



**PRIVACY AND DIGNITY
POLICY & PROCEDURES**

SEPTEMBER 2020



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Glossary of terms

Term	Definition
Australian Privacy Principles (APPs)	These outline how all private sector and not-for-profit organisations with an annual turnover of more than \$3 million, all private health service providers and some small businesses (collectively called 'APP entities') must handle, use and manage personal information. The APPs are included in the <i>Australian Privacy Act (1988)</i> (Cth).
Confidential information	Any information made available to or generated by ICAS which is not already publicly available or about to become publicly available. All <i>personal information</i> is strictly confidential.
Information	Includes information forming part of a database, and information recorded in a material form or not.
Participant	A person who meets the NDIS access requirements.
Personal information (includes sensitive information)	Information or an opinion about an identified individual, or an individual who is reasonably identifiable: <ul style="list-style-type: none"> • whether the information or opinion is true or not • whether the information or opinion is recorded in a material form or not.
Personnel	Anyone, paid or unpaid, who works for or with ICAS. It includes members of the governing body or any other similarly-empowered committee constituted by ICAS.
Policy	A statement of intent that sets out how an organisation should fulfil their vision, mission and goals.
Procedure	A statement or instruction that sets out how a policy will be implemented and by whom.



Policy Purpose

This policy is to ensure that supports accessed by participants through individualised Community Access Services (ICAS) promotes, upholds, and respects the legal and human rights of participants. This includes the rights of participants to access supports that respect and protect their dignity and right to privacy.

Objectives:

The **Privacy and Dignity** policy aims to provide direction to our organisation in facilitating access to supports that respect the privacy and dignity of participants. This means we will:

- Ensure our Person-centred approach is utilised in all of our interactions with participants and their chosen supporters.
- Respect the rights of participants to privacy and dignity in their interactions with us, and in the delivery of the supports they receive.
- Seek agreement to the collection of personal information from participants.
- Collect personal information only to the extent that it will assist us in delivery of person-centred supports to participants.
- Comply with the Australian Privacy Principles in collecting, storing, and sharing the personal information of participants.
- Ensure our processes and practices facilitate the privacy and dignity of participants who receive supports from us.
- Ensure participants understand what personal information we collect about them, and for what purpose.
- Seek consent from any participant before filming or recording their image or voice.
- Ensure participants understand how we manage personal information collected by our organisation to assist us in the provision of their supports.
- Understand that personal information we collect about a participant belongs to a participant. Accordingly, we will not release this information to any other party without the consent of the participant, unless the law requires us to. In these instances, participants will be advised of the legal requirements for release, and what information has been shared.
- Make sure that staff within our organisation have access to the personal information of participants on a, 'need to know,' basis.
- Some participants may, in some limited circumstances, have a parent or guardian to make decisions for them, including in relation to the sharing of their personal information. Parents and guardians must consider the dignity of the participant and make decisions to share information based upon opportunities to best maximise the participant's wellbeing in all aspects of his/her/their life. ICAS will work with the nominee as required to achieve this end.
- Recognise and support through this policy the ability of some young people to express preferences in relation to their own privacy and dignity, rather than a parent or guardian, where it is appropriate in terms of the supports delivered. ICAS will work with the nominee as required to achieve this end.



Scope

This policy applies to all employees within ICAS.

Policy Statement

ICAS will facilitate, as far as possible, the capacity of all participants who access our supports to determine their own best interests and to make decisions about their own lives, including in relation to directing supports that respect their culture, diversity, values, and beliefs.

Where supported decision-making or nominee decision-making is in place, we will work with participants and their chosen supporters (where reasonable and possible) to support

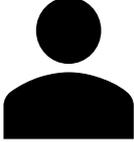
Our **Privacy and Dignity** policy is based upon:

- Our recognition of the legal and human rights of each participant
- Our requirement to comply with the [Australian Privacy Act \(1988\) \(Cth\)](#) and the Australian Privacy Principles
- The rights of each participant to access supports from us that respect and protect their dignity, and personal privacy
- The rights of participants to understand what information we collect about them, why, how it is held, and who has access to it. This information is provided to participants in the mode, format, language requested or best understood by the participant.
- Our understanding that any personal information we hold about a participant belongs to them, and not to us. Therefore, as caretakers of this information, we have a moral and legal responsibility to maintain, update, and protect it appropriately.
- The commitment of our organisation to the upholding of the dignity of participants that access our supports, and all people with disability.
- Our belief that supports delivered by us should be provided in a way that enhances and promotes the dignity of the participant, in the way it is best understood by them.

This policy complies with the requirements under the [National Disability Insurance Scheme Quality Indicator Guidelines 2018](#) and [NDIS Code of Conduct](#)



Roles and Responsibilities

Director	Responsibility	Delivery
	<p>Establishing a culture that promotes the recognition and commitment to upholding of the legal and human rights of participants by all staff, including their rights to privacy and dignity.</p>	<p>Openly reports on organisation's commitment and compliance with the legal and human rights of participants in relation to their privacy and dignity.</p> <p>Openly reports on the organisation's compliance with the <i>Australian Privacy Act (1988)</i> (Cth) and the Australian Privacy Principles.</p> <p>Reviews and identifies issues and encourages staff to make recommendations to implement ongoing continuous improvement in the support of participants in relation to their privacy and dignity.</p> <p>Ensures the Privacy and Dignity, and Confidentiality, policy is properly administered.</p> <p>Reviews the Privacy and Dignity policies and procedures with management and staff annually.</p> <p>Supports and ensures staff are trained in Privacy and Dignity processes.</p>

Quality Assurance Officer	Responsibility	Delivery
	<p>Manages and maintains the application of the Privacy and Dignity Policy.</p>	<p>Frequently reports to Director on issues and compliments relating to the Privacy and Dignity policy and procedures.</p> <p>Establishes, maintains, and audits processes for collection, management, and protection of the personal information of participants.</p> <p>Provides adequate training to staff to ensure policies, procedures, and processes relating to the collection, management, and protection of personal information are understood and delivered.</p> <p>Manages complaints and compliments received by our organisation in relation to the Privacy and Dignity policy and procedures.</p> <p>Includes in team and individual staff performance planning processes, indicators that ensure the understanding,</p>



		<p>and application, of the Privacy and Dignity policies and procedures.</p> <p>Analyses compliance with Privacy and Dignity policies and procedures across their team and works with Director to implement quality improvement processes.</p> <p>Works with the Director and staff to encourage feedback from participants in relation to the Privacy and Dignity policy and procedures to support quality improvement processes.</p> <p>Supports and encourages staff to improve practices where deficits in implementation of Privacy and Dignity policies and procedures are identified.</p> <p>Works with staff to ensure supports are delivered in accordance with the Privacy and Dignity policies and procedures.</p> <p>Acknowledges and rewards staff who demonstrate excellence in delivering supports that maximise the privacy and dignity of participants.</p> <p>Collects, manages, and stores personal information in accordance with the Privacy and Dignity and Confidentiality policies and procedures.</p>
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Staff who work with participants	Responsibility	Delivery
	<p>Implements the Privacy and Dignity policy.</p>	<p>Comply with the Privacy and Dignity policies and procedures.</p> <p>Provide feedback to management on issues and opportunities relating to the implementation of Privacy and Dignity.</p> <p>Understand, practice, and deliver the Privacy and Dignity policy and procedures in working with participants.</p> <p>Identifies opportunities for improvements in the Privacy and Dignity policy and procedures.</p> <p>Collects, manages, and stores personal information in accordance with the Privacy and Dignity and Confidentiality policies and procedures.</p> <p>Ensures supports provided to participants are delivered in a manner that maximises the dignity of the participant.</p>



All staff	Responsibility	Delivery
	<p>Demonstrates compliance with the organisation's Privacy and Dignity policy and procedures.</p>	<p>Provides feedback to management on issues arising from Privacy and Dignity issues.</p> <p>Understands and practices the Privacy and Dignity policy and procedures in any interactions with participants.</p> <p>Is aware of, and understands, changes to the Privacy and Dignity policy and procedures.</p> <p>Implements quality improvement changes as directed by management from evaluation of performance against the Privacy and Dignity policies and procedures.</p> <p>Ensures supports provided to participants are delivered in a manner that maximises the dignity of the participant.</p>

Last Reviewed: 28th September 2020

Last Updated: 28th September 2020

Signed: by Director





Procedure Purpose

These procedures have been developed to provide guidance to all staff in implementing our Privacy and Dignity policy. ICAS is committed to protecting the privacy and dignity of participants who access our supports.

These procedures provide guidance to staff to ensure that supports accessed by participants through ICAS promotes, upholds, and respects the legal and human rights of participants, including the rights of each participant to privacy of their personal information and dignity in delivery of supports. In accordance with our Person-centred Supports approach, our organisation will work with participants and their chosen supporters to ensure participants' culture, values, and beliefs are incorporated and practiced in the supports they receive.

This procedure should be read in conjunction with our [Information Management Policy](#).

A Person-Centred Approach at ICAS

ICAS is committed to a Person-Centred Approach in delivering supports to participants.

Person Centred Supports are central to our philosophy, our mission, and our business model.

ICAS works to protect the privacy of our participants and to ensure supports accessed by them maximise their personal dignity. We comply with the Australian Privacy Principles as described in the [Australian Privacy Act \(1988\) \(Cth\)](#).

We will apply our Person-centred approach in every interaction with our participants. As part of this process, participants are able to direct all elements of our Person-Centred Support Cycle in ways that protects their privacy and promotes their dignity.

Please refer our *Person-Centred Supports Policy & Procedure* for more information on person-centred approach.

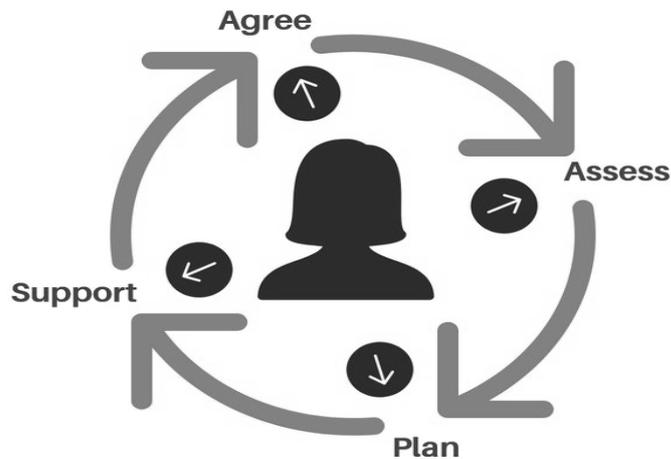
Privacy and Dignity

ICAS works to protect the privacy of our participants and to ensure supports accessed by them maximise their personal dignity. We comply with the Australian Privacy Principles as described in the [Australian Privacy Act \(1988\) \(Cth\)](#).

How will we do this?

We will apply our Person-Centred Approach in every interaction with our participants. As part of this process, participants are able to direct all elements of our Person-Centred Support Cycle in ways that protects their privacy and promotes their dignity.

Person Centred Support Cycle



Our Commitment to Participants

Participants are at the centre of every stage of support provision. ICAS will undertake the following steps related to privacy and dignity in each of these stages:

- Ensure our workers are appropriately trained in protecting the privacy, and promoting the dignity, of participants.
- Ensure our workers are aware of the privacy needs and preferences of our participants and deliver services in a way that maintains personal dignity. This includes:
 - Explaining and requesting permission to perform procedures that involve physical touch or the invasion of personal space;
 - The timely provision of services to prevent embarrassment and discomfort such as toilet breaks or the changing of incontinence pads;
 - Considering everyday personal privacy needs such as being able to shower and dress in a private and comfortable space.
- Advise participants when ICAS first meets with participants of the confidentiality of their personal information and what personal information we will collect from them, what it will be used for, how it will be stored, and who has access to it. This information is provided in the participant's preferred/optimal mode of communication and language.
- Only collect personal information that assists in the delivery of supports as directed by the participant. This may include information about gender, culture, ethnicity, preferred modes of communication, health issues, relationships, and barriers to accessing goals.
- Offer the participant the right to refuse provision of personal information, while advising them that this may limit our ability to provide supports to them.



- Seek written consent (in Client Consent form) from the participant about confidentiality requirements and to release any information about them to an external party. For example, consent to speak with other support providers, community members, and chosen supporters who may assist in maximising the participant's social and community engagement.
- Advise participants we will seek written consent from them before proposing to film or record their image or voice, or using that recording for internal training, public display, or marketing or associated purposes.
- Work with nominees in circumstances where, in limited circumstances, participants are unable to give consent to a service agreement. In these cases, parents and guardians must reflect the needs and goals as identified by the person with disability and make decisions regarding privacy and dignity to best maximise the participant's wellbeing in all aspects of his/her/their life. ICAS will work with the nominee as required to achieve this end.
- Advise participants that they may access their personal information at any time, with a staff member present, and a chosen supporter should they wish.
- *Privacy and Dignity Policies* are provided to participants in the mode, format, and/or language identified by the participant as preferred. We include information about collection of information in our 'Client Handbook' and have an Easy English guide.
- To assist in the provision of connected supports that assist the participant to maximise opportunities to maintain and practice their individual values and beliefs, we may ask participants if they agree to sharing their support plan information with other members of their family and community selected by them, with other providers of supports, and other government agencies on a, 'need to know,' basis.
- Our Induction program for staff includes training on confidentiality and privacy, and staff are required to sign a Confidentiality agreement and abide by the NDIS Code of Conduct.

Privacy and Complaints

- Advise participants as to how they may make a complaint about Privacy and Dignity processes should they not be satisfied.
- Take feedback and complaints from participants in relation to our support provision, and act on suggestions raised by participants and their chosen supporters to improve our organisation in relation to ensuring consistent processes and practices are in place to protect the personal privacy and dignity of each participant.
- Treat all complaints in a confidential manner – see our Feedback and Complaints policy and procedures for further information.



Related documents/resources

Applicable NDIS Practice Standards Policies and Procedures

- **Privacy and Dignity**
- Information Management Policy & Procedure
- Access to Supports
- Person Centred Approaches
- Support Planning
- Responsive Support Provision
- Easy English Privacy and Confidentiality
- Easy English – Person-Centred
- Easy English – Privacy and Confidentiality
- Easy English – Support Planning
- Easy English – Feedback and Complaints
- Easy English – Advocacy
- Easy English – Choice and Control
- Easy English – Keeping Safe
- Easy English – Quality Improvement

Applicable Forms / Registers

- Client Consent Form
- Declaration to maintain confidentiality
- Feedback & Complaint Form
- Support Plan
- Staff Handbook
- Client Handbook

Applicable Legislation

- *National Disability Insurance Scheme (Quality Indicators) Guidelines 2018 (Notifiable Instrument) [F2018N00041]*
- *Australian Privacy Act (1988) (Cth)*
- *NDIS Code of Conduct*