

CORPORATE POLICIES

CP15 STANDARD 4(NSW/Cwlth): PRIVACY, DIGNITY AND CONFIDENTIALITY

1.0 POLICY STATEMENT

Disability Services Australia (DSA) recognises that all people with a disability have the right to expect that they will be treated courteously, with dignity and respect; that their personal information will be protected by complying with national privacy principles regarding the collection, use and disclosure of their private information, and that their personal information will be kept confidential.

DSA is committed to promoting a positive image of people with a disability, recognising that this can positively influence each person's self esteem and citizenship as a valued member of the community.

2.0 PURPOSE

To provide a framework for all DSA services and activities that:

- Ensures the privacy, dignity and confidentiality of people with a disability is respected and maintained at all times.
- Outlines the sort of personal information held in relation to people supported, for what purposes, how that information is collected, held, used and disclosed.
- Ensures those supported are aware of their rights and responsibilities in this matter.
- Meets the Disability Services Standards and comply with all relevant legislation.

3.0 SCOPE

This policy relates to all levels of management and staff of Disability Services Australia. Each relevant area of DSA is required to consider and address compliance with these Standards within divisional procedures, work instructions and forms.

The Commonwealth and State Disability Services Acts and Standards relate to the provision of disability services for people with a disability.

The Privacy Act (Cwlth) 1988 and the Privacy Amendment (Private Sector) Act (Cwlth) 2000 relate to the application of national privacy principles.

For adults with a disability supported by DSA, the participation/involvement of family/significant others/ advocates/guardians in decision making on key service delivery processes (e.g. individual goal planning) is dependent on:

- The relevant decision making rights for family/significant others/advocates/guardians, as determined by their legal status in relation to the person receiving support;
- The expressed wishes of the person receiving support; and
- The assessed need for such advocacy.

4.0 POLICY DETAILS

DSA is committed to providing quality services that respect the privacy, dignity and confidentiality of every person with a disability in all aspects of their lives.

Facilitation of this commitment in relation to Privacy, Dignity and Confidentiality is supported by:

- Ensuring all levels of management and staff understand, comply with, and apply the intent of this policy.
- Having written policies and procedures protecting the privacy, dignity and confidentiality of each person supported and making these available in appropriate formats to those who use the service.

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- Adherence to the following principles which apply to all information about an individual verbally communicated in the course of duty, and documented or kept on file. All information either hardcopy or electronic must be:
 - Collected, stored and used only if directly relevant to the purpose of providing ethical high quality services.
 - Accurate (up to date, complete, not misleading) and kept to a minimum (only recording the data that is essential to providing a service).
 - Stored in a secure place with restricted access.
 - Disclosed only if determined necessary to the provision of quality services and or 'required or authorised by/ or under law'.
- Informing every person supported, of the type and purpose of personal information collected and held by DSA and the steps they should take if they wish to access their records (including but not limited to whom the request should be directed to and the circumstances in which such requests will take place).
- Each person supported has the right to view any information in their personal records and have any statement provided by them seeking an amendment (i.e. correction/deletion or addition) attached to the relevant record and changed if appropriate.
- Where non-identifiable (e.g. statistical) information/data is sought by a legally enforceable entity that includes references to any service user(s) and where gaining consent is not reasonable and/or practical, all identifiable references to the service user(s) shall be removed.
- Obtaining consent from every person receiving support before any information about them is sought or released by DSA and informing them of the purpose for which the information will be used unless:
 - The 'use of the information for that other purpose is required or authorised by/or under law', or
 - DSA believes on reasonable grounds that 'use of the information (disclosure) ... is necessary to prevent or lessen serious and imminent threat to the life or health of the individual concerned or another person'.
- Ensuring that all DSA staff and management foster the rights of dignity and respect for all people with a disability. This includes communication/interactions with the person supported, their extended network (where involved), the community and relevant stakeholders (e.g. customers, parties who have a relationship with DSA).
- Paying particular attention to the development of skills in DSA staff so as to ensure that the right to dignity and privacy is recognised, respected and protected in relation to 'personal activities'.
- Informally monitoring and formally auditing the application of this policy to ensure the company (all DSA stakeholders) and all its activities/service delivery afford each person supported dignity and respect, and maintains their privacy and confidentiality.
- Where breaches occur, develop specific and strategic actions to reduce the likelihood of further breaches with input from those affected, and/or others who use the service and guidance from relevant parties/specialist services as required where appropriate/beneficial.
- Ensuring the concept of dignity and respect is culturally appropriate. Where unintentional breaches occur, develop specific and strategic actions to reduce the likelihood of further breaches, including input from and/or consultation with those effected and/or others who use the service and guidance from relevant specialist services, including but not limited to:
 - Working in partnership with local Aboriginal and Torres Strait Islander (ATSI) and culturally and linguistically diverse (CALD) communities/ agencies/services to benefit the application of this policy.
- The review of processes and systems as part of scheduled and as needed policy and procedure reviews, including where possible input from those who use the service.

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- Ensuring adherence to policies and procedures in place through the quality assurance audit process to maximise the design, delivery and implementation of a quality service.

5.0 RESPONSIBILITIES

Refer to the Quality Policy Manual Section 5.0 Management Responsibility
[Quality Policy Manual](#)

6.0 REFERENCES

Legislative context

Disability Services Act (CwIth) 1986 and Commonwealth Disability Services Standards
Disability Services Act (NSW) 1993 and NSW Disability Services Standards
Privacy Act (CwIth) 1988
Privacy Amendment (Private Sector) Act (CwIth) 2000

Policy Context

[Quality Policy Manual](#)

Relevant State (NSW), Commonwealth and DSA policies are listed in [The DSA Document Matrix](#).