

Privacy Policy

HO 2.16.4



Authorised by: CEO

Issued to: LT, All SC Aged Care Centres

Preamble

SummitCare is covered by 10 National Privacy Principles (NPPs), as set out in the *Privacy Act 1988 (amended by the Privacy Amendment (Private sector) Act 2000)*.

To comply with our obligations under the NPPs, SummitCare has a Privacy Policy, which sets out how we manage privacy in our organisation. Any relevant person wishing to receive more information about the operational aspects of this policy can seek that information from the Chief Executive Officer who is the Privacy Officer for SummitCare.

Purpose

To ensure that SummitCare's Privacy Policy and Procedures are clearly documented and understood by residents, employees, and volunteers;

and to ensure that personal information is collected, used, stored and disclosed by SummitCare in accordance with legal requirements.

Policy Statement

SummitCare takes its obligations under the Privacy Act seriously and will take all reasonable steps in order to comply with the Act and protect the privacy of personal and sensitive information that we hold. This policy sets out how we will achieve this.

The policy applies to all persons involved in our organisation. This includes residents, prospective candidates for employment, employees and any person who provides us with their personal information.

Relevant Legislation

Privacy Act 1988 (*amended by the Privacy Amendment (Private sector) Act 2000*).

Guardianship Act

Aged Care Act 1997

Relevant Guidelines

Guidelines to the National Privacy Principles, Office of the Privacy Commissioner

Policy Guidelines

SummitCare holds the following personal information:

Employees

- Name
- Date of Birth
- Address
- Occupation
- Career history
- Application for Employment
- Immunisation records
- References
- Tax file number
- Banking details
- HR/Personnel Records
- Workers compensation or injury information

Residents

- Care Plans
- Progress Notes
- Pathology results
- Programme, assessment and review notes
- Morbidity information commonly referred to as “Admission Form 7 State Health”
- Commonwealth RCS information
- Financial and Billing information
- Accident and incident forms
- Medication charts
- Person responsible for resident e.g. Guardianship details etc
- Aged care Assessment Team Referral Form (2624)
- Residency Agreements
- Nursing, medical and allied health information

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1. Why we collect it?

- SummitCare will only collect information if it is necessary. When we do so, we will inform the individual what it will be used for. In most cases we will only collect information directly from the individual and where information is collected from someone else, we will inform the individual.
- All information collected is strictly for the use of the individual facility, for the care of the residents or employment of staff.
- Information is collected in accordance with our obligation under State and Federal legislation in respect of residents. Other information collected concerning employees is collected to ensure compliance with tax office obligations, immigration legislation and industrial instruments, and the like.

2. Use and Disclosure

- SummitCare will only use or disclose personal/health care information relating to residents or employees for the primary purpose of collection or a directly related secondary purpose for which it was collected.
- Personal and/or health care information may be provided to the following as part of provision of services:
 - Other health care professional that are or may be involved in the care of residents or employees including General Practitioner, hospitals, other allied health providers
 - Other external agencies that SummitCare contracts with to provide services to employees and residents on our behalf e.g. ACAA Corporate Services, Global Arms. In circumstances where this is necessary, these external agencies are required to provide confirmation of their compliance with the Privacy Act 1988 (*amended by the Privacy Amendment (Private sector) Act 2000*).
 - Funding bodies and other government agencies as required by Commonwealth and State legislation
 - The person designated by the resident as the “person responsible” for giving and accessing their information
 - Personal and health care information relating to residents and employees will not be used for other purposes such as fundraising or marketing activities without seeking written consent of the resident, person designated as the “person responsible” for the resident or employee
 - The use or disclosure is required or authorised by law
 - SummitCare reasonably believes that the use or disclosure is necessary to lessen or prevent a serious or imminent threat to an individual’s life, health or safety, or a serious threat to public health or safety
 - If SummitCare has reason to believe that an unlawful activity has been, is being or may be engaged in

3. Quality of Information

SummitCare will take all reasonable steps to ensure that the personal information it collects, uses or disclose is accurate, complete and up to date.

4. Security of Information

- SummitCare takes all reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- SummitCare holds all personal information of residents and employees in a secure and confidential manner.
- SummitCare destroys all personal information it no longer requires for any purpose for which the information may be used or disclosed under Point 2 of this Policy.
- Secure disposal of electronic records will include:
 - Overwriting records before they are deleted and
 - Deleting backup files
- Secure disposal of paper based records will include:
 - Shredding of paper files or
 - Contacting an authorise disposal company for secure disposal
- In situations where it is necessary to retain the personal information, it will be permanently de-identified by removing form the record any information by which a resident/employee may be identified.

5. Openness

- This Privacy Policy clearly expresses SummitCare's management of personal information, and this Policy is available to any person who requests a copy.
- On written request, SummitCare will take all reasonable steps to explain generally what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

6. Access to your personal information

- SummitCare provides access to the personal information that we hold about residents and employees. Access will be provided in accordance with the Privacy Principles.
- All reasonable steps will be taken to provide access.
- SummitCare will provide a reason for the denial of access or refusal to correct personal information

6.1 Resident Access

Access is granted to individuals receiving services from SummitCare and/or the person designated by the resident as being the "person responsible" for giving and accessing this information upon written request through the Executive Care Manager at the Aged

Care Centre in which the resident resides. The “person responsible” must consider whether if able the resident would wish to access the information.

SummitCare is not required to provide access when:

- the request is vexatious or frivolous
- it requires access that would be unlawful
- the information would reveal SummitCare’s intention in relation to negotiations
- it concerns information related to an existing or anticipated legal proceeding
- it would detrimentally affect the privacy of another individual
- would pose a serious threat to the resident’s life or health
- the information was given in confidence

6.2 Employee Access

Access is granted to employees of SummitCare upon written request through the Executive Care Manager at the Aged Care Centre in which the employee is employed.

SummitCare is not required to provide access when:

- the request is vexatious or frivolous
- it requires access that would be unlawful
- the information would reveal SummitCare’s intention in relation to negotiations
- it concerns information related to an existing or anticipated legal proceeding
- it would detrimentally affect the privacy of another individual
- would pose a serious threat to the employee’s life or health
- the information was given in confidence

7. Identifiers

- SummitCare will not adopt an identifier (number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisations operations) of an individual as its own, if the identifier of the individual has been assigned by an agency, an agent of an agency or other government bodies.
- SummitCare will not use or disclose a identifier assigned to an individual by an agency as mentioned above unless the use or disclosure is necessary to fulfil organisational obligations to the agency.

8. Anonymity

SummitCare gives individuals the option of not identifying themselves where it is lawful or practicable.

9. Transborder Data Flows

SummitCare may on occasion be required to transfer personal information about a resident or an employee to someone who is in a foreign country if:

- The SummitCare reasonably believes that the recipient of the information is subject to a law, binding scheme or contract which upholds principles for handling the information that are substantially similar to the National Privacy Principles

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- The individual gives consent
- Transfer is necessary for performance of a contract between the individual and SummitCare

10. Sensitive Information

SummitCare will not collect sensitive information about a resident or employee unless:

- They have consented
- The collection is required by law
- Health information is required to provide a health service to the employee or resident
- The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual

11. Complaints process

If there is a complaint regarding the information that SummitCare is collecting or has collected, or a person believes there is a breach of this policy or the Privacy Legislation, a written complaint should be made to the Executive Care Manager, who should refer this to SummitCare's Privacy Officer.

12. Debt Collection

SummitCare has a policy in relation to the collection of debts. Residents and/or the "person responsible" who do not pay their fees on time may be subject to their personal information being given to a debt collection agency.

Reference Documents

HO 2.16.3 - Privacy

Revision Record

<i>Date Issued:</i>	<i>Details of changes</i>
20.09.2003	First Issue
02.11.2007	Review
12.01.2009	Reviewed and re numbered