INTRODUCTION

Philosophy

Crows Nest Centre recognizes and respects that each person with a disability has the right to privacy, dignity and confidentiality in all aspects of his or her life.

The collection of any information on a client and their family must have lawful purpose and relate to the function of the Service. Information should be shared on a need-to-know basis within the Service and with carers, as well as outside of the Service.

This policy describes how Crows Nest Centre will provide services that ensure that the privacy, dignity and confidentiality of all clients, including the children and young people that access this service and their families, is respected and maintained at all times.

Definitions

Privacy: freedom from public attention and intrusion
Confidential: something is of a confidential nature when it is not known to the public, and it is private and personal
Confidentiality: is the assurance that written and spoken information is protected from access and use by unauthorized persons. With regard to confidentiality, employees are to also refer to the Service’s Code of Conduct.
Dignity: refers to treating a person with respect, honour and worthiness that reflects their culture, community and that positively influences their self-esteem

Legislation and Standards

All employees have a responsibility to comply with legislation, Service policy and procedure, and the Code of Conduct, and perform their duties effectively.

Employees should be aware of the policies and procedures that are applicable to their actions. Co-ordinators should make relevant information available to employees. Employees are required to read and understand policy documents issued to them or circulated to them. Employees who are uncertain about the scope or content of policies with which they must comply should seek advice
from a Co-ordinator or the Executive Officer in the matter in question and examine relevant documents.

Employees are advised to be familiar with the legislation under which they are employed as this may specify requirements with which they need to comply. These include:

* Disability Services Act 1993 (NSW) -see Appendix 1
* NSW Disability Services Standards
* NSW Disability Services Standard 4 and supporting Standards – Privacy, Dignity and Confidentiality
* Privacy and Personal Information Protection Act (1988)

Aims and Objectives

Crows Nest Centre is committed to the highest standard of conduct in its service delivery. To meet this commitment, Crows Nest Centre has developed this Policy with the aim of outlining processes for ensuring that each client has the same level of privacy, dignity and confidentiality as is expected by the rest of the community.

The specific objectives of this policy are to:

1. develop a clear understanding of privacy, dignity and confidentiality and their relation to the support of people with a disability
2. outline exceptions to confidentiality
3. monitor and evaluate the implementation and effectiveness of this policy.

Policy Statement

The best source of information is always the client and their families and/or carers. However, there are particular considerations when working with families and their children or young people in relation to gathering and sharing information.

As per the *Privacy and Personal Information Act 1988*, No. 133, section 9(b) agencies must collect information only from the individual to whom the information relates unless the client is under 16 years of age and the information is being provided by a parent or guardian. A client over the age of
16 year can authorize another person to provide the information (see appendix 2)

Crows Nest Centre recognizes that parents and guardians of children under sixteen, as well as legally appointed guardians for people over sixteen have the right to provide information on the behalf of the client.

GENERAL PRINCIPLES

The following principles are consistent with legislative framework and provide the basis for this policy:

- The human rights of persons should be fully respected;
- Clients have a right to access their own records and to control and understand how their information is used.

PROCEDURES

Protecting the privacy of clients is very important and the following procedures are designed to ensure that details about clients are kept confidential, and are only disclosed with the client’s permission, or the person holding parental responsibility, for the purposes of ensuring that clients are receiving the services that they need.

Confidentiality of Assessment Process:

1. Initial assessment of a client and any follow-up or reviews will take place in the clients own home. If this is not possible it should take place in an area which provides privacy and confidentiality.

2. Assessment and reviews should be between the Co-ordinator and the client, and with the clients consent, his/her legal guardian or advocate only.

3. in a case where the client is a child or young person under the age of 16 years, or over 16 years an is unable to provide all the necessary information themselves, then information should be collected from the child or young person as much as possible, or from the family or person holding parental responsibility.

Consumer’s right to know the information that will be held:

4. Co-ordinators are to ensure that clients and their family are made aware at the point of entry into the service, that a paper and computer file will be established to record information about the client, their needs and the services provided.
5. Co-ordinators will also inform clients that client data that does not identify individuals will be used for purposes such as planning, service review and evaluation.

6. Co-ordinators will make clients aware of their responsibility in keeping the collected information up to date.

7. The Client Information Booklet will be provided, which sets out how we store and use information.

**Use and storage of client information:**

8. The only information held by Crows Nest Centre about a client will be information necessary to assess the need for a service, and to provide the service.

9. Stored information will be as non-obtrusive and objective as possible, yet relevant and up-to-date.

10. Employees are to ensure that all personal client information is treated in a way that respects the Service user’s right to confidentiality and dignity. This includes ensuring service users issues are not discussed with:

    a. other employees other than those who need to know for the provision of effective support;
    b. in front of the person if they are not included in the discussion;
    c. without their consent;
    d. in public.

11. Co-ordinators are to advise the client and their guardian or person responsible about the possible use of the information and their right to have access to that information.

12. Written client information will be secured in a locked filing cabinet when not in use. This will accessible only to Co-ordinators and employees who need to access them, and those who have been granted written permission by the client and/or parent/guardian.

13. Electronic client information will be secured by means of password protection, and anti-virus and anti-hacker software.

14. If a service to a client has stopped being provided, but may need to be resumed at a future date, information relating to the client, will be kept for a period of five years before being archived. If the service will not need to be resumed, the client records will be archived at the end of the financial year. All information regarding clients will be destroyed seven years after they cease to receive services.
15. Consideration will be given to the transmission of personal information via telephone, email, post and fax. All appropriate measures should be taken to ensure that the information is sent to the right person, and that it is clearly labeled as being personal and confidential.

16. Information in a client’s file will be updated as informed by the client, or every two years.

**Release of Information:**

17. Information will be provided at the written request of clients, guardians and authorised advocates, in alternative formats if required. A Consumer Information Request form must be completed by the person requesting the information. If it is not the client themselves, or the legal guardian of a person under 16 years of age, the person must also provide authority to show that the information can be released to them (court orders, guardianship orders, a request from the client for the person to act as their advocate, or a written direction from the client to release the information to the third party.)

18. Information will not be shared with another agency without the consent of the client or his/her legal guardian, or when there is a legal or legislative requirement i.e. when the information relates to the safety, welfare and well-being of the child or young person.

19. A client may withdraw consent for the use of their information at any time.

20. In some circumstances there may be considerations which override confidentiality or consent, such as in the instance of threatened assault to a third party, when the client is suicidal, Mandatory Reporting and Duty of Care obligations, or subpoena in court.

21. In case of emergency, information contained in the client file may be released to medical, ambulance or police services upon presentation of appropriate authority.

22. Any information provided for statistical purposes will be done so in such a way as to ensure the anonymity of the client and his/her family.

**Privacy in the Provision of Care:**

23. The Co-ordinator should note any particular privacy requirements of the client, for example, the preference for a male or female carer.

24. Consumers will be encouraged to care for their own property. Staff will ensure the privacy of clients will be respected by themselves and other clients.
25. Each client’s right to dignity and privacy must be recognised, respected and protected in relation to personal activities undertaken by him or her.

26. Wherever possible, clients should experience a level of personal privacy typical of people of the same age. This in practice means:

- Employees should knock before entering bedrooms, toilets or bathrooms
- Support from employees should be provided in ways that protect the dignity and physical privacy of clients when assisting in direct care provision
- Observance of appropriate standards and measures to ensure infection control

27. In the situation of an emergency or the OH&S requirement for assisting in the lifting of a client, planning is to occur so as not to impact on the privacy or dignity of the client.

28. Support to clients is to be provided in the least intrusive way, respecting the privacy, dignity and confidentiality of clients and their families at all times.

Privacy of Personal Hygiene:

29. Employees are to actively encourage and support clients to be independent as possible in tasks involving personal hygiene and bathing.

30. Employees should seek permission before performing personal care tasks for clients. Physical contact, including use of sponge/face washer when assisting with bathing, will be kept to a minimum when assisting with personal hygiene.

31. Where the client needs assistance this will be provided in the least intrusive way in private (not shared) facilities, by an employee of the same sex wherever possible.

32. Interactions with other employees or clients are not appropriate whilst providing assistance with personal hygiene tasks.

Media:

33. Consent of the client or person holding responsibility is needed before information about them is released.
34. This also applies to the display or use of visual images, such as videos or photos of clients and/or their families. A Media Consent form (see appendix 2) is to be signed by the client or parent/guardian providing permission for visual images to be used or displayed.

35. It is an offence for clients and/or their families to photograph or record via video an employee in their workplace without their knowledge. Permission is to be sought should a client and/or their family have reason to video an employee.

36. Clients are not permitted to have cameras, mobile telephones or videos in their possession in bedrooms or bathrooms whilst receiving services from Crows Nest Centre.

**Training:**

37. Employees will be informed about privacy, dignity and confidentiality initially during their induction. Information will also be provided in their Handbook. Issues regarding confidentiality will be brought to their attention also via the Newsletter and other correspondence, employee team meetings, supervision, in-house training days, and outside agency training.

Adopted

Reviewed

To be reviewed
APPENDIX 1

DISABILITY SERVICES ACT 1993 - SCHEDULE 1

SCHEDULE Schedule 1 - Principles and applications of principles

(Sections 6, 7, 9, 10, 12, 13)

1 Principles

Persons with disabilities have the same basic human rights as other members of Australian society. They also have the rights needed to ensure that their specific needs are met. Their rights, which apply irrespective of the nature, origin, type or degree of disability, include the following:

(a) persons with disabilities are individuals who have the inherent right to respect for their human worth and dignity,

2 Applications of principles

Services and programs of services must apply the principles set out in clause 1. In particular, they must be designed and administered so as to achieve the following:

(p) to respect the rights of persons with disabilities to privacy and confidentiality.