

Policy statement	<i>Stakeholder's personal information is collected, used, disclosed and stored according to the Privacy Act 1988, the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and associated Privacy Regulations.</i>
Scope	This policy refers to all Personal Information relating to Residents and their Representatives, Staff, Volunteers, Board members and other Stakeholders
1. Legislation	<p>1.1 The Privacy Act 1988¹ and Privacy Amendment (Enhancing Privacy Protection) Act 2012² regulate how The Alexander Aged Care Centre is able to collect, use, disclose and store personal information, and how individuals may access and correct personal information held about them.</p> <p>1.2 As at March 2014, the previous National Privacy Principles were replaced by the Australian Privacy Principles³ (APPs) which are more comprehensive, and impose additional requirements which aged care providers must comply with.</p> <p>1.3 The 13 Australian Privacy Principles (2014) are:</p> <ol style="list-style-type: none"> 1. Open and transparent management of personal information – the object of this principle is to ensure that we manage personal information in an open and transparent way. This includes the development of this Privacy Policy about the management of personal information. 2. Anonymity and pseudonymity – individuals have the right not to be identified when dealing with a certain matter. 3. Collection of personal information – information collected must be reasonably necessary for the functioning of the organisation. 4. Dealing with unsolicited personal information - 5. Notification of the collection of personal information – when collecting information about an individual, the organisation must ensure that they notify that individual that this information is being collected, and for what purpose it will be used. 6. Use or disclosure of personal information – If the organisation holds information, this must not be disclosed to other organisations unless the individual has consented to this. 7. Direct marketing – information gained must not be used for direct marketing 8. Cross Border disclosure – before the organisation discloses information to an overseas entity about an individual, the organisation must ensure that it does not breach the Australian Privacy Principles. 9. Government identifiers – the organisation must not adopt a government related identifier as its own identifier or the individual 10. Quality of personal information – the organisation must ensure that information collected is accurate, up to date and complete. 11. Security of personal information – the organisation must take reasonable steps to protect the security of all personal information held. 12. Access to personal information – if an organisation holds information about an individual, the organisation must upon request by the individual give the individual access to the information 13. Correction of personal information – if information held by an organisation about an individual is found to be inaccurate, out of date, irrelevant or misleading then the organisation must take all reasonable steps to correct that information. <p>1.4 For the purpose of this policy, “the organisation” refers to The Alexander Aged Care Centre of 1720 Dandenong Road Clayton Vic 3168</p>

¹ Privacy Act (1988) found at <https://www.legislation.gov.au>

² Privacy Amendment (Enhancing Privacy Protection) Act (2012) found at <https://www.legislation.gov.au>

³ Australian Privacy Principles (2014), www.oaic.gov.au “Privacy Fact Sheet 17 – Australian Privacy Principles”

<p>2. Kinds of personal information collected</p>	<p>2.1 Residents: Financial information, legal power of attorney documentation, Medicare, DVA and Centrelink entitlement numbers, date of birth, assessments and care plans and other information which form a resident's medical record.</p> <p>2.2 Representatives: legal power of attorney documentation, home and mobile contact details, address, email address.</p> <p>2.3 Staff: home and mobile contact details, address, email address, federal police check information and statutory declaration, payroll information – superannuation and bank details, next of kin details, education and qualification records, records of any disciplinary action taken, correspondence, sick leave records.</p> <p>2.4 Volunteers: home and mobile contact details, address, email address, federal police check information and statutory declaration, next of kin details, education records, correspondence, privacy and confidentiality agreement.</p> <p>2.5 Contractors: Contact details, bank details, federal police check information, contracts.</p> <p>2.6 Board: home and mobile contact details, address, email address, federal police check information and statutory declarations, key personnel documentation.</p>
<p>3. How information is collected and held</p>	<p>3.1 Information is collected upon admission commencement/to the home in both electronic and paper-based format.</p> <p>3.2 Information is stored both electronically and in paper-based format.</p> <p>3.3 Resident care information is stored on The Alexander Aged Care Centre's planning system and in paper-based files stored in the Care staff offices.</p> <p>3.4 Resident financial information is stored on the Aim financial accounting program and in paper-based files stored in the administration office.</p> <p>3.5 Staff information is held in their paper-based personnel file located in the Approved Providers office which is locked after hours. Payroll information is stored on the Aim financial accounting program and in paper-based files stored in the administration office. Only the Approved Provider has access to this information.</p> <p>3.7 Volunteer information is stored in a locked filing cabinet in the Facility Manager's Office</p> <p>3.8 Contractor information is stored on the MYOB financial accounting program and in paper-based files stored in the administration office which is locked after hours.</p> <p>3.9 Board information is stored on the Aim financial accounting program and in paper-based files stored in the Approved Providers office which is locked after hours.</p> <p>3.10 All computers within The Alexander Aged Care Centre are password protected. Each staff member is able to access only the information relevant to the performance of their role. Under no circumstance is a staff member to divulge their password to another person.</p> <p>3.11 Passwords for the server are known only by the Approved Provider and the Information technology support contractor.</p> <p>3.12 Only the Facility Manager/Director of Care have administration rights to the financial and Care planning systems. Privacy and confidentiality of electronic information is embedded within the contracts of external service providers.</p> <p>3.13 Staff and volunteers sign a <u>Confidentiality Agreement 1.6.9</u> upon commencement at The Alexander Aged Care Centre to ensure they comply with their legislative responsibilities in relation to privacy and confidentiality.</p>
<p>4. Notification</p>	<p>4.1 Upon admission, residents/their representatives are provided with <u>1.8.4.1 Privacy Disclosure Statement</u> which they are required to sign. This document outlines the circumstances under which personal information is collected, used, disclosed and stored.</p>
<p>5. Purposes for which information is collected,</p>	<p>5.1 Residents: Health Information is collected and held to record, monitor and assess the effectiveness and appropriateness of care and to determine if changes are required to care practices. Financial information is held to ensure that appropriate fees and charges and accommodation payments are charged. Information pertaining to residents'</p>

<p>held, used and disclosed</p>	<p>5.2 nominated Power of Attorney/Guardian or Next of Kin is collected and held to ensure that personal resident information is shared with only the authorised individual. Staff, Volunteers, Contractors and Board: Financial information (Bank Accounts, Superannuation) is collected and held to ensure adequate payment for services is received. Evidence of Police checks and statutory declarations are held to ensure to safety and protection of all residents residing within The Alexander Aged Care Centre. Information about the performance of a staff member, volunteer, contractor or Board member may be collected and held for the purposes of performance management, however in relation to staff information, can only be held for the period as specified in their respective Award and/or Enterprise Bargaining Agreement. Refer further to <u>1.6 Human Resource Management</u>.</p> <p>5.3 Information can only be disclosed with the expressed or written consent of the individual to whom it relates with the following exceptions:</p> <ul style="list-style-type: none"> • If the use/disclosure is requested or authorised under an Australian law or a court/tribunal order • A health situation occurs necessitating use/disclosure • The Alexander Aged Care Centre reasonably believe that use/disclosure of the information is necessary for use by an enforcement agency
<p>6. Accessing personal information</p>	<p>6.1 If an individual's personal information is held by The Alexander Aged Care Centre, then The Alexander Aged Care Centre must, on written request by the individual, provide access to this information. The request must be made using <u>1.8.4.3 Request to access Information</u> form.</p> <p>6.2 A request for information can be declined under the following circumstances⁴:</p> <ul style="list-style-type: none"> • If The Alexander Aged Care Centre believes that giving access would pose a serious threat to the life, health or safety of an individual • Giving access would have unreasonable impact on the privacy of other individuals • The request is seen to be vexatious or frivolous • The information relates to existing or anticipated legal proceedings between The Alexander Aged Care Centre and the Individual and would not be accessible by the process of discovery in those proceedings • Giving access would reveal the intention of The Alexander Aged Care Centre in relation to negotiations with the individual in such a way as to prejudice those negotiations • Giving access would be unlawful • Denying access is required or authorised by or under an Australian law or court/tribunal order • The Alexander Aged Care Centre has reason to suspect an unlawful activity or misconduct of a serious nature AND giving access would be likely to prejudice the taking of appropriate action in that matter • Giving access would be likely to prejudice enforcement related activities conducted by an enforcement body • Giving access would compromise a commercially sensitive decision-making matter. <p>6.3 The Alexander Aged Care Centre must give access to the information in the manner requested by the individual within a reasonable period after the request is made. If access is refused, The Alexander Aged Care Centre must state the reasons and the mechanisms for complaint (refer below).</p>
<p>7. Requesting correction to</p>	<p>7.1 The Alexander Aged Care Centre must take reasonable steps to ensure that personal information held is current, accurate and complete.</p>

⁴ Australian Privacy Principles (2014), www.oaic.gov.au "Privacy Fact Sheet 17 – Australian Privacy Principles"

personal information	<p>7.2 Should an individual believe that information held about them is incorrect, they can request this be amended or corrected.</p> <p>7.3 The Alexander Aged Care Centre must respond to the request within a reasonable timeframe. We must not charge individuals for making this correction.</p> <p>7.4 Should The Alexander Aged Care Centre refuse to amend or correct personal information about an individual, they must provide written reasons for the refusal, as well as relevant complaint mechanisms (<i>refer below to Part 8. Complaining about a Privacy breach</i>)</p>
8. Complaining about a Privacy Breach	<p>8.1 The Facility Manager has been nominated as the Privacy Officer for The Alexander Aged Care Centre.</p> <p>8.2 In the first instance, any complaints made in relation to how The Alexander Aged Care Centre manages individual's personal information should be made to the The Facility Manager. This can be verbal or written using a <u>1.1.1 Continuous Improvement Form</u>. The Alexander Aged Care Centre has 30 days to respond to this complaint.</p> <p>8.3 Should the complainant not be satisfied with the outcome of their complaint, or if they have not received a response within 30 days, they can complain to the Office of the Australian Information Commissioner (OAIC) using the online Complaints Form⁵. This is located at www.oaic.gov.au</p> <p>8.4 The OAIC has the power to investigate complaints made about privacy if it is clear there has been a breach in the Privacy Act 1988 and associated amendments and principles. The OAIC acts as an impartial regulator.</p>
9. Disclosure of information to overseas recipients	<p>9.1 Where an overseas entity has requested personal information about a care recipient or staff member, The Alexander Aged Care Centre must take care to ensure that, in providing this information, the overseas entity does not breach the Australian Privacy Principles.</p> <p>9.2 Where an overseas entity has requested personal information about a care recipient or staff member, the individual to whom the information is related (or their nominated representative) must provide written consent for this information to be disclosed.</p>
Review	This policy is reviewed at least every three years or more frequently according to organisational risk and where legislative changes may require review.

⁵ Online Complaints Form, www.oaic.gov.au