

## CONFIDENTIALITY / PRIVACY STATEMENT

### Employment Obligations:

Under the terms and conditions of our contracts of employment, all employees of Doutta Galla are required to ensure they fully understand and at all times comply with their responsibilities and obligations in relation to the protection of all and any private or confidential information they encounter during the course of their employment.

The fundamental principle to be observed during employment with Doutta Galla derives from an implied duty of confidence that underpins all employment relationships. In practice this is referred to as a *duty of confidentiality* that extends from all employees to Doutta Galla and subsequently to all other employees, customers, clients, volunteers and external service providers.

### Legislation:

The right to privacy and confidentiality is embedded in a number of Victorian and Federal Acts of Parliament that Doutta Galla and its employees must abide by and include:

- *Privacy Act 1998 (Cth)*,
- *Health Records Act 2001 (Vic)*
- *Aged Care Act 1997; s96-1 (1) Quality of Care Principles*

These Acts of State and Federal Parliament outline specific information privacy principles that stipulate the manner in which personal information is to be handled by organizations such as Doutta Galla.

### What is Privacy?

Privacy is a right or expectation of every individual not to be interfered with, to be free from surveillance and eavesdropping, bodily privacy, along with a moral right to be left alone. In the context of information privacy, the definition of privacy incorporates this along with the characteristics of confidentiality and having personal information withheld from public knowledge or observation.

Privacy is designed to protect the use of personal information about individuals, whether or not that information is publicly available. Personal information includes information or an opinion, written or verbal, whether true or not about an individual whose identity is apparent or can be determined from the information or opinion.

### National Privacy Principles (NPPs):

As a Health Service Provider, Doutta Galla is required to abide by the ten *National Privacy Principles 2001*, and eleven *Information Privacy Principles* under the *Privacy Act 1988 (Cth)*.

In summary the National Privacy Principles that Doutta Galla and all employees must abide by include:

1. Only collecting relevant personal information in a lawful and reasonable manner that is necessary for Doutta Galla functions and activities
2. Only using personal information for a primary or related purpose for which it is collected
3. Ensure personal information collected is complete, accurate and up to date
4. Protect all personal information that is collected from misuse, loss or unauthorized access
5. Ensure transparency and openness regarding the nature of the information we collect, why we collect it, how we use and store it, and how individuals (or their legal, authorized representative if appropriate) can access personal information we hold in relation to them.
6. Provide individuals the opportunity to correct, amend or add to the personal information that we hold about them
7. Not use as our own, or disclose, identification numbers from government agencies or organizations
8. Where ever possible allow individuals the opportunity to enter transactions with us anonymously – for example, in our staff attitude survey

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9. Not transfer an individual's personal information to an individual or organization in a foreign company unless it the transfer is specifically authorized and/or the organization abides by information privacy principles and practices.
10. Not collect sensitive information about an individual without their consent, or unless the collection is required under law, or reasonably authorized under the *Privacy Act 1998*.

### What is Confidentiality?

Confidentiality is a separate legal concept to privacy and relates to circumstances where information is given to a person who is under an obligation to keep the information confidential. Confidential information is usually not available or readily accessible to the public, and may be information which is not recorded in some form. During your employment with Doutta Galla, you may encounter, or be given access to, a wide variety of confidential information.

All of our employees are expected to act in good faith towards Doutta Galla and must prevent (or if impractical, report) the unauthorized access, use or disclosure of any confidential information. Failure to comply with your obligations to maintain privacy and/or confidentiality may result in disciplinary proceedings where the consequences may involve dismissal and/or pursuing monetary damages or other remedies.

**At all times you must regard the following information as strictly confidential:**

- All information which comes into the possession of Doutta Galla relating to the business and the services we provide including intellectual property.
- All information which is generated by you in the course of your employment, by any other employee of Doutta Galla, and/or by any of our resources – including contractors, external service providers and/or agencies.
- All information about our policies, procedures, processes or plans regarding our business and the services we provide and/or which affect our well being in competition with others.
- All information which is guarded by or subject to copyright or trademarks or other legal rights, registered or otherwise.
- All information which may be regarded by the organisation as confidential. Such information and records include but are not limited to staff records (including contractors or volunteers), medical records, resident records and associated documentation, professional diaries and resident labels.
- keys to premises and/or other security information including passwords & access codes.
- Information located on computer hard-drives, intranet, and/or shared drives.

Such information must be protected and used only in the interests of Doutta Galla during the course of your employment AND after your employment ceases. You must not, under any circumstance:

- Disclose or use any part of any confidential information outside of the performance of your duties and/or in a manner that is not in the interests of Doutta Galla; or
- Authorise or be involved in the improper use or disclosure of confidential information.

### Authorised Use of Confidential Information

You must only access, use or disclose confidential information where:

- You are authorized to do so in accordance with your role, responsibility and/or delegation authority, or you have been given explicit authorization from a Manager, Supervisor, or other Doutta Galla employee who has the delegation authority to provide such permission.
- The access, use or disclosure is in accordance with the primary purpose for which the information is collected, developed, stored or intended.
- Under no circumstances are you permitted to make unauthorized statements to the press, radio, television or other electronic media in relation to confidential information belonging to Doutta Galla, its business, services, employees, volunteers, and/or residents. If you are approached by representatives

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of any media or media organization you must immediately refer them to the Director of Operations and report the contact as soon as is practicable to your immediate supervisor and/or manager.

### Residents Rights to Privacy and Confidentiality

As well as our legal obligations under the *Privacy Act 1988 (Cth)* and *Health Records Act 2001 (Vic)* Doutta Galla and all of its employees have a number of specific legal obligations under the *Aged Care Act 1997; s96-1 (1) Quality of Care Principles* in relation to respecting and protecting the privacy and confidentiality of our residents, namely:

- Respecting the dignity and privacy of all our residents.
- Ensuring our residents are aware of our privacy and confidentiality policies and procedures and their individual rights under these procedures.
- Providing residents, or their authorized representative, access to their personal information held by Doutta Galla, in accordance with the provisions under the Health Records Act 2001, Information Privacy Act 2000, Aged Care Act 1997 and Victorian Freedom of Information Act 1982.

### How do I ensure I maintain Residents Rights to Privacy and Confidentiality?

There are numerous ways in which you, as an employee, can ensure that you and other staff around you do not infringe upon or breach our Residents rights to privacy and confidentiality including:

- Do not conduct conversations regarding residents in the presence of, or where it can be overheard by, unauthorised persons. If you are not sure who is authorized to hear a conversation, ask yourself *'Do they have a need to know?'* If your answer to that question is 'no', then you should treat the individual as an unauthorized person.
- Only discuss resident information with health care workers who are directly related to that individual resident's care.
- Do not mention resident names, personal details, medical history or clinical diagnoses outside Doutta Galla.
- Do not allow, or provide access to, documents or information relating to residents to be viewed by unauthorised persons – irrespective of whether they are Doutta Galla employees, visiting health professionals or general members of the public. If the individual does not have a genuine need to know the information, they should at all times be considered an unauthorized person.
- Do not leave medical records, files or related documents on desktops or counters unattended. Such records include computer generated records that are displayed on computer screens and you should ensure that you close down or log out of any electronic records prior to leaving a computer unattended.
- Do not take medical records out of a Doutta Galla facility unless specifically authorised to do so by the Director of Residential Care Services. No records are permitted to be taken to private practices or homes.
- Do not discuss, disclose or share confidences revealed by a resident unless consent to do so has been given by that resident, or there is a legal or health and safety concern that authorizes such disclosure under the *National Privacy Principles 2001*.
- Immediately report and refer any requests to inspect resident documentation by government representatives, the resident/client, or their immediate representatives to the Facility Manager/Supervisor and/or the Director of Residential Care Services.

### How Do I Ensure I Maintain Other Employee's Rights to Privacy and Confidentiality?

It is just as important to ensure that all employees of Doutta Galla have their rights to privacy and confidentiality respected as well it is for our residents. Revealing personal information about your colleagues, supervisors, managers or direct reports may create tension and conflict in the workplace through triggering gossip, rumours, and innuendo. Under certain circumstances it may also breach privacy legislation or constitute a form of bullying under Occupational Health and Safety legislation and may lead to disciplinary action being taken against you.

To ensure you do not infringe upon or breach any other employee's rights to privacy and confidentiality you must:

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- Not discuss personal details or information about other staff members with any other person, unless that individual has expressly consented for you to do so.
- Not discuss, disclose or share confidences revealed by another staff member unless consent to do so has been given, or there is a legal or health and safety concern that authorizes such disclosure under the *National Privacy Principles 2001*.
- If you have a personal relationship with another employee outside of the workplace, ensure you refrain from discussing that relationship, or any aspect of that relationship with other individuals (including residents, volunteers, managers and other employees) in the workplace. Note, however, that may be required to disclose to your Manager that a personal relationship exists with another employee under the *Doutta Galla Working with Family & Friends Policy*.

**Who can view, access or use my personal information held by Doutta Galla?**

Approved Corporate Office Delegates have access to resident/client and staff information in accordance with their role, responsibility and level of authority during the course of their work, and/or where legal, police and, or coroner proceedings are underway. Your Facility Manager and/or immediate supervisor will have access to some of your personal information, however may not necessarily have access to all personal information held by Doutta Galla that relates to you. Access to personal information relating to individual employees is restricted strictly on a needs to know basis and will not be disclosed, discussed, accessed or used by any individual who does not have a legitimate need to know under the *Privacy Act 1998 (Cth)* or unless specifically required by law.

If you wish to view any personal information held by Doutta Galla about you during, or after, the course of your employment please speak to your facility manager or immediate supervisor in the first instance.

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## PRIVACY & CONFIDENTIALITY DECLARATION

In making this declaration, please refer to the Privacy & Confidentiality Statement attached to your Contract of Employment/Employee Service Agreement, which describes your responsibilities and obligations in relation to the protection of all and any private or confidential information you encounter during and after the course of your employment with Doutta Galla Aged Services Ltd.

Please note that, if you fail to fulfil your obligations and/or responsibilities in relation to privacy and confidentiality during the course of your employment, your employment may be immediately terminated without notice.

<b>EMPLOYEE DECLARATION</b>
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I, \_\_\_\_\_ (*print name*) declare that:

- I have read and understood and agree to comply with and abide by the terms, conditions and expectations specified in Doutta Galla's Privacy & Confidentiality Statement during and after my employment with Doutta Galla Aged Services Ltd
- I have been provided with a copy of, and/or access to, Doutta Galla's Privacy & Confidentiality Policy and have read and understood this policy and agree to abide by the terms, conditions and expectations specified therein during and after the course of my employment with Doutta Galla

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

- Date:     /     /

**A copy of this signed statement must be provided to the Employee for retention and further reference and the original placed on the employee's personal file with the signed contract of employment.**

**Any questions, queries, issues or concern in relation to privacy and confidentiality requirements should be directed to HR and/or the Director of Residential Care Services.**

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