will only access the personal information if it is necessary to fulfil any responsibilities or services for the In Good Hands Occupational Therapy Pty Ltd. All stakeholders can request access to any information regarding themselves. Any participant access or modification demands must be presented to the individual of In Good Hands Occupational Therapy Pty Ltd who is responsible for monitoring the Participant's personal information. All workers have the same access to or requests for modification as participants.

For any access or correction of information, the CEO/Director should be notified immediately, within two business days. The individual responsible for the acceptance status of information will either accept or reject with reasoning as to why.

A request for access or correction may be rejected as it would have an unwarranted impact on the privacy and confidentiality of other individuals. The request is thoughtless and annoying. It may cause a dangerous threat to any individuals life or wellbeing. All participant requests for access or correction refused by the CEO/ Director must be authorised and documented in the participant's file. Any workers who have been refused access or correction requests must be approved by the CEO/ Director and recorded in the individual’s file.

Notifiable Data Breaches Scheme

The Notifiable Data Breaches (NDB) Scheme is a federal scheme under the Privacy Act 1988 (Cth). In Good Hands Occupational Therapy Pty Ltd is required to report any incidents to the Australian Information Commissioner. A data breach happens when the private information retained by companies is damaged, or exposure to it is not permitted. A violation of the data can occur as a result of the failure of Management or security system, deliberate intent or technical failure. Additionally, damage can be done that causes significant economic harm.





Identifying a Notifiable Data Breach

A Notifiable Data Breach occurs when In Good Hands Occupational Therapy Pty Ltd is unable to prevent the potential risk of harm through corrective measures. It also occurs when release or access to private information was not permitted, or data lost in circumstances in which unauthorised access or release is probable to be present. Release or loss is expected to affect all individuals involved with the information. Serious damage may include damage to credibility in the form of a breach of information. Which may result in:

- Physical damage.
- Emotional damage.
- Financial damage.

Any suspected or current information breaches must be identified to the CEO/Director, who is responsible for assessing the action of In Good Hands Occupational Therapy Pty Ltd and if the breach is to be registered under the NDB Scheme. It will not be considered a notifiable data breach if the CEO/ Director of In Good Hands Occupational Therapy Pty Ltd responds promptly to reduce the information violation.

Responding to a Data Breach

Should the situation arise where any persons of In Good Hands Occupational Therapy Pty Ltd believe there has been a significantly damaging data breach, the CEO/Director is responsible for the immediate investigation of the incident. If required, the CEO/Director may liaise with external organisations to minimise the opportunity of reoccurrence, theft and harm. If the data breach is considered notifiable by the CEO/Director, the Data Breach Response Team of In Good Hands Occupational Therapy Pty Ltd must be advised.

The CEO/Director is responsible for:

- Support for risk leadership, assessing danger from infringement.
- Supporting the Human Resources Manager where the worker's actions caused the infringement; and
- Providing media/communications knowledge and helping to communicate with impacted people and deal with media and external stakeholders.
- Act as Project Manager, coordinating the team and supporting its participants.
- Act as Senior Worker to introduce privacy knowledge to the team.
- Act as Team Leader, accountable for guiding the reaction team and reporting to the CEO/ Director (unless they are the same person).
- Legal assistance, identifying legal commitments and providing guidance.
 - Support for information and communication technology (ICT) or forensics, helping to define the cause and effect of infringement involving ICT technologies.
- Providing information and documents Management knowledge, assisting in the review of breach-related safety and tracking checks (e.g. access, authentication, encryption, audit logs) and providing guidance on recording data breach reaction.

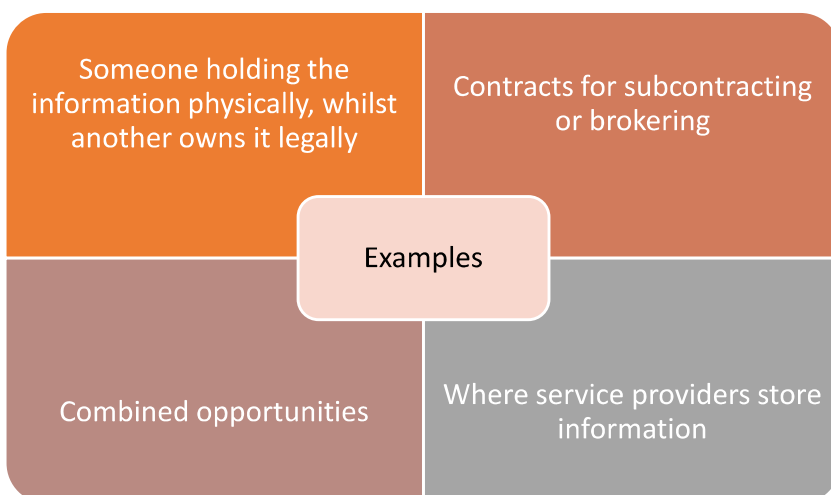


All implicated individuals will be informed of the breach of information as promptly as possible by the Data Breach Response Team. In Good Hands Occupational Therapy Pty Ltd must continuously utilise and refer to the Data Breach Response Plan should the situation occur. This event should be documented in the Incident Register, with information on which efforts were utilised to prevent the situation from occurring again.

Should a data breach event occur, In Good Hands Occupational Therapy Pty Ltd follows a methodological process to minimise the damage of the event as well as appropriate input measures to prevent future occurrence. The Data Breach Response Team or the CEO/Director is responsible for managing this incident. They must begin with controlling information violation, meaning they must put into effect appropriate measures to minimise which information may be viewed or leaked. This can be done by removing electronic files from the location of the breach into an external hard drive inaccessible to others. They then must formulate a conclusive list/record of which information was breached and discuss or implement measures to minimise any associated or correlated threats to others. For example, In Good Hands Occupational Therapy Pty Ltd may have to change personal financial or business details to ensure the safety and protection of the organisation and its workers. In Good Hands Occupational Therapy Pty Ltd must then evaluate the overall threat and the possible extenuating circumstances that may arise due to the breach. For example, it may be notifiable to the Australian Information Commissioner or notifiable to Management, workers or participants of In Good Hands Occupational Therapy Pty Ltd. In Good Hands Occupational Therapy Pty Ltd must then input preventative measures to minimise the risk of reoccurrence. This may include liaising with an external organisation such as an IT company to further assistance.

Notifiable Data Breaches Involving More Than One Entity

The NDB Scheme acknowledges that private information is not often kept solely by one individual.





Other Reporting Requirements

Any breaches must be immediately reported to the NDIS Commission by the CEO/Director of In Good Hands Occupational Therapy Pty Ltd. Breaches of information may also affect reporting obligations beyond the Privacy Act 1988, such as:

- Government Departments of the Federal, State or Territory.
- Insurance providers.
- The Australian Securities and Investment Commission (ASIC).
- Australian Reporting and Analysis Centre (AUSTRAC).
- Australian Tax Office (ATO).
- Australian Prudential Regulation Authority (APRA).
- Australian Cyber Security Centre (ACSC).
- Australian Digital Health Agency (ADHA).
- The financial service sector of In Good Hands Occupational Therapy Pty Ltd.
- Professional and regulatory organisations.
- The police or other law prosecution organisations.

To ensure that In Good Hands Occupational Therapy Pty Ltd cooperates completely with the Standards:

- Assess In Good Hands Occupational Therapy Pty Ltd against Question 13 of the Organisation Compliance Checklist (protective information safety) of the Department of Health and Human Services. On <http://fac.dhhs.vic.gov.au/organisation-compliance-checklist> you can find the checklist.
- The CEO/ Director will collaborate with the Victorian Government on the implementation of risk-based reporting mechanisms and ensure that In Good Hands Occupational Therapy Pty Ltd takes reasonable steps to protect all In Good Hands Occupational Therapy Pty Ltd participant records.
- The CEO/ Director will create an immediate measurement of information security
- Subscribe to the ' Stay Smart Online ' website at <https://www.staysmartonline.gov.au>.
- Review In Good Hands Occupational Therapy Pty Ltd's compliance with the Essential Eight and rectify any identified gaps
- This website helps on knowledgeable online behaviour patterns as well as how to respond to internet threats

You can find more details at <https://www.asd.gov.au/publications/protect/eight-explained.htm>.

Archiving and Disposal

View In Good Hands Occupational Therapy Pty Ltd's Records and Information Management Policy and Procedure.



Supporting Documents

Documents relevant to this policy and procedure include:

- Data Breach Response Plan
- Privacy Audit Form
- Continuous Improvement Register
- Records and Information Management Policy and Procedure
- Participant Handbook
- Consent Form
- Human Resources Policy and Procedure
- Privacy Statement
- Incident Register.

In Good Hands Occupational Therapy Pty Ltd can occasionally adjust these policies and procedures to enhance the efficiency of its operation. Typically speaking, this entire policy should be checked every year in conjunction with participants who use the service, their families, caregivers and workers.

Policy Review

In Good Hands Occupational Therapy Pty Ltd may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. Generally, this entire policy will be reviewed in consultation with people using the service, their families and carers and workers every year.

All service planning, delivery and evaluation activities will include workers, participants and other stakeholders and their feedback.

All activities related to service planning, delivery, and evaluation will include workers, participants, and other stakeholders, and their feedback.

By signing this document, I acknowledge that I have read and understood the Privacy and Confidentiality Policy and Procedure. I need to comply with this policy and procedure, and that In Good Hands Occupational Therapy Pty Ltd can change or update the policy at any time.

Signed: _____

Version	Endorsed	Endorsee	Reason/Section Update	Next Review
1.0		Subha Perumal	Initial Release	16/06/2022