

**GLENGOLLAN VILLAGE**
**Policy**
**PRIVACY AND CONFIDENTIALITY**
**1.0 PURPOSE**

Glengollan respects the privacy and confidentiality of all individuals it engages with and any personal information gathered in order to provide services or employment it offers. Glengollan is committed to meeting its legal requirements to protect the privacy and confidentiality of information held about residents, prospective residents (people who have made an application for accommodation), representatives and staff.

**2.0 DEFINITIONS**
**An Eligible Data Breach**

An *eligible data breach* occurs where a reasonable person would conclude that the access or disclosure would be *likely to result in serious harm* to any of the individuals to whom the information relates in cases where:

- There is unauthorized access to or unauthorized disclosure of the information; or
- The information is lost in circumstances where unauthorised access to or unauthorised disclosure of the information is likely to occur.

**Biometric Data**

Any metric related to human features (i.e. Fingerprint scanning).

**3.0 PROCEDURE**
**3.1 Information we obtain**

- Individuals will be informed about how their information is managed at the time of collection and/or upon request. Glengollan uses and discloses personal information only for the purpose for which it is collected and in order to fulfil its obligations as a quality provider of Retirement Accommodation and Aged Care Services and employment.
- Policy and procedures for collecting, sorting, storing, use and disposal of personal, health or sensitive information are guided by the Australian Privacy Principles (APP) and Privacy Act 1988 (cth). Records are retained for in accordance with the Document and Electronic Data, Control, Retention and Disposal policy.
- We collect personal and contact details and health information required to establish resident records and medical records used for the primary purpose of delivering appropriate services and level of care. We collect contact details of nominated family members, next of kin, representative, Power of Attorney or others who may be involved in current care or welfare and future needs and wishes of residents in order to make contact when it is reasonably expected.
- Usually information is obtained directly, however, in some circumstances and when expected, we may need to collect it from a relative or representative. Residents are entitled to withhold or limit certain information provided to us; however, this may render the provision of our services to be limited, impractical or impossible.

**PRIVACY AND CONFIDENTIALITY**

- We collect from and share information with GP's and allied health providers in order to provide for changing care and clinical needs and to maintain medical records.
- Information may be used where applicable for secondary purposes such as clinical auditing, quality assurance and risk assessment activities, financial reporting for prudential compliance, complaints management and accreditation processes.
- We liaise with Community Care Agencies, Home Nursing Services and Aged Care Assessment teams to assist with provision of and continuation of resident care or support. We exchange information with Medicare, DVA and Centrelink in order to access and process funding depending on the level of care. We will also liaise with and exchange your information with other residential care facilities should transfer of continuing care be instigated. Transfer or data storage of resident information will only be permitted where reasonable steps have been taken to ensure that privacy, by agreement or legal obligation is afforded the equivalent or better level of protection.
- Influenza vaccination records for all visitors to the aged care facility will be retained for a one-year period and destroyed when no longer current (after 30 April each year). Electronic summary records will be maintained which may be accessed by administration staff or the Registered Nurse out of hours. Hard copy vaccination records will only be accessible by administration staff and will be kept in a folder in a locked cupboard in the Administration office. The Administration office is also locked out of hours. Vaccination information may be reviewed on request by the Commonwealth funding / Quality Agency who hold responsibility for compliance monitoring.

**3.2 Information Sharing**

- Generally, information is only used by the people directly involved with services provided and resident care needs, and is not disclosed to other parties without consent, or unless residents would reasonably expect us to, or by arrangement or under circumstances we have told residents about, but there are situations which may require disclosure of information about you without permission. These situations may include, but are not limited to:
  - An emergency situation and you are unable to give consent;
  - When required by law;
  - Mandatory report of an adverse event;
  - Reporting to the Department of Human Services of a notifiable disease;
  - Glengollan Village does not share individual's information (including biometric data) without the individual's consent, unless required by law; and
  - All resident files will be housed in a secure environment. Medical records for existing residents are maintained and come under the control of the Nurse in Charge. Administrative records and agreements are maintained and secured in the administration office, under the control of the CEO.

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**3.3 Access to Health Records**

- Residents and relatives are entitled to access personal information and health information (with limited exceptions) and request amendment should it be inaccurate. We have formal processes in place should you wish to access information.
- Unless otherwise authorised, clinical information should only be given to residents with capacity, the Medical Power of Attorney (POA) or appointed Decision Maker, if appointed. Financial information should only be given to the Financial POA.
- Requests for medical information, i.e. copies of care plans made by others, progress notes, incident reports i.e. not a resident or Medical Power of Attorney, a consent to release will be required from the resident (if they have the capacity) or the Medical Power of Attorney before release.
- Requests from a resident, or their representative, to supply information to a third party must be in writing. Any information / documentation should be scanned / PDF'd prior to sending.
- Personnel enquiries should be directed to the person responsible for the human resource function in writing (no information to be given over the telephone). The only personal information to be released over the telephone is confirmation of employment, and only when the purpose of the enquiry is made known and the person checking has stated their name and organisation.
- If there is suspicion there has been an eligible data breach Glengollan will act in accordance with the Privacy Amendment (notifiable data breaches) Act 2017 (cth) and will take steps to mitigate further breaches and carry out an assessment under the Act (S26WH) within 30 days of the suspected breach and report accordingly to the applicable Commonwealth department.
- On admission, resident's or resident representatives are supplied with Glengollan's Privacy Collection Statement, together with their Personal Details form and are required to sign the Personal Details form to acknowledge they have read and understood Glengollan's use of personal information gathered.

**4.0 DOCUMENTATION**

Document and Electronic Data, Control, Retention and Disposal policy

**5.0 REFERENCES**

Privacy Amendment (notifiable data breaches) Act 2017

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