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| ACCOUNTABLE: | CEO |
| RESPONSIBLE: | CEO |
| NEXT REVIEW DATE: | November 2023 |

***Our vision:** For all people with intellectual disability to live the life they choose.*

***Our mission:** We value the inherent worth of every individual.*

We create opportunities for adults with intellectual disabilities to explore and grow.

We build inclusive community connections.

1. STATEMENT

Bayley House collects and uses personal information to provide high-quality services and supports and a safe environment for all clients, staff and visitors.

Bayley House respects and is committed to protecting the privacy and confidentiality of the people whose information it collects and are committed to collecting, storing, using and disclosing information in accordance with all legislation and principles.

2. SCOPE

This policy is applicable to information collected and used in relation to services provided to clients, staff, volunteers, contractors, members and donors.

It describes how Bayley House collects, uses, discloses and manages and protects personal information from misuse and clarifies our obligations and responsibility to maintain privacy and information security.

Bayley House is not a prescribed agency under the Freedom of Information Act.

3. DEFINITIONS

Personal Information is information about an individual whose identify is apparent or can reasonably be ascertained from the information or opinion. Personal information includes sensitive information about a person's health, behaviour, criminal record, sexual orientation or practice and religious beliefs or affiliations and images.

Confidentiality is the protection of personal information. It means information is kept securely between the organisation and the person(s), and not disclosed without permission unless authorised by legislation and privacy principles.

Eligible Data Breach is the unauthorised access to, unauthorised disclosure of, or loss of personal information held by Bayley House, which is likely to result in serious harm to any of the individuals to whom the information relates.

Privacy – is the right of each person to be treated with dignity, respect and in a way that protects their confidentiality.

4. RESPONSIBILITIES

The **CEO** is responsible for implementing this policy and for authorising release of information to other agencies or individuals.

Senior Managers, Program Managers, and Team Leaders are responsible for ensuring the implementation of this policy and procedures within the areas of their control.

All **staff and volunteers** and **contractors** are responsible for adhering to this policy and procedure.

5. PRINCIPLES

- Each person's right to dignity, privacy and confidentiality is preserved.
- When a client requires support to manage their personal care, staff provide assistance in a way that preserves the dignity and privacy of the individual.
- We take all reasonable steps to protect personal information from misuse and loss and from unauthorised access, modification or disclosure.
- We will only collect and use personal information necessary to provide services in association with our business, with people who have a legitimate right to access that information.
- When we collect, hold, use and disclose information for another purposes, this is explained at the time of collection.
- We will only use personal information (including photos, videos, quotes and stories) when we have consent to do so.
- We release information with consent or when required by law.
- Consent can be withdrawn at any time by notifying Bayley House in writing.
- No personal or private phone numbers or contact details may be released without authorisation.
- Access to records is managed according to the position and the level or need to access information. Different levels of security and permissions are applied to safeguard the confidentiality and privacy of information.
- People have the right to request access to the personal and health information which the organisation holds about them. Requests are managed in accordance with the Privacy Act and the Health Records Act.
- We hold information in electronic and hard copy form.
- Electronic information is protected by security safeguards and backup procedures.
- Hard copy information is managed confidentially, including during storage, retention, archiving, and destruction or disposal.
- Personal information is destroyed or de-identified when no longer needed, in accordance with legislation and record keeping requirements.
- Data breaches are investigated, managed and reported in accordance with the *Privacy Amendment (Notifiable Data Breaches) Act*.

6. PROCEDURES

The way we maintain Privacy and Security is outlined in:

- Bayley House Website Privacy & Security Statement.
- Client Privacy Statement and Client Handbook
- Staff and Volunteer Privacy Statement, Volunteer Agreement and Confidentiality Forms
- Board Member's Deed of Confidentiality
- Information Technology and Security Policy and Procedure

6.1 Privacy, Confidentiality and Consent – Client

All clients and their representatives are provided with information about how Bayley House will respect the confidentiality of information and their privacy.

- All clients and their representatives are provided a Client Privacy Statement and Client Handbook and complete a *Client Consent Form (Authority to obtain or disclose information)*, to document consent to the use and disclosure of their information.
- We inform clients and others about how their personal information will be used, disclosed and protected from misuse, loss, unauthorised access or modification.
- When a client requires support to manage their personal care, staff help in a way that preserves the client's dignity and privacy.

6.2 Privacy and Confidentiality – Staff and Volunteers

As a condition of employment, Bayley House staff members are expected to respect the confidentiality of information and the privacy of individuals.

- Staff sign a contract of employment which includes privacy and confidentiality.
- Staff and volunteers are provided with a Staff and Volunteer Privacy Statement and Volunteer Agreement and Confidentiality Forms on commencement with Bayley House.
- Board members sign a Deed of Confidentiality.
- Supports and personal care are provided in a respectful way ensuring that the privacy of the person is protected.

6.3 Privacy and Confidentiality – Contractors

Agreements with any supplier or contractor who may have access to client personal or health information includes privacy, confidentiality and reporting requirements for unauthorised disclosure or access.

6.4 Access to and Correction of Personal Information

An individual has the right to ask for their personal information to be updated or corrected when it is inaccurate, incomplete or out of date.

Bayley House will provide a summary of the current information held about a person, provided the request is authorised and the person has a legitimate right to access the information.

Requests must be made in writing to the CEO.

Bayley House will provide assistance to clients to formalise their request as required.

Authorisation and identification of the person requesting the information is required prior to progressing any request for information.

6.5 Request to access client records

If the request relates to active records, we will respond to the request within 2 weeks of receipt. Such requests will not generally incur a charge.

If the request relates to archived or inactive records, we will respond to the request within 3 weeks of receipt. We reserve the right to apply charges for the cost of providing access to archived or inactive records. Such costs will be charged in accordance with the fees prescribed under the privacy legislation.

6.6 Requests to access staff records

Bayley House does not have an obligation to provide current and former staff access to their complete staff file and/or notes from disciplinary meetings, except where current and former staff have a right to access staff records under the Fair Work Regulations and/or the Health Records Act.

Upon written request, Bayley House will provide current and former staff access to the following records within their staff file:

- General records;
- Payroll records;
- Hours of work records (including overtime and averaging of hours);
- Leave records;
- Superannuation contribution records;
- Individual flexibility arrangement records;
- Guarantee of annual learnings records; and
- Termination records.

6.6 Donor records and privacy

Bayley House maintains records of its interactions for fundraising purposes with individuals, corporations, foundations and associations.

Donor information is confidential and used only for the purpose agreed. Requests to remain anonymous are honored. Bayley House does not sell or share donor lists.

Donor requests to access or correct their personal information is made to the CEO. Requests will be responded to within a reasonable timeframe and access to information provided in accordance with the Privacy Act.

6.7 Data Breaches

Staff and volunteers MUST report all suspected unauthorised data events (access or disclosure to personal information) by completing and submitting an online [Request for Potential Data Breach Evaluation form](#) located on the Bayley House SharePoint page.

Bayley House will immediately form a response team including the relevant reporting Team Leader (or equivalent), IT member and Privacy Officer.

The team will evaluate the potential data breach and design any immediate action (if required) for containing the breach.

The team will:

- decide on any remedial action that can be taken immediately
- determine whether a report (and notification to affected persons) is required
- assess whether an 'eligible data breach' has occurred and if reporting to the Office of the Australian Information Officer is required
 - Eligible data breach is reported to the Office of the Australian Information Officer ("OAIC in accordance with the Privacy Amendment (Notifiable Data Breaches) Act 2017) within 30 days
 - The need to report may not be required:
 - If remedial action was taken before any serious harm is caused by the breach; and
 - where notifying individuals will prejudice law enforcement activities, police and intelligence agencies.

6.8 Complaints

Any stakeholder who wishes to discuss this policy or make a complaint should contact the CEO in writing. The complaint should include details of the aspect of the policy and any specific details about the matter.

Where dissatisfied with the outcome of an inquiry or complaint, an individual can contact the Privacy Commissioner at the Office of the Australian Information Commissioner (1300 363 992 or at www.oaic.gov.au).

7. RELATED DOCUMENTS

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| Policies: | <p>1.7 Control of Records Policy 4.1 Provision of Client Information Policy 4.xx Information Technology and Security Policy (8.8) 7.14 Personnel records Policy 8.12 Client & Customer Invoicing & Terms of trade Policy 9.1 Media Relations Policy 9.3 Fundraising Policy 9.7 Internet Website Content Policy</p> |
| Forms: | <p>MGT-302=Confidentiality Agreement GCP-403=Client Consent form GCP-416=Client Incident Report Form VOL-1108=Volunteer Agreement and Confidentiality Form Ref-013=Client Handbook Board Member's Deed of Confidentiality</p> |
| References: | <p>REF-030=BH Client Privacy Statement REF-031=BH Staff and Volunteer Privacy Statement REF-047=BH Website Privacy and Security Statement</p> |

8. STANDARDS / LEGISLATION

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| <p>NDIS Code of Conduct NDIS Practice Standards and Quality Indicators</p> <ul style="list-style-type: none"> - <i>Rights and Responsibilities</i> - <i>Governance and Operational Management</i> - <i>Provision of Supports</i> - <i>High Intensity Daily Personal Activities</i> - <i>Specialist Behaviour Support</i> - <i>Implementing Behaviour Support Plans</i> - <i>Specialised Support Coordination</i> - <i>Specialist Disability Accommodation</i> |
| <p>Privacy Act 1988 - Australian Privacy Principles Health Records Act 2001 – Health Privacy Principles Privacy and Data Protection Act 2014 – (Vic) Victorian Charter of Human Rights and Responsibilities Act 2006 – (Vic). Disability Services Act 2006</p> |

9. DOCUMENT HISTORY

Privacy and Confidentiality

Version V6

Approved by CEO

Effective Date 25.11.2020