

# Privacy and confidentiality

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## Introduction

This policy ensures we protect and handle personal information in accordance with the NDIS and relevant privacy legislation. We acknowledge an individual’s right to privacy while recognising that personal information is required to be collected, maintained and administered in order to provide a safe working environment and a high standard of quality.

The information we collect is used to provide services to participants in a safe and healthy environment with individual requirements, to meet duty of care obligations, to initiate appropriate referrals, and to conduct business activities to support those services.

## Applicability

When
<ul style="list-style-type: none"> <li>• applies to all personal information and sensitive personal information including the personal information of employees and participants</li> <li>• applies to all company confidential information - that is any information not publicly available.</li> </ul>
Who
<ul style="list-style-type: none"> <li>• applies to all representatives including key management personnel, directors, full time workers, part time workers, casual workers, contractors and volunteers.</li> </ul>

## Definitions

Term	Description
data breach	<p>A data breach is type of security incident where personal, sensitive or confidential information normally protected, is deliberately or mistakenly copied, sent, viewed, stolen or used by an unauthorised person or parties.</p> <p>A data breach where people are at risk of serious harm as a result, is reportable to the <a href="#">Office of the Australian Information Commissioner</a>.</p>

<p>personal information</p>	<p>Personal information includes (regardless of its accuracy):</p> <ul style="list-style-type: none"> <li>• name</li> <li>• address</li> <li>• phone number</li> <li>• email address</li> <li>• date of birth</li> <li>• recorded opinions or notes about someone</li> <li>• any other information that could be used to identify someone.</li> </ul>
<p>sensitive personal information</p>	<p>Sensitive personal information can include personal information that is normally private such as:</p> <ul style="list-style-type: none"> <li>• health information</li> <li>• ethnicity</li> <li>• political opinions</li> <li>• membership of a political association, professional or trade association or trade union</li> <li>• religious beliefs or affiliations</li> <li>• philosophical beliefs</li> <li>• sexuality</li> <li>• criminal record</li> <li>• biometric information (such as finger prints).</li> </ul>

Documents relevant to this policy

-  [NDIS \(Provider Registration and Practice Standards\) Rules 2018 \(Cth\)](#) 
-  [NDIS \(Quality Indicators\) Guidelines 2018 \(Cth\)](#) 
-  [Privacy Act 1988 \(Cth\)](#) 
-  [Privacy Amendment \(Notifiable Data Breaches\) Act 2017 \(Cth\) \(legislation\)](#) 

## Privacy and confidentiality guidelines

- we are committed to complying with the privacy requirements of the Privacy Act, the Australian Privacy Principles and for Privacy Amendment (Notifiable Data Breaches) as required by organisations providing disability services
- we are fully committed to complying with the consent requirements of the NDIS Quality and Safeguarding Framework and relevant state or territory requirements
- we provide all individuals with access to information about the privacy of their personal information
- each individual has the right to opt out of consenting to and providing their personal details if they wish
- individuals have the right to request access to their personal records by requesting this with their contact person
- where we are required to report to government funding bodies, information provided is non-identifiable and related to services and support hours provided, age, disability, language, and nationality
- personal information will only be used by us and will not be shared outside the organisation without your permission unless required by law (e.g. reporting assault, abuse, neglect, or where a court order is issued)
- images or video footage of participants will not be used without their consent
- participants have the option of being involved in external NDIS audits if they wish.

## Security of information

- we take reasonable steps to protect the personal information we hold against misuse, interference, loss, unauthorised access, modification and disclosure.
- personal information is accessible to the participant and is able for use by relevant workers
- security for personal information includes password protection for IT systems, locked filing cabinets and physical access restrictions with only authorised personnel permitted access
- personal information no longer required is securely destroyed or de-identified.

## Data breaches

- we will take reasonable steps to reduce the likelihood of a data breach occurring including storing personal information securely and accessible only by relevant workers
- if we know or suspect your personal information has been accessed by unauthorised parties, and we think this could cause you harm, we will take reasonable steps to reduce the chance of harm and advise you of the breach, and if necessary the Office of the Australian Information Commissioner.

## Breach of privacy and confidentiality

- a breach of privacy and confidentiality is an incident—follow the Manage incident internally process to resolve
- a breach of privacy and confidentiality may require an investigation
- an intentional breach of privacy and confidentiality will result in disciplinary action up to and including termination of employment.