



Disability Service Standard 1

Kids Are Kids! Therapy & Education Centre Inc.

**Policy 1.3 – Privacy, Dignity and Confidentiality**

Last Amended: 11/01/2016  
Date Ratified: 18/01/2016  
Next Review: 18/01/2017  
Review Responsibility: Chief Executive Officer

Documents Attached:

- PR1.3 Privacy, Dignity and Confidentiality Procedure
- PS1.3 Privacy, Dignity and Confidentiality Performance Standards

Chief Executive Officer's Name: Teresa Barrie

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

Date: \_\_\_\_\_

## Policy 1.3 – Privacy Dignity and Confidentiality

### Policy Statement:

Kids Are Kids! are committed to ensuring that all clients have the same level of privacy, dignity and confidentiality as is expected by the rest of the community. This policy outlines the manner Kids Are Kids! will maintain the privacy and confidentiality of its clients, employees and with the general public.

Kids Are Kids! respects every individual's legal right to privacy. This policy sets out Kids Are Kids!' practices relating to the collection, holding, use and disclosure by Kids Are Kids! of personal and sensitive information relating to an individual, as required by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) (Law).

### Guiding Principles

The organisation will:

- Only collect information about the client that can be shown to be directly relevant to effective service delivery and the agency's duty of care responsibilities.
- Seek the written consent of the client or family prior to obtaining information from any other source.
- Seek the written consent of the client or family prior to releasing information to any other source.
- Advise the client and family of the nature of the personal information that is held by the agency about the client.
- Advise the client and family of their right to view the information that the agency keeps in respect of the client.
- Ensure that personal information about a client is only held by Kids Are Kids! as long as it is remains relevant to the delivery of effective services and Kids Are Kids!' duty of care obligations.
- Promptly investigate, remedy and document any consumer grievance regarding privacy, dignity or confidentiality.
- Ensure that staff are aware of the policy on privacy and confidentiality.
- Kids Are Kids! will make this policy publicly available on its website and will take reasonable steps to provide a copy of this policy, free of charge, to anyone who requests it.
- When asked to do so by a client or their family, Kids Are Kids! will take reasonable steps (subject to the Law) to let the person know, generally what sort of personal information the organization holds, for what purposes, and how it collects, holds, uses and discloses that information.
- Kids Are Kids! will only collect personal or sensitive information when the information is reasonably necessary for or directly related to a relevant function of Kids Are Kids! and will only collect personal information by lawful and fair means.

Last Amended:

2/6

Date Ratified:

Next Review:

Policy 1.3 – Protection of Human Rights and Freedom from Abuse and Neglect

- There are some special situations under the Law that allow the use or disclosure of personal or sensitive information without consent. In each case, if or where this occurs, Kids Are Kids! will comply with the relevant Australian Privacy Principle or Rules made by the Privacy Commissioner about this use of disclosure. These situations may include;
- where Kids Are Kids! believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of an individual or to public health or safety,
- where Kids Are Kids! have reason to suspect an employee, volunteer or contractor has done something unlawful or engaged in serious misconduct that relates to Kids Are Kids! functions or activities and needs to disclose information so that it can take appropriate action.

The complete list of these special situations is contained in the Law

Whether or not an individual has consented to the use or disclosure of information, in the case of any obligation Kids Are Kids! has under a Government contract, Kids Are Kids! are entitled to comply with a requirement under the Government contract to disclose personal or sensitive information to the Government agency funding the activity.

**Procedures:**

Procedures will be implemented to enable Kids are Kids! Therapy and Education Centre Inc to meet its policy objective of service access. Refer to Appendix 1 for the following procedures:

- PR1.3 Privacy, Dignity and Confidentiality Procedure

**Performance Standards:**

Performance Standards will be met to ensure that the procedures specified are implemented effectively. Refer to Appendix 2 for the following performance standard:

- PS1.3 Privacy, Dignity and Confidentiality Performance Standards

**Delegations:**

Chief Executive Officer  
Senior Staff

**Legislative Base/Authority:**

Organisation Policy

**Related Policies:**

[5.1 – Service Access](#)

Field Code Changed

[2.2 – Valued Status](#)

Field Code Changed

**Review of the Policy**

This policy will be reviewed on a bi-annual basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly.

## Appendix 1 – Procedure

### PR1.3 Privacy, Dignity and Confidentiality

The following procedures are to be implemented to ensure that Kids Are Kids! meets its policy objective of ensuring that all clients of Kids Are Kids! have the same level of privacy, dignity and confidentiality as is expected by the rest of the community.

Kids Are Kids! will:

1. Copy of Kids Are Kids!’’ Policy on Privacy, Dignity and Confidentiality available on the website and on request.
2. Ensure all employees have been provided with a copy of Kids Are Kids!’’ Policy on Privacy, Dignity and Confidentiality and a staff copy of the policy is kept in each service outlet.
3. Kids Are Kids! will take all reasonable steps to protect the personal information it holds from misuse, interference, loss and unauthorized access, modification or disclosure.
4. All client details will be kept in the TOTS (Therapy Online Tracking Service) database which can be accessed only through those authorised with a password.
5. Client files are stored in lockable filing cabinets in a non-public place in the office and files are returned to their proper location as soon as they are no longer required.
6. No client files will be left in offices by the end of business on the day they are accessed.
7. Client names or other identifying information will not displayed on whiteboards or notice boards that may be open to view by other clients or the general public.
8. Photographic, video or other identifying images are not displayed or aired publicly without the written prior permission of the client or family. This consent will be renewed annually or for any different purpose for what it was originally granted.
9. Client files have been periodically reviewed to ensure that personal information that is no longer relevant, and unlikely to be relevant in the future, is removed from files.
10. Any grievances have been addressed in accordance with the privacy, dignity and confidentiality principles outlined in this policy and the Policy on Consumer Grievances.
11. Staff will not discuss personal details of clients in public areas.

Policy 1.3 – Protection of Human Rights and Freedom from Abuse and Neglect

Staff will acquire prior consent before discussing client details across programs and inform clients of the general content that is discussed.

Clinical psychology progress notes have the option of being saved under a confidential function in TOTS with limited access.

Where a Clinical Psychologist is working as part of a team, it is discussed with the client that while the details of sessions remain confidential general areas discussed may be discussed with the team in order to ensure safe and effective service delivery with the client's consent.

If Kids Are Kids! holds personal information about an individual, and the individual or their parent requests access to that information, Kids Are Kids! will provide the individual with access to that information unless any of the following exceptions apply:

- Kids Are Kids! believes that providing access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety;
- would have an unreasonable impact upon the privacy of other individuals;
- the request is frivolous or vexatious;
- unlawful;
- the information relates to existing or anticipated legal proceedings between Kids Are Kids! and the individual, and the information would not be provided by the process of those proceedings.

All queries or complaints regarding this Privacy Policy, requests for access to, or correction of personal information should be directed to the General Manager of Kids Are Kids! on 9313 6566 or at [info@kidsarekids.org.au](mailto:info@kidsarekids.org.au)

## **Appendix 2 – Performance Standards**

### **PS4.1 Privacy, Dignity and Confidentiality**

The following performance standards must be met to ensure that the procedures specified are implemented effectively:

No client notes should be left in public places, on personal computers or out of designated client file storage after business hours.

All electronic client files should be archived and culled regularly

Any grievances have been addressed in accordance with the privacy, dignity and confidentiality principles outlined in this policy and the Policy on Consumer Grievances and the Program and Clinical Services Manager informed.

There should be a signed copy of the service agreement including consent and confidentiality on every client record including electronic records.