

POLICY NUMBER: NDIS SER DEL 7

INTENT

Real Living Options Association Inc. respects the privacy, dignity and confidentiality of all people including the people who use the Service, employees, volunteers, members, benefactors and business partners and is committed to safeguarding the personal information that is provided. Real Living Options Association Inc. adheres to the Australian Privacy Principles (APP) as set out in the Privacy Act 1988 and the Privacy Amendment Act 2000.

DEFINITION

***Privacy** is defined as a person's right to keep their personal matters and relationships known to only a select group of people.*

***Confidentiality** is the protection of personal information.*

***Dignity** is a term used in moral, ethical, legal, and political discussions to signify that a person has an innate right to be valued and receive ethical treatment.*

***Personal Information** as defined in the Privacy Act 1988 means information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

- (a) whether the information or opinion is true or not; and*
- (b) whether the information or opinion is recorded in a material form or not*

POLICY STATEMENTS

- Real Living Options Association Inc. will only collect and release information about a Participant with consent from the Participant and/or their Representative/Nominee, except in specified circumstances including emergencies or as required or permitted by law.
- Real Living Options Association Inc. will only collect and release information about employees, volunteers, members, benefactors and business partners with their consent, except in specified circumstances including emergencies or as required or permitted by law.
- Real Living Options Association Inc. collects information relevant to service delivery to ensure the highest quality of service provision.
- Information regarding staff members is collected for employment purposes.
- Information from volunteers is collected relevant to their role.
- Real Living Options Association Inc. will respect and protect the dignity and right to privacy of all Participants, employees, volunteers, members, benefactors and business partners.

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- Real Living Options Association Inc. is subject to NDIS Quality and Safeguards Commission rules and regulations.
- Real Living Options Association Inc. will follow the guidelines of the Australian Privacy Principles in its information management practices.
- All employees, volunteers, members, benefactors and business partners of Real Living Options Association Inc. have a responsibility to ensure that personal information is handled in a way that complies with this policy.

Real Living Options Association Inc. will ensure as far as practicable that:

- It meets its legal and ethical obligations as an employer and service provider, concerning protecting the privacy of participants and organisational personnel.
- Participants are provided with information about their rights regarding privacy and confidentiality.
- Participants and organisational personnel's privacy and confidentiality is assured when they're being interviewed or discussing matters of a personal or sensitive nature.
- All employees, volunteers, members, benefactors and business partners understand the necessary requirements to meet their obligations.
- Participants are informed of Real Living Options Association Inc.'s confidentiality policies using the language, mode of communications and terms they're most likely to understand.
- Real Living Options Association Inc. will attempt to locate interpreters and will use easy access materials wherever possible.

This policy conforms to the *Federal Privacy Act (1988)* and the *Australian Privacy Principles*, which govern the collection, use and storage of personal information.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals and to interviews or discussions of a sensitive personal nature.

PROCEDURES

Collection of Information

- The information that Real Living Options Association Inc. may request from a person will vary depending on whether the person is receiving a service from Real Living Options Association Inc., or is an *employee, volunteer, member, benefactor or business partner*.
- Real Living Options Association Inc. will collect relevant information directly from the person where possible, and as far as reasonably practicable will ensure the person understands and agrees to the collection of this information.
- Real Living Options Association Inc. may collect the information from another person who has legal responsibility for the person or who acts as a recognised Representative/Nominee for the person.
- Real Living Options Association Inc. only collects information for purposes directly related to the delivery of service (APP3)
- The Service will only disclose information relating to a person with their consent,

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except in specified circumstances including emergencies or as required or permitted by law.

- There are some circumstances where Real Living Options Association Inc. may receive information that was not requested. When this happens, Real Living Options Association Inc. will use their discretion to determine whether the information should be acted on or followed up (APP4).
- Real Living Options Association Inc. does not sell or give away any information that the Service collects.

Use and Disclosure of Information

- Real Living Options Association Inc. only holds information for the primary purpose it was given. It is not to be used or disclosed to another party for a secondary purpose unless one of the following applies:
 - the person has agreed
 - the person would expect Real Living Options Association Inc. to use or disclose the personal information for the secondary purpose as it relates to the primary purpose
 - it is required or authorised by law
 - a permitted general situation exists (as per the Privacy Act 1988)
 - a permitted health situation exists (as per the Privacy Act 1988), in which case, steps must be taken to de-identify the information before it is disclosed
 - Real Living Options Association Inc. believes that the use or disclosure of the information is necessary for an enforcement related activity (e.g. Federal Police, Immigration, ATO) (APP6)
- Real Living Options Association Inc. takes steps to protect the information it holds against misuse, interference, loss, unauthorised access, modification or disclosure. These steps include password protection for electronic files and securing paper files in locked cabinets.
- When information is no longer required it is destroyed, deleted or de-identified in a secure manner, unless Real Living Options Association Inc. is required by law to keep the information (APP12).
- If a person asks for access to their information held by Real Living Options Association Inc., the Service will allow access unless there is a reason under the Privacy Act or any other law not to give access to the information. These reasons may include:
 - a serious threat to the life, health or safety of any individual, or to public health/safety
 - it would impact on the privacy of other individuals
 - the request is frivolous or vexatious
 - the information relates to existing or anticipated legal proceedings
 - it would prejudice negotiations with the individual
 - it would be unlawful

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- denying access is authorised by law

- Real Living Options Association Inc. will respond to the request for access to the personal information within a reasonable time and will give access in the way requested by the person, if it is able to do so.

Dignity

- Employees, volunteers, members, benefactors and business partners are required to treat Participants with dignity and respect and as far as reasonably practicable to protect the privacy and dignity of each Participant.
- Participants and/or their Representative/Nominee are expected to treat all employees, volunteers, members, benefactors and business partners with dignity and respect.

Confidentiality

- Real Living Options Association Inc. will endeavour as far as practicably possible to advise each Participant of its confidentiality policy using a language, mode of communication and terms that the Participant is most likely to understand.
- Employees, volunteers, members, benefactors and business partners who may have access to information in the course of their duties are bound by their commitment to confidentiality.
- Breaches of confidentiality by employees, volunteers, members, benefactors and business partners will be dealt with in accordance with Real Living Options Association Inc.'s Code of Conduct.

Privacy Complaints or Concerns

- If there is a complaint or concern in relation to privacy, it should be made in writing and directed to:

The Service Manager
Real Living Options Association Inc.
PO Box 562
Bungalow Qld 4870

- Any complaint or concern will be investigated by the Service Manager in consultation with the Management Committee of Real Living Options Association Inc.

If the response from Real Living Options Association Inc. is not accepted, the complainant may seek conciliation or arbitration on the matter. A formal complaint can be made to the NDIS Quality and Safeguards Commission

1800 03 55 44 (This is a free call from landlines)

Or online <https://www.ndiscommission.gov.au/about/complaints-ndis-commission#:~:text=Feedback%20or%20complaints%20about%20the,you%20to%20someone%20who%20can.>

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DELEGATIONS

Management Committee

- Must adhere to Real Living Options Association Inc. policy on Privacy, Dignity and Confidentiality and abide by all relevant legislation.

Service Manager

- Must adhere to Real Living Options Association Inc. policy on Privacy, Dignity and Confidentiality and abide by all relevant legislation.
- Ensure as far as practicable that all staff receive training relating to Privacy, Dignity and Confidentiality and relevant legislation.
- Ensure as far as practicable that Participants and Representatives/Nominees are aware of the practices of the Service for collection, storage and disposal of personal information.

Support Manager

- Must adhere to Real Living Options Association Inc. policy on Privacy, Dignity and Confidentiality and abide by all relevant legislation.
- Ensure as far as practicable that all staff receive training relating to Privacy, Dignity and Confidentiality and relevant legislation.
- Ensure as far as practicable that Participants and Representatives/Nominees are aware of the practices of the Service for collection, storage and disposal of personal information.

All employees, volunteers, members, benefactors and business partners

- Must adhere to Real Living Options Association Inc. policy on Privacy, Dignity and Confidentiality and abide by all relevant legislation.

RELATED DOCUMENTATION

Complaint Form
NDIS Individual Service Agreement
Commitment Statement - NDIS SER PRIN 8

REFERENCES

Privacy Act 1988 (Cth)
Australian Privacy Principles
Disability Service Act 2006
National Disability Insurance Scheme Act 2013
NDIS Terms of Business for Registered Providers
NDIS Practice Standards and Quality Indicators

AMENDMENTS/REVIEWS

Amended 2007; Reviewed 05.03.12; Amended 12.07.12; Amended 26.03.15; Amended 28.07.16, Amended 22.02.18, Amended 28.02.18. Amended 25.06.20

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