



**CEREBRAL PALSY
SUPPORT NETWORK**
strength through connection
www.cpsn.org.au

Cerebral Palsy Support Network Inc

Privacy and Confidentiality Policy

PRIVACY AND CONFIDENTIALITY POLICY

1. Authorisation

This policy was adopted by the Board of the Cerebral Palsy Support Network (CPSN) in September 2012.

2. Review Date

This policy shall be reviewed no later than September 2013.

3. Scope

This policy applies to the Board, employees, contractors and Participants of CPSN.

4. Definitions

Participant: an individual who accesses the services of the CPSN or a person authorized to access information on their behalf.

Personal Information: information recorded in any form, which identifies a person or describes them in a way that their identity can be determined. This includes paper and electronic records, photographs, audio and video recordings, and extends to both facts and opinion if it is about an identifiable person.

Health Information: The *Health Records Act 2001* defines “Health Information” as including information or opinion about a person’s physical, mental or psychological health or disability. This includes personal information or opinion about a person’s health status, medical history, fitness levels and vital statistics, such as weight and height.

Sensitive information means, pursuant to the *Privacy Act 1988 (Cth)*:

- (a) information or an opinion about an individual's:
 - (i) racial or ethnic origin; or
 - (ii) political opinions; or
 - (iii) membership of a political association; or

- (iv) religious beliefs or affiliations; or
 - (v) philosophical beliefs; or
 - (vi) membership of a professional or trade association; or
 - (vii) membership of a trade union; or
 - (viii) sexual preferences or practices; or
 - (ix) criminal record;
- (b) health information about an individual; or
- (c) genetic information about an individual that is not otherwise health information.

In this policy statement, we refer to personal information as including health information and sensitive information, unless we specify otherwise.

5. **Policy Statement**

We believe that the privacy, dignity and confidentiality of individuals is important. This policy statement sets out our personal information handling practices.

6. **Procedures**

6.1. Distribution of this Policy

This policy will be:

- Displayed at the CPSN Office;
- Made available on request to anyone who asks for it; and
- Provided to all Board members, office employees and anyone who handles personal information on behalf of the CPSN.

6.2. Type of personal and health information to be collected.

We will only collect the information we need and for which we have a legitimate use related to one of our functions or obligations.

The type of information we collect and hold includes (but is not limited to) personal information in relation to:

- (a) Membership.
- (b) Members and Participants accessing our programs.
- (c) Job applicants, employees, volunteers and contractors (the information is collected in order to manage the relationship and fulfill our legal obligations).
- (d) Contact details of other parties who deal with CPSN.

We will collect information on the following identifiers:

- (a) Tax File Number for all employees related to the deduction and forwarding of tax to the Australian Tax Office. Failure to do so would result in the maximum tax being deducted.
- (b) Details to establish eligibility for membership and or services.
- (c) Personal information provided by individuals either in relation to themselves or their children/participant to be cared for accessing our programs. We will generally collect personal information about an individual by way of forms filled out by participants, support workers, family members, job applicants, face to face interviews and telephone calls.
- (d) When collecting personal information we will provide individuals, from whom we collect information, with a copy of our Collection Statement. If the reason for collecting the information varies from the Collection Statement, the Collection Statement will be amended to cover the area required while still meeting the *Victorian Standards for Disability Services 2007* privacy principle requirements and the *Health Records Act 2001* and *Privacy Act 1988 (Cth)*.

6.3. Notification to Participants about Personal or Health Information Collected

- (a) When we receive personal information from a source other than the individual or support worker/family member, the person receiving the information will notify the individual or their legal guardian of the receipt of this information and as part of the notification, will advise that they have a right to request access to the information.
- (b) Access will be granted in accordance with the relevant legislation. Please note that the legislation allows us to deny access in accordance with the limited reasons for denial that is contained in the legislation.

6.4. Use of Personal Information

We will use the personal information we collect for the primary purpose of collection as outlined in the table below. We may also use the information for such secondary purposes that are related to the primary purpose of collection and can be reasonably expected, or to which the individual concerned has consented.

The personal information collected in relation to:

- Membership
- Participants and their families
- Board members
- Job applicants, employees, contractors, volunteers and students will be used as set out below:

Personal information and health information collected in relation to:	Primary purpose of collection:	Examples of how the CPSN will use personal information, including sensitive and health information include:
Membership	To maintain a membership data base. To develop statistical information.	<ul style="list-style-type: none"> • To plan the direction of current and new programs. • To identify target groups for projects and apply for grants. • Lobby for change to government policy

Participants and their families	Information and support Support Groups Programs	<ul style="list-style-type: none"> • To provide relevant information and support to our members. • Day to day administration; • Provide relevant and quality service. • To satisfy the service's legal obligations and to allow it to discharge its duty of care.
Photographs of participants and parents/families	To enable us to keep a record of special events about the CPSN and its activities.	<ul style="list-style-type: none"> • To encourage members and their families to feel a part of the CPSN environment • To promote a broad and positive image of people with Cerebral Palsy participating in all aspect of daily life. • To promote the activities of the Services and programs available at the CPSN. • To be included into the newsletter and publications
Board members	For the management of the CPSN by the Board of Management	<ul style="list-style-type: none"> • For communication with and between Board members, employees and parents/families • To satisfy the organisation's legal obligations
Job applicants, employees, contractors, volunteers and students	<p>To assess and (if necessary) to engage the applicant, employees, contractor, volunteers or students as the case may be.</p> <p>To administer the employment, contract or placement.</p> <p>To plan staff development and training.</p>	<ul style="list-style-type: none"> • Administering the individual's employment, contract of placement as the case may be; • Health and safety; • Insurance purposes; • Keeping records of staff training, qualifications. • Planning training programs • Satisfying the CPSN's legal obligations;

We believe the information collected is essential to fulfilling the quality programs we offer. If you as a participant have a concern about any method of collection of information please feel free to discuss this concern with the Manager. Please be aware that not collecting important information about yourself or the person you care for could result in a lower quality program.

6.5. Treatment of Sensitive Information.

Sensitive information will be used and disclosed only for the purpose for which it was collected or a directly related secondary purpose, unless the individual agrees otherwise or the use or disclosure of the sensitive information is allowed by law.

6.6. Management and Security of Information

In order to protect the personal information from misuse, loss, unauthorised access, modification or disclosure, the Board and staff will ensure that in relation to personal information:

- Access will be limited to staff who require this information in order to do their jobs.
- It will not be left in areas that allow for unauthorised access.
- The physical storage of all materials will be in a secure cabinet or area in the office.
- Computerised records containing personal or health information will require password access.
- Emails will only be sent to a person authorised to receive this material.
- Faxes will only be sent to a secure fax, which does not allow unauthorised access.
- Only limited personal information will be provided over the telephone to persons authorised to receive that information.
- Transfer of information interstate and overseas will only occur with the permission of the person concerned.

6.7. Data Quality

We will endeavour to ensure that the personal information we hold is accurate, complete, up to date and relevant to our functions and activities.

6.8. Photographs

We will not publish photographs of participants or their families outside of the CPSN without first obtaining the consent of the participant or their family members. For these purposes “publish outside of the CPSN” includes the use of a photograph or video/digital recording for study, advertising, research, art or artistic display, or inclusion in a newsletter, newspaper, journal, book, or paper or public display in whatever form.

Of course, participants/families may request that any photographs taken be kept confidential for social, cultural or other reasons.

6.9. Access to Information and Updating Personal Information.

Individuals have the right to ask for access to personal information we hold about them without providing a reason for requesting access.

Under the privacy legislation, an individual has the right to:

- (a) Ask for access to personal information that the CPSN holds about them;
- (b) To access this information and
- (c) To make corrections if they consider the data is not accurate, complete or up to date.

There are some exceptions where access may be denied in part or in total.

Examples of some of the exemptions are where:

- (a) The request is frivolous or vexatious;
- (b) Providing access would have an unreasonable impact on the privacy of other individuals;

- (c) Providing access to personal information other than health information would pose a serious threat to the life or health of any person;
- (d) The CPSN is involved in the detection, investigation or remedying of serious improper conduct and providing access would prejudice that.

A participant may seek access to view or update their personal/health information:

- (a) If it relates directly to a program or service they are accessing themselves, or an authorized family or support worker may access information on the participant's behalf, by contacting the Manager.
- (b) For all other requests, by contacting the Chairperson or Secretary to the Board.

Personal information may be accessed in the following way:

- (a) View and inspect
- (b) Take notes
- (c) Obtain a copy

Requests for access or to update personal information should nominate the type of access required and specify where possible what information is sought. No reason for the request is required. The person seeking the information must provide photograph identification if they are not known to the person receiving the request.

The employee or Board member receiving the request will record the request and the date received. Each request will be acknowledged within 14 days, but where possible within 2 working days. Requests will be complied with within 30 days although some delay may occur if that period includes days that the CPSN is closed.

Board and employees will provide access to information in accordance with the Privacy Acts. If the requested information is not given, the reasons for denial of access will be given in writing to the person requesting the information.

In accordance with the legislation we reserve the right to charge for information provided in order to cover the costs involved in providing the information.

6.10. Anonymity

Wherever it is lawful and practicable, individuals will have the option of not identifying themselves when entering transactions with the Services of CPSN.

6.11. Disposal of Information

We will not store personal information longer than necessary.

In disposing of personal information we will ensure that it is either shredded or destroyed in such a way that no one can access the information.

7. Key Responsibilities and Authorities

The Board is responsible for providing secure facilities for the storage of personal/health information and for ensuring the security of personal/health information stored at the CPSN.

The Board and the staff are responsible for maintaining the privacy of personal/health information collected, recorded and stored at the CPSN by complying with the procedures outlined in this policy statement.

8. Resources and Support

Health Services Commission – 8601 6200 or 1800 136066
Office of the Australian Information Commissioner - 1300 363 992

9. Evaluation

In order to evaluate whether our program is compliant with the privacy legislation we will review our current information handling practices to establish:

- (a) What information CPSN collects about whom and from whom,
- (b) Why and how CPSN collects, uses and discloses information,
- (c) Are there any risk areas in relation to the collection, use, disposal or disclosure of information?

- (d) A legal requirement for the length of time specific information needs to be kept.

Some areas that may need to be examined are:

- (a) Membership Records
- (b) Cerebral Palsy Innovative Choices documentation
- (c) Computerised records
- (d) Information collected for which we do not have an immediate use.
- (e) Archiving and storage of information
- (f) Further training for staff & BOM

10. **Implementation**

- (a) The Board will implement any changes that have come out of the CPSN service review of our current information handling practices.
- (b) All employees and Board members, both current and new will be provided with a copy of the policy. As the employees have a major responsibility in handling personal and health information, the Board may decide to ask employees to sign that they have read the policy to ensure that they are aware of their responsibilities under the policy.
- (c) A copy of the policy will be available and kept in the CPSN office.
- (d) Copies of the policy will be made available for distribution on request.
- (e) Copies of the CPSN Privacy Policy Collection Statement will be provided to all users of the CPSN programs and included on all forms that request personal or health information.

- (f) Applications for access to information held by the CPSN that fall within the requirements of the Health Records Act 2001, or Privacy Act 1988 (Cth) will be considered in accordance with the legislation.
- (g) Training requirements for members of the CPSN management and staff on archiving and legal requirements will be regularly reviewed.
- (h) Employee responsibilities in regards to participant privacy and confidentiality expectations are explained during orientation.

Employees and participants are to sign a 'Rights and Responsibilities' statement included in the Cerebral Palsy Innovative Choices Pack.