



PRIVACY AND CONFIDENTIALITY POLICY

Wagtail Therapy
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Policy Statement

The purpose of this policy is to ensure services are delivered in ways that respect the Privacy and Dignity of clients by establishing standards of privacy, dignity, confidentiality and data protection in accordance with;

- The Privacy Act (1998),
- Freedom of Information Act (WA) (1992)
- Freedom of Information Regulations (1993),
- Disability Services Act (1993)
- NDIS Code of Conduct
- NDIS Practice Standards
- NDIS Act 2013
- UN Convention on Rights of Persons with Disabilities

Scope

This policy relates to all Wagtail Therapy activities and applies to all employees, contractors, students, advocates, and others who may act on behalf of Wagtail Therapy. The key elements of consent for participants that Wagtail Therapy Services adhere to are:

- The client is adequately informed before giving consent,
- The client gives their consent voluntarily
- The consent is current and specific
- The client has the capacity to understand and communicate their consent.

Collection of Personal Information from Clients

Wagtail Therapy requires consent to be obtained from Clients/ Guardians to collect and use personal and/or sensitive information before initial services are delivered. When a client commences with Wagtail Therapy a consent form will be signed off by the Client and each subsequent year after to ensure consent is current and specific. This form addresses the collection and sharing of information internally and with third parties as required

‘Personal Information’ is information or opinion in any form, whether true or not, that identifies or enables identification of an individual. Wagtail Therapy collects only personal information that is necessary for one or more of its functions or services and ensures that all information is collected by fair and lawful means. Types of personal information may include;

- Client identifying information (Name, age, address)
- Identification and contact details for next of kin/ person responsible/ carer or guardian
- Referral information
- Details of medical conditions/disability
- Case/ progress notes
- Racial or ethnic origin,
- Sexual orientation or practices,
- Criminal record,
- Video or audio footage
- Participation in periodic audits
- Other such information that is relevant for us to provide our services in the manner that the client has requested, or to comply with the Law.



All personal information is only used for the purposes for which it was collected except where legal exemptions exist. All information collected by the company is collected by lawful and fair means and is, where practical to do so, collected directly from the client. The client is informed who is collecting the information, how it is stored and what it is used for.

Personal information is collected by staff through completion of various intake, referral or service delivery forms. Generally such forms are completed by the client, with assistance if necessary, by the clients carer or referring agency. Information may also be collected, reviewed or updated through face to face meetings, interviews, telephone calls or emails.

Non-disclosure or Withdrawal of Consent

Wagtail Therapy may not be in a position to provide or continue service where clients do not disclose or give consent. A client has the right to withdraw part of or all their consent at anytime.

Client Access to Personal Information

Individuals have the right to access their personal information, except where access may present a threat to an individual or is deemed unlawful. Information may be accessed upon request by the individual following confirmation of their identity. A client or carer, can ask that personal information be corrected, if it is inaccurate, incomplete or out of date.

Use of information within Wagtail Therapy

'Use' refers to the handling of information within Wagtail Therapy, the use of personal information regarding clients is restricted to those within the agency who have a legitimate 'need to know'.

Information contained in client files is restricted to that necessary for the smooth running of the service and/or monitoring of service outcomes. Only staff members within the service have access to the client files and information relating to the clients, unless the client has given prior written permission.

It is accepted that all staff members may discuss personal client details with their supervisor or senior staff for supervision, determination of work, health and safety issues or to ensure the proper service to support the client.

Security

Wagtail Therapy takes all responsible steps to protect personal information against misuse and provides safeguards to ensure against loss, unauthorised access, misuse, modification or disclosure. Personal information held by Wagtail Therapy on databases or file servers are password protected. Personal records are secured in locked cabinets. The Client Management System Wagtail Therapy uses is also password protected

Record Keeping

Access to client records is restricted to those who have a legitimate 'need to know' or a legal right to access. Information contained in client files is restricted to that necessary for the running of the service and/or monitoring of service outcomes.

Personal information kept by Wagtail Therapy is regularly updated and reviewed to ensure



information is accurate, up to date and only used for the intended purposes.

Personal information is kept by Wagtail Therapy for Seven years in accordance with the Privacy Act 1998. Wagtail Therapy will take all reasonable steps to destroy or permanently de-identify personal information about an individual that it holds, if the information is no longer needed for any purpose for which it is able to be used or disclosed, and where there is no law or Court/tribunal or Government contract that requires Wagtail Therapy to keep the information.

Disclosure of Information to those outside Wagtail Therapy

'Disclosure' is the transfer of information to a third party outside the organisation. Personal information is not disclosed to a person, body or agency (other than the individual concerned) unless:

- It is subpoenaed by a court; or
- Failure to disclose the information would in the reasonable belief of Wagtail Therapy place you or another person at serious risk to life, health or safety; or
- Your prior approval has been obtained to
 - provide a written report to another professional or agency. e.g. GP, school or a lawyer; or
 - discuss the material with another person, eg. a parent, employer or health provider; or
 - disclose the information in another way; or
- You would reasonably expect your personal information to be disclosed to another professional or agency (e.g. your GP) and disclosure of your personal information to that third party is for a purpose which is directly related to the primary purpose for which your personal information was collected; or
- Disclosure is otherwise required or authorised by law; or
- Required for NDIS reporting requirements; or
- When consulting with colleagues, or in the course of supervision, your therapist will preserve your privacy at the utmost professional manner.

Where personal information is to be disclosed to a third party outside of Wagtail Therapy the client will need to provide written consent using one of the following methods:

- Completing Consent Form
- Notifying Wagtail Therapy by written communication via SMS or email if unable to complete the forms above.

Staff Training and Compliance

Staff are trained in implementation of the company's Privacy and Dignity Policy and breaches of these requirements are considered a serious disciplinary issue, which may result in disciplinary action being taken up to and including termination of employment.

Review

This Policy will be reviewed on an annual basis. However, if at any time where change is identified as being needed through legislative changes or service requirements, the Policy will be amended accordingly. This Policy will still remain in force after its review period if not reviewed, or until changed or withdrawn.