



# Privacy & Confidentiality Policy

This policy ensures we protect and handle personal information in accordance with the NDIS and relevant privacy legislation. We acknowledge an individual's right to privacy while recognising that personal information is required to be collected, maintained, and administered in order to provide a safe working environment and a high standard of quality.

This policy sets forth guidelines for managing, storing, and sharing personal information, as well as the responsibilities of both staff and clients regarding privacy and confidentiality.

## **Definitions**

### **Personal Information**

Any information that can identify an individual, including but not limited to name, contact details, health information, and employment history.

### **Sensitive Information**

Personal information that includes details about an individual's health, ethnicity, religion, or any other information that is more sensitive and requires higher protection.

### **Confidential Information**

Information that is shared in confidence between the organisation and its staff, clients, or any other third parties and is not to be disclosed without proper consent.

### **Informed Consent**

Clients and staff must be informed about what personal information will be collected, how it will be used, and who will have access to it. They must also be informed of their right to withdraw consent at any time.

### **Consent for Sharing Information**

Any sharing of information with third parties (e.g. external agencies, contractors) must be explicitly agreed upon by the client or staff member in writing, unless there is a legal obligation to disclose information without consent.



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## Privacy & Confidentiality Guidelines

To support the privacy and confidentiality of individuals:

- We are committed to complying with the privacy requirements of the Privacy Act, the Australian Privacy Principles and for Privacy Amendment (Notifiable Data Breaches) as required by organisations providing disability services
- We are fully committed to complying with the consent requirements of the NDIS Quality and Safeguarding Framework and relevant state or territory requirements
- We provide all individuals with access to information about the privacy of their personal information each individual has the right to opt out of consenting to and providing their personal details if they wish
- Individuals have the right to request access to their personal records by requesting this with their contact person
- Where we are required to report to government funding bodies, information provided is non-identifiable and related to services and support hours provided, age, disability, language, and nationality
- Personal information will only be used by us and will not be shared outside the organisation without your permission unless required by law (e.g., reporting assault, abuse, neglect, or where a court order is issued)
- Images or video footage of participants will not be used without their consent
- Participants have the option of being involved in external NDIS audits if they wish.

### Security of Information

To keep information secure:

- We take reasonable steps to protect the personal information we hold against misuse, interference, loss, unauthorised access, modification and disclosure
- We ensure personal information is accessible to the participant and is able for use only by relevant workers
- We ensure security for personal information includes password protection for IT systems, locked filing cabinets and physical access restrictions with only authorised personnel permitted access
- We ensure personal information no longer required is securely destroyed or de-identified.

### Data Breaches

As part of information security responsibilities:

- We will take reasonable steps to reduce the likelihood of a data breach occurring including storing personal information securely and accessible only by relevant workers
- If we know or suspect your personal information has been accessed by unauthorised parties, and we think this could cause you harm, we will take reasonable steps to reduce the chance of harm and advise you of the breach, and if necessary, the Office of the Australian Information Commissioner.

### Breach of Policy

Any breach of this policy, including unauthorised disclosure of personal or confidential information, is considered an incident and an incident report will be required.

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment. The organisation will investigate any suspected breaches and take appropriate measures, including notifying affected individuals and reporting the breach to relevant authorities if required by law.



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## Privacy & Confidentiality Rights

The information we collect is used to provide services to participants in a safe and healthy environment with individual requirements, to meet duty of care obligations, to initiate appropriate referrals, and to conduct business activities to support those services.

**Participants** have the right to expect that:

- Their personal and sensitive information will be handled with the utmost care and confidentiality.
- Any information provided by participants will only be used for the purpose for which it was given, and they will be informed of the reason for collecting their data.
- Information will not be shared without their explicit consent, except in situations where disclosure is necessary to provide supports or is required by law (e.g. emergencies, legal obligations).
- The organisation will ensure that all staff involved in the care or support of clients are properly trained in privacy and confidentiality requirements.

**Staff Members** have the right to expect that:

- Have their personal information treated as confidential, including employment details, health-related information, and any other sensitive personal data.
- Know how their personal information will be used, stored, and protected.
- Expect that personal information shared for work purposes (such as for payroll, benefits, or compliance with legal obligations) will be handled in accordance with relevant privacy laws.
- Access their own personal information held by the organisation, and request corrections if needed.
- Be assured that any sensitive information shared for the purpose of providing support or working with clients will remain confidential and will only be shared when required or with explicit consent.
- Any reports by staff regarding misconduct of coworkers or policy breaches will remain confidential.

## Our Responsibilities

**All staff members** have a responsibility to:

- Always protect the privacy and confidentiality of client and staff information.
- Ensure that all personal and sensitive information is stored securely and accessed only by authorised individuals.
- Never disclose confidential information to anyone outside of the organisation, except as required by law or with explicit consent.
- Be aware of the limits of confidentiality, particularly when it comes to situations where disclosure is necessary for legal, safety, or health-related reasons.
- Dispose of confidential documents and data in a secure manner, such as shredding physical documents or deleting digital files.
- Ensure reports of misconduct of coworkers or policy breaches will remain confidential.
- Inform the organisation if they suspect or become aware of any breach of confidentiality.
- Adhere to privacy policies and procedures in all aspects of their role



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## Relevant Items

Regulations relevant to this policy include:

- *NDIS (Provider Registration and Practice Standards) Rules 2018 (Cth)*
- *NDIS (Quality Indicators) Guidelines 2018 (Cth)*
- *Privacy Act 1988 (Cth)*
- *Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)*

Internal Documents relevant to this policy include:

- Incident Report Form
- Incident Management Policy