



CORP 2 P08: PRIVACY POLICY

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1. PREAMBLE

1.1. Adventist Senior Living acknowledges its legal obligations to manage personal information in a manner consistent with the statutory obligations contained in the:

- Privacy Act 1988 (Cth) (Privacy Act);
- Health Records and Information Privacy Act (NSW);
- Aged Care Act 1997 (Cth);
- Australian Privacy Principles (APP); and
- the Aged Care Principles.

2. SCOPE

2.1. This policy applies to all Adventist Senior Living Personnel.

2.2. This policy must be read in conjunction with the Adventist Senior Living Code of Conduct and the Adventist Senior Living Confidentiality and Intellectual Property Policy.

3. DEFINITIONS

Consumer	means a person who receives Home Care services provided by Adventist Senior Living.
Employee Record	<p>means a record of personal information relating to the employment of an individual by Adventist Senior Living. Employee records may include personal information and health information, including information about:</p> <ul style="list-style-type: none"> (a) the engagement, training, disciplining or resignation of the employee (b) the termination of the employment of the employee; (c) the terms and conditions of employment of the employee; (d) the employee’s personal and emergency contact details; (e) the employee’s performance or conduct; (f) the employee’s hours of employment; (g) the employee’s salary or wages;
	<ul style="list-style-type: none"> (h) the employee’s membership of a professional or trade association; (i) the employee’s trade union membership; the employee’s recreation, long service, sick, personal, maternity, paternity or other leave; and (j) the employee’s taxation, banking or superannuation affairs.

<p>Health Information</p>	<p>means all the medical records and related information received in the course of providing care to a resident, including but not limited to information or an opinion, that is also Personal Information, about:</p> <ul style="list-style-type: none"> (a) the health or a disability (at any time) of an individual; (b) an individual's expressed wishes about the future provision of health services to him or her; (c) a health service provided, or to be provided, to an individual; (d) other personal information collected to provide, or in providing, a health service; (e) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of their body parts, organs or body substances; or (f) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.
<p>Personal Information</p>	<p>means any information or opinion which could identify an individual:</p> <ul style="list-style-type: none"> (a) either from that information alone or in combination with other information which is reasonably likely to come into the possession of Adventist Senior Living; and (b) whether the information or opinion is true or not; and (c) whether the information or opinion is recorded in a material form or not.
<p>Personnel</p>	<p>means a person who performs work in any capacity for Adventist Senior Living, including work as an employee, director, contractor or sub-contractor, or an employee of a labour hire company working for Adventist Senior Living, or an outworker, or a trainee or a student or a volunteer.</p>
<p>Resident</p>	<p>means a person who is a resident in an Adventist Senior Living aged care facility or lifestyle community.</p>
<p>Responsible Person</p>	<p>means a person who is:</p> <ul style="list-style-type: none"> (a) the parent of the individual; or (b) the child or sibling of the individual, if the child or sibling is at least 18 years old; or (c) the spouse or de facto partner of the individual; or

	<p>(d) a relative of the individual, if the relative is:</p> <ul style="list-style-type: none"> (1) at least 18 years old; and (2) a member of the individual's household; or <p>(e) a guardian of the individual; or</p> <p>(f) a person exercising an enduring guardianship granted by the individual that is exercisable in relation to decisions about the individual's health; or</p> <p>(g) a person who has an intimate personal relationship with the individual; or</p> <p>(h) a person nominated by the individual to be contacted in case of emergency.</p>
Sensitive Information	<p>means a subset of personal information, that is information or opinion that is about, or clearly implies an individual's:</p> <ul style="list-style-type: none"> (a) racial or ethnic origin; (b) political opinions; (c) membership of a political association; (d) religious beliefs or affiliations; (e) philosophical beliefs; (f) membership of a professional or trade association; (g) membership of a trade union; (h) sexual preferences or practices; (i) criminal record; (j) biometric information or templates; (k) personal information about an individuals' health or disability; and (l) genetic information.
Unsolicited Information	<p>means information about an individual, including personal information that Adventist Senior Living did not actively seek to collect.</p>
Primary Purpose	<p>means the specific function or activity for which Adventist Senior Living collects and stores personal information.</p>
Secondary Purpose	<p>means any purpose other than the primary purpose for which Adventist Senior Living uses personal information</p>

Workplace	means anywhere work is carried out for Adventist Senior Living and includes any place Personnel go, or are likely to be, while at work.
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4. POLICY

4.1. Adventist Senior Living will use all reasonable efforts to:

- (a) protect the privacy of individuals' personal information; and
- (b) ensure that information about individuals is collected and used for relevant purposes only.

4.2. The purpose of this policy is to:

- (a) ensure personal information is managed in an open and transparent way;
- (b) document the Adventist Senior Living standard for the protection and privacy of personal information including Health Information of Consumers, Residents and Personnel;
- (c) provide for the fair collection and handling of personal information; and
- (d) provide a framework for access to and correction of personal information held by Adventist Senior Living.

5. PROCEDURE FOR COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

5.1 COLLECTION

5.1.1 Adventist Senior Living will collect Personal Information about an individual if the information is reasonably necessary for the purpose of providing residential aged care services, home care and retirement village services, and to:

- (a) comply with the provisions of State or Commonwealth law;
- (b) provide data to government agencies in compliance with State or Commonwealth law;
- (c) determine eligibility to entitlements provided under any State or Commonwealth law;
- (d) provide appropriate services and care to an individual;
- (e) enable contact with a nominated person regarding an individual's health status: and
- (f) liaise with a nominated representative and/or family member if requested or needed.

5.1.2 Adventist Senior Living will only collect Sensitive Information (including Health Information) about an individual if:

- (a) the collection of the information is reasonably necessary for is the delivery of services by Adventist Senior Living, and
- (b) consent has been obtained for the collection of Sensitive Information; or

- (c) the collection of the Sensitive Information is required or authorised by or under an Australian law or a court/tribunal order.

5.1.3 Adventist Senior Living may collect Personal Information and Sensitive Information (including Health Information) from:

- (a) an employee or prospective employee;
- (b) any individual who is a resident in an Adventist Senior Living care facility;
- (c) any individual who is a consumer of Adventist Senior Living home care services;
- (d) any person or organisation that assesses the health status or care requirements for that individual;
- (e) health practitioners of the individual;
- (f) other health service providers or facilities;
- (g) any person delivering goods or services to Adventist Senior Living facilities;
- (h) the individual's family members and significant persons; and
- (i) the individual's legal personal representative.

5.1.4 Adventist Senior Living will collect Personal Information directly from a Resident or Consumer unless:

- (a) the Resident or Consumer has consented to the collection of information from someone else; or
- (b) collection of the information for a third party is required or authorised by law; or
- (c) if it is unreasonable or impractical to do so.

5.1.5 Residents are required, at the time of admission to an Adventist Senior Living residential care facility, to nominate third parties:

- (a) from whom they do not consent to collection of their Personal Information; and
- (b) to whom they do not consent to the disclosure of their Personal Information; and
- (c) any such instructions shall be recorded in the Resident's file and complied with by Adventist Senior Living Personnel to the extent permitted by law.

5.1.6 Unsolicited Information received about a Resident or Consumer, and which is information that could not have been obtained by lawful means, shall be destroyed or de-identified as soon as practicable after its receipt.

5.1.7 Adventist Senior Living will collect Personal Information about employees relating to their employment, and this information will be maintained as confidential records.

5.1.8 At the time that Personal Information is collected, or as soon as practicable after the collection of Personal Information, the individual must be notified of:

- Adventist Senior Living corporate and contact details;
- the intended purpose for which the Personal Information is collected;
- the identity of other entities or persons to whom the Personal Information might be disclosed;
- the likelihood of disclosure of Personal Information to overseas recipients, if any and the countries in which the recipients are located;
- information about how the individual may complain about a breach of privacy by Adventist Senior Living; and
- the manner in which complaints are handled.

5.2 PERMITTED DISCLOSURE

5.2.1 Adventist Senior Living will not use or disclose Personal Information for a purpose other than the primary purpose of collection, unless:

- the individual has consented to the use or disclosure of the information;
- the purpose is related to the primary purpose (and if Sensitive Information it is directly related) and the individual would reasonably expect disclosure of the information for the secondary purpose;
- the information is Health Information and the disclosure is necessary for research, the compilation or analysis of statistics, relevant to public health or public safety and it is impractical to obtain consent, or the use or disclosure is conducted within the privacy principles and guidelines and we reasonably believe that the recipient will not disclose the Health Information;
- the disclosure is reasonably necessary to prevent or lessen a serious and imminent threat to an individual's life, health or safety or a serious threat to public health or public safety;
- the use or disclosure of the Personal Information is reasonably necessary as part of any investigation of suspected unlawful activity or in reporting our concerns to relevant persons or authorities;
- the use or disclosure is reasonably necessary to allow an enforcement body to enforce laws, protect the public revenue, prevent seriously improper conduct or prepare or conduct legal proceedings; or
- the use or disclosure is otherwise required or authorised by law.

5.2.2 A client or resident, or their representatives shall be provided access to records as requested and after consultation with the service manager.

At these times, a qualified staff member is to remain with a client or resident or representative to facilitate the answering of any questions raised.

- 5.2.3 A hard copy of the Care Plan will be provided to the consumer and or their person responsible as a part of the Resident of the Day process, Care Planning in Home Care process, or on request.
- 5.2.4 Where the Care plan is shared with the Person Responsible, the Consumer must, where able, provide consent.
- 5.2.5 Copies of the clinical record (not including the care plan) cannot be taken and the record cannot be removed from site.
- 5.2.6 To access information a Request to Release Information Form must be lodged

5.3 CROSS BORDER DISCLOSURE

- 5.3.1 Adventist Senior Living will only disclose an individual's Personal Information to an overseas recipient if:
 - the overseas recipient is subject to laws similar to the Australian Privacy Principles; and
 - there are mechanisms for the individual to take action against the overseas recipient; or
 - the disclosure is necessary or authorised by Australian Law; or
 - the individual has provided express consent to the disclosure.

5.4 DISCLOSURE OF HEALTH INFORMATION

- 5.4.1 Adventist Senior Living may disclose Health Information about a Consumer or a Resident to a Responsible Person for that individual if:
 - the individual is incapable of giving consent or communicating consent;
 - the disclosure is necessary to provide appropriate care or treatment for the individual; or
 - the disclosure is made for compassionate reasons; or
 - the disclosure is necessary for the purposes of undertaking a quality review of Adventist Senior Living services and is limited to the extent reasonable and necessary for that purpose; and
 - the disclosure is not contrary to any wish previously expressed by the individual of which Adventist Senior Living is aware, or could reasonably be expected to be aware; and
 - the disclosure is limited to the extent reasonable and necessary for providing care or treatment.
- 5.4.2 The Responsible Person for Residents in a residential aged care facility, in order of priority is:

- (a) an appointed guardian (including an enduring guardian) who has been given the right to consent to medical and dental treatments; or
- (b) if there is no guardian, the most recent spouse or de facto spouse (including same-sex partner) where the spouse or de facto has a close and continuing relationship with the person; or
- (c) if there is no spouse or de facto spouse, the unpaid carer or the carer at the time the person entered residential care; or
- (d) if there is no carer a relative or friend who has a close personal relationship with the person.

5.5 ACCESS TO PERSONAL INFORMATION

- 5.5.1 An individual, whose identity has been verified, has the right to request access to the Personal Information held about them.
- 5.5.2 Requests for access to Personal Information may be made in writing or verbally to the Manager of the relevant Adventist Senior Living service, and will be responded to within a reasonable time.
- 5.5.3 Adventist Senior Living will make all reasonable attempts to grant access.
- 5.5.4 Access to Personal Information will be denied if the request:
 - (a) is frivolous or vexatious;
 - (b) is made by an unauthorised party or if the requestors identity cannot be verified;
 - (c) poses a serious threat to the life or health of any individual;
 - (d) unreasonably impacts upon the privacy of other individuals;
 - (e) the information relates to existing or anticipated legal proceedings
 - (f) prejudices negotiations between the individual and Adventist Senior Living;
 - (g) is unlawful or would be likely to prejudice an investigation of possible unlawful activity;
 - (h) an enforcement body performing a lawful security function requests Adventist Senior Living to withhold the information, or
 - (i) if giving access would reveal information about a commercially sensitive decision-making process.
- 5.5.5 Adventist Senior Living will provide the reasons for declining access to Personal Information in writing.

5.6 DISCLOSURE OF PERSONAL INFORMATION

- 5.6.1 Access to the Personal Information of Consumers and Residents is restricted to Personnel and health professionals attending to the care of the individual.

- 5.6.2 Personal Information in respect of Adventist Senior Living employees, will not be provided to any third party without the express consent of the individual.
- 5.6.3 No personal information will be provided by employees over the telephone unless it has been established that the person requesting the information is an authorised person such as health professionals, Adventist Senior Living supervisors and management.
- 5.6.4 Personnel are not permitted to make any statement in relation to the health condition of a Consumer or Resident to any person who is not involved in the care of the Consumer or Resident, except to the immediate family or personal legal representative of the Consumer or Resident and then only after consultation with the Adventist Senior Living supervisors and management.

6. QUALITY OF PERSONAL INFORMATION

- 6.1 Adventist Senior Living will take all reasonable measures to ensure that Personal Information held is accurate, complete and up-to-date.
- 6.2 If an individual establishes that Personal Information held by Adventist Senior Living about them is inaccurate, incomplete, out-of-date, irrelevant or misleading, all reasonable steps will be taken to correct the information.
- 6.3 If Adventist Senior Living disagrees with an individual about whether information is accurate, complete and up-to-date, and the individual asks to associate with the Personal Information a statement claiming that the information is inaccurate, incomplete, out-of-date, irrelevant or misleading, then all reasonable steps to include that statement must be taken.
- 6.4 If Adventist Senior Living elects not to correct the Personal Information as requested by the individual, a written notice must be provided to the individual detailing:
 - (a) the reasons for the refusal, except to the extent that it would be unreasonable to refuse
 - (b) the mechanisms available to complain about the refusal, and
 - (c) any other matter prescribed by the regulations.

7. DIRECT MARKETING

- 7.1 Adventist Senior Living will not use or disclose Personal Information about an individual for the purposes of direct marketing, unless:
 - (a) the information is collected directly from the individual; and
 - (b) the individual would reasonably expect the use or disclosure of Personal Information for the purpose of direct marketing; and
 - (c) there is a means to 'opt-out' and the individual did not opt out.
- 7.2 We will not use or disclose Sensitive Information about an individual for the purposes of direct marketing, unless the individual has consented to the information being used for direct marketing.

7.3 If Adventist Senior Living uses information for the purposes of direct marketing the individual may request us:

- (a) not to provide direct marketing communications from us
- (b) not to disclose or use the information
- (c) to provide the source of the information.

8 PERSONAL INFORMATION SECURITY

8.1 Adventist Senior Living will take all reasonable steps to ensure the Personal Information collected and held is protected from misuse, interference, loss, from unauthorised access, modification or unauthorised disclosure.

8.2 Information shall only be used for the purpose for which it was collected.

8.3 Personal Information may be stored in hard copy or electronically. ASL IT systems are protected by appropriate IT security measures and hard copy records will be securely stored in designated secure areas.

8.4 Security measures include, but are not limited to:

- (a) staff induction and training in privacy obligations;
- (b) password security for accessing the data storage system;
- (c) protocols for the notification of actual or potential breaches of data security; and
- (d) the use of firewalls and virus scanning tools on any device used by Personnel to access documents containing Personal Information, to protect against unauthorised interference and access.

8.5 As soon as practicable and in accordance with the law, any Personal Information that is no longer required for Adventist Senior Living functions will be destroyed or de-identified.

9. MEDIA

9.1 Adventist Senior Living personnel must not make any statement to the press, radio or television station or to any reporter for the media.

9.2 All requests for statement or comment must be referred to the Chief Executive Officer.

10. PRIVACY OFFICER

10.1 The Privacy Officer manages and administer all matters relating to protecting the privacy of individual's Personal Information.

10.2 The Privacy Officer can provide more information about any aspect of this policy or about the way in which Adventist Senior Living operates to protect the privacy of individual's Personal Information, including the Privacy Policy of any Adventist Senior Living software provider.

10.3 The Privacy Officer is the Chief Executive Officer.

Name David Knight

Phone (02) 4977 0000
 Fax (02) 4977 0144
 Email davidknight@adventistseniorliving.com.au

11. GRIEVANCE PROCEDURE

- 11.1 Complaints about the manner in which Adventist Senior Living have managed Personal Information, suspected breaches of this Privacy Policy or the Australian Privacy Principles, must be made in writing to the Privacy Officer setting out the details of the complaint.
- 11.2 All complaints will be investigated in accordance with internal procedures and processes.
- 11.3 The complainant may be invited to participate in a conference by the Adventist Senior Living representative conducting the investigation.
- 11.4 A response to a complaint must be provided to the complainant within a reasonable timeframe after completion of any investigation. The response must be in writing and include the outcome of the investigation, any proposed actions and information of the right of the complainant to lodge a complaint with any relevant external organisations.

12 CROSS REFERENCE TO OTHER CONTROLLED DOCUMENTS

P&C 3 P07 CODE OF CONDUCT

CORP 2 P22 CONFIDENTIALITY AND INTELLECTUAL PROPERTY POLICY

CORP 2 F08.00.01 PRIVACY CONSENT FORM FOR CONSUMERS

13 LINKED TO:

Aged Care Quality Standards 1.3. f	Each Consumers privacy is respected, personal information is kept confidential
NDIS Practice Standards 1	Rights and Responsibilities

14 APPLIES TO

All ASL units	Corporate	Residential Care	Home Care	Self Care
X				