

Policy Statement:

Colac Otway Disability Accommodation Inc. (CODA) aims to ensure that all clients are treated with dignity and respect. All CODA staff and volunteers must respect peoples' right to privacy and confidentiality, in all areas of CODA governance, administration and operations.

CODA collects and stores a range of client personal information for the purpose of providing services and to comply with legislative and funding obligations. Information will only be collected where client consent has been given from them personally or by their chosen delegate. All client information will be stored according to legislative requirements.

CODA staff members are not to disclose personal information gained either through observation or from direct communication with clients, family members or carers unless they have documented permission from the client. The only exception to this is where there is an overarching duty of care to the client i.e. relating to a threat to their personal health and safety or the information is requested from their funding body as part of reviews and investigations in to service issues. This information will only be shared with the previously identified members of the clients support network i.e. General Practitioner or as required by law.

CODA acknowledges residential and short term accommodation (STA) clients have the right to view their room as their own personal space and to feel comfortable that their personal information and belongings will be respected and they will be supported to have confidential communication with friends, family and carers. Where appropriate CODA will assist in educating clients on their responsibilities in regards to respecting the rights and privacy of others.

Process Steps:

1 Roles and Responsibilities

The Operations Manager as the delegated Privacy Officer:

- responds to any requests for disclosure of client information
- ensures that all intake, supervisors and support staff are aware of their obligations relating to client privacy and confidentiality

Quality and Compliance Manager:

- ensures compliance with Privacy legislation
- responds to any complaints of breaches of privacy and confidentiality

Administration Manager Information Technology:

- Ensures compliance with policy and procedure for digital

Responsibilities Links

GOV -
Privacy of
Information
Policy and
Procedure -
(CO)
Governance

GOV- Data
Management
Policy and
Procedure -
(CO)

data management including notification of security systems and notifiable breaches of data (see policy and procedure Data Management)

Supervisors:

- Ensure that daily routines comply with privacy and confidentiality processes in their worksites

Staff members:

- Ensure that client personal information is not left on desks in view of unauthorised personnel and is locked away as securely as possible when not in use
- Ensure that client personal information documents in transit between staff/sites are kept in folders or interoffice envelopes
- That client information is saved on SupportAbility and not saved on the desktop of computers or on CODA drives without appropriate restrictions of access
- Collect only information relevant to supports from clients, family members or carers during service delivery
- Ensure that conversations with clients, of a personal nature are conducted away from public areas
- Do not pass on information verbally without client consent
- Do not share client private or confidential information including photographs through Social Media under any circumstances
- Never share their password for any digital device unless authorised by the Administration Manager - IT
- Are aware of their surroundings and the potential for privacy breaches when accessing client information in the community (eg. on mobile devices)
- Will not take videos or photographs of clients on staff personal devices without written agreement from the CEO or the Operations Manager

2 Respecting Privacy in Shared and Short Term Accommodation

Staff members working in CODA shared and short term accommodation houses must:

- provide a space where residents can be alone or receive visitors in private if they choose
- give residents privacy for their personal relationships, appropriate to their age and maturity level
- enable people to attend to their bodily functions as well as dress and undress with dignity including having doors and functioning privacy locks on bathrooms and toilets
- seek permission before helping with personal care tasks
- facilitate residents choice to receive and make telephone

calls in private

- deliver mail promptly and confidentially for the resident and assist with accessibility if required, eg. reading mail to a resident with literacy difficulties in a private room
- facilitate residents access to their own belongings, furniture, aids and equipment

Manner of Entry to a Room Without Permission

Staff members can enter a residents' room without notice if:

- the resident agrees at the time entry is sought
- there is an emergency and staff members believe it is necessary to protect the health or safety of the resident or of any other people on the premises
- they believe that the resident has permanently abandoned the room
- it is necessary to undertake urgent repairs
- it is required to implement the residents' Behaviour Support or treatment plan
- it is necessary to implement the residents' agreed support plan, or to provide support services including:
 - assistance with health needs, mobility, personal care or eating
 - supervision where required
 - development of independent living skills
 - provision of developmental or emotional support

Staff members entering a room should knock and request entrance. They should state why they need access to the room and if the resident does not give consent staff can only enter for the reasons listed above and must not stay in the room longer than is necessary to achieve the purpose of the room entry.

Specified people may enter a residents room without notice and may include:

- the Senior Practitioner
- a Community Visitor
- Victorian WorkSafe Inspectors
- the residents' guardian if they have the appropriate authority
- other people requiring access in an emergency including police, doctors, the Coroner, ambulance officers and the Fire Brigade.

3 Balancing Choice, Dignity of Risk, Privacy and Duty of Care

Staff members are expected to balance a clients right to choice in decision making, dignity of risk and duty of care requirements when supporting clients.

The right to privacy can lead to concerns between delivering supports to clients and duty of care requirements i.e. duty of care may override the right to privacy when a person with epilepsy requires one-to-one supervision to ensure safety in the bath.

Where the right to privacy may need to be compromised by a duty of care requirement this must be discussed with the relevant Supervisor, Operations Manager and/or the Clinical Practice Manager so it can be discussed with the client/carer and detailed in the support plan.

4 Recording Client Information

Accurate and up to date information provides CODA staff with relevant information that they require to support clients. Detailed journal entries are required to enable the organisation to manage continuity of care and support and ensure adequate communication between staff members, families and other agencies with the clients consent. Clear and accurate client alerts and journal entries also serve to protect the clients and staff members from exposure to risk.

A client record documents that persons' history of contact with CODA and the organisation is legally required to keep and maintain files for all people who receive services. Client records are stored and maintained electronically on the client data management system (CDMS) SupportAbility which has government grade security. Some client records may also be paper based. These are stored in a locked filing cabinet within a locked office.

5 Management and Security of Personal Information

CODA has measures in place to protect personal information from misuse, loss, unauthorised access, modification or inappropriate disclosure. These include the following measures:

- paper based files are kept centrally in the administration office or at the individuals residence as appropriate
- all filing cabinets are locked when not in use with access through a key management system controlled by the Administration Officer
- sensitive information is shredded and placed in a secure shredding bin
- all archives are stored in locked cupboards
- password and security system protection for client computer files and 'cloud' based systems such as

SupportAbility

- access to files is limited to staff members with authorised consent
- related policies, procedures and work instructions available to all staff to ensure that they are informed of their responsibilities

There are a number of limited situations when others may access a client file. These may include:

- communication between the client, family, other CODA staff and government authorities involved with the clients' supports
- handover or continuity of care where a staff member is not available or has left the organisation. This is only with permission from the Operations Manager or CEO
- the development of contingency plans following identification of risk or in the complaints management process
- access by internal and external auditors when assessing evidence against the NDIS Quality and Safety Framework. In this instance client files will be selected randomly unless the client has chosen to be excluded (opt out process)
- the compilation of evaluation reports or reports to legislative and/or funding bodies, particularly in responding to reviews and investigations of service issues including incident reports and external complaints
- transition of information from CODA to a receiving service.

6 Disclosure of Information

Information collection and use will be discussed during the intake process and will not be used for other (secondary) purposes without client consent.

Disclosure can occur if it is:

- needed to prevent or lessen a serious or imminent threat to life or welfare to a client, of the public or a staff member by law. Each situation will be assessed individually
- authorised, permitted or required by law
- any other exception as outlined in the Information Privacy Act, Health Records Act and/or funding body legislation

If a client is unable to give consent a legal guardian or advocate will need to be consulted.

Providing Information to Parents/family members of

clients

Staff members may be approached by parents for certain information about the client's activities. Staff members cannot disclose any information at this point and must first consult with the Operations Manager, Quality and Compliance Manager, or the Chief Executive Officer (CEO) for guidance on how to respond to the request **before** providing any details. This is mandatory for all clients who are over the age of 18 years. Disclosing this information may result in a breach of confidentiality and could result in staff disciplinary action if approval has not been sought.

7 Legal Implications

All client documentation is kept according to legislation and can be used as evidence in various settings including legislative investigations and courts of law. These include but are not limited to:

- The Coroners Court
- Victorian Civil and Administrative Tribunal
- Law Court hearings
- NDIS Complaints investigation
- NDIS Incident investigation

Other Information:

This document should be read in conjunction with the 'Privacy of Information' Policy and Procedure and all other documents relating to privacy and confidentiality.

CS - Privacy Brochure Easy Read	CO-Forms
FACT SHEET 1:General	dKnet General Info
Information Record keeping	
FACT SHEET 2: Record Storage	dKnet General Info
Management	
Updating your data privacy obligations (No Access)	dKnet Steering Committee

CS - Client Privacy and Confidentiality: Policy and Procedure -(CO) Client Support
 CS - Clients - Making and Managing Complaints: Policy and Procedure -(CO) Client Support
 GOV - Privacy of Information: Policy and Procedure -(CO) Governance
 HR - Professional Boundaries: Policy and Procedure -(CO) Human Resources

External Files/Links:

NDIS Code of Conduct (Workers)	Quality & Safe Guards Commission
NDS - Zero Tolerance Framework	Resources

References to Standards and Legislation:

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| : NDIS (Complaints Mgt & Resolution) Rules 2018 | :NDIS (Complaints Mgt & Resolution) Rules 2018 |
| : NDIS (Incident Management and Reportable Incidents) Rules 2018 | :NDIS (Incident Management and Reportable Incidents) Rules 2018 |
| : NDIS Part 2 Div 1 Rights and Responsibilities | :NDIS Part 2 Div 1 No 8 - Privacy and Dignity |

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