

*Date Approved: 1 February 2002**Date Revised: First Issue**Next Review Date: July 2002 by EM HR***Key Words: Privacy and Information Handling**

1.6.1 PRIVACY AND INFORMATION HANDLING POLICY (Including Health Information)

Policy Direction:

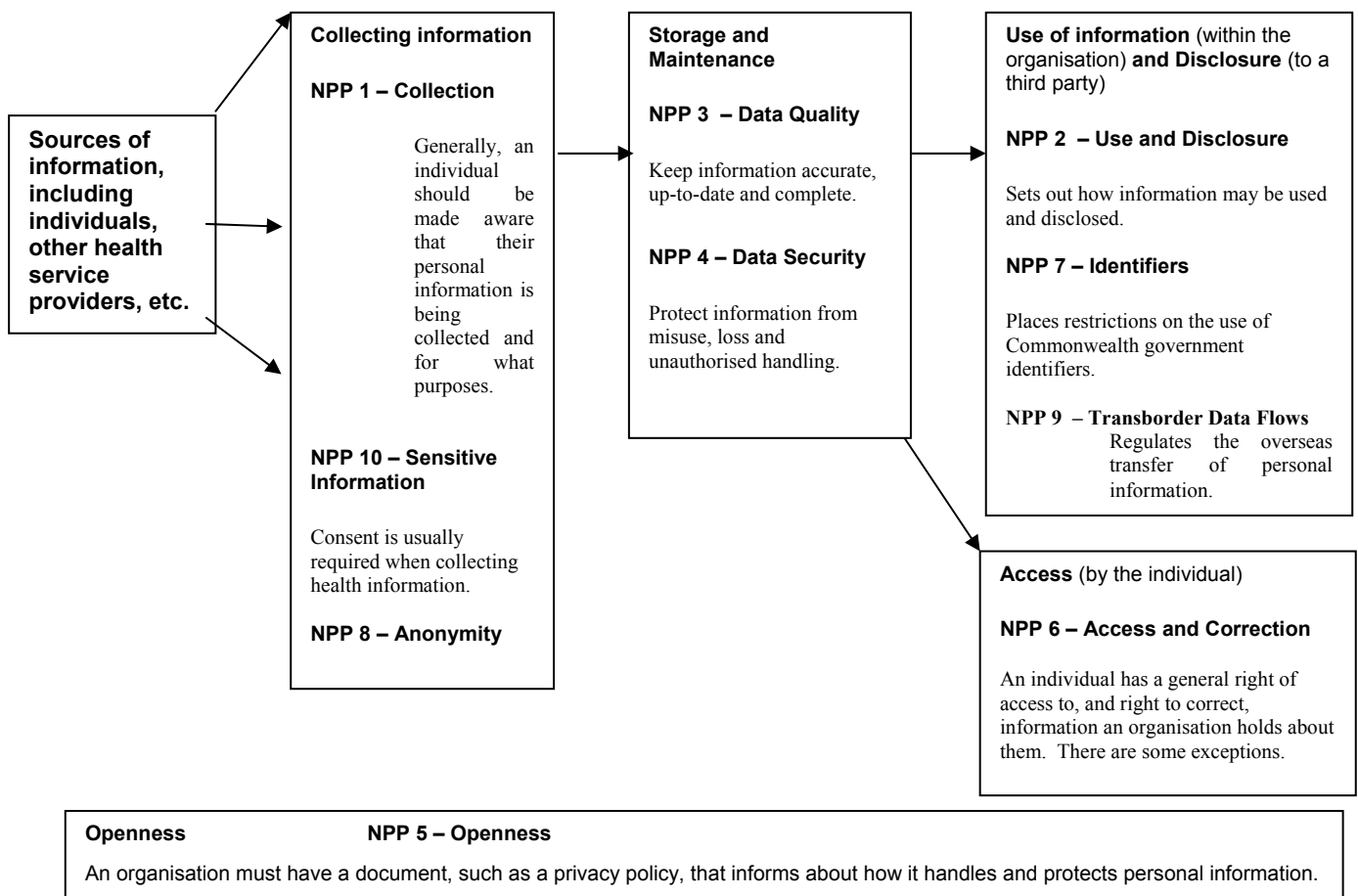
RSL Care acknowledges and respects the privacy of individuals.

Information collected by RSL Care can be for the purposes of providing suitable health and care services, processing admissions, registrations or enquires, keeping you informed of upcoming events and assisting us in improving our service to you. RSL Care will handle any information collected from individuals according to the *Privacy Amendment (Private Sector) Act 2000*.

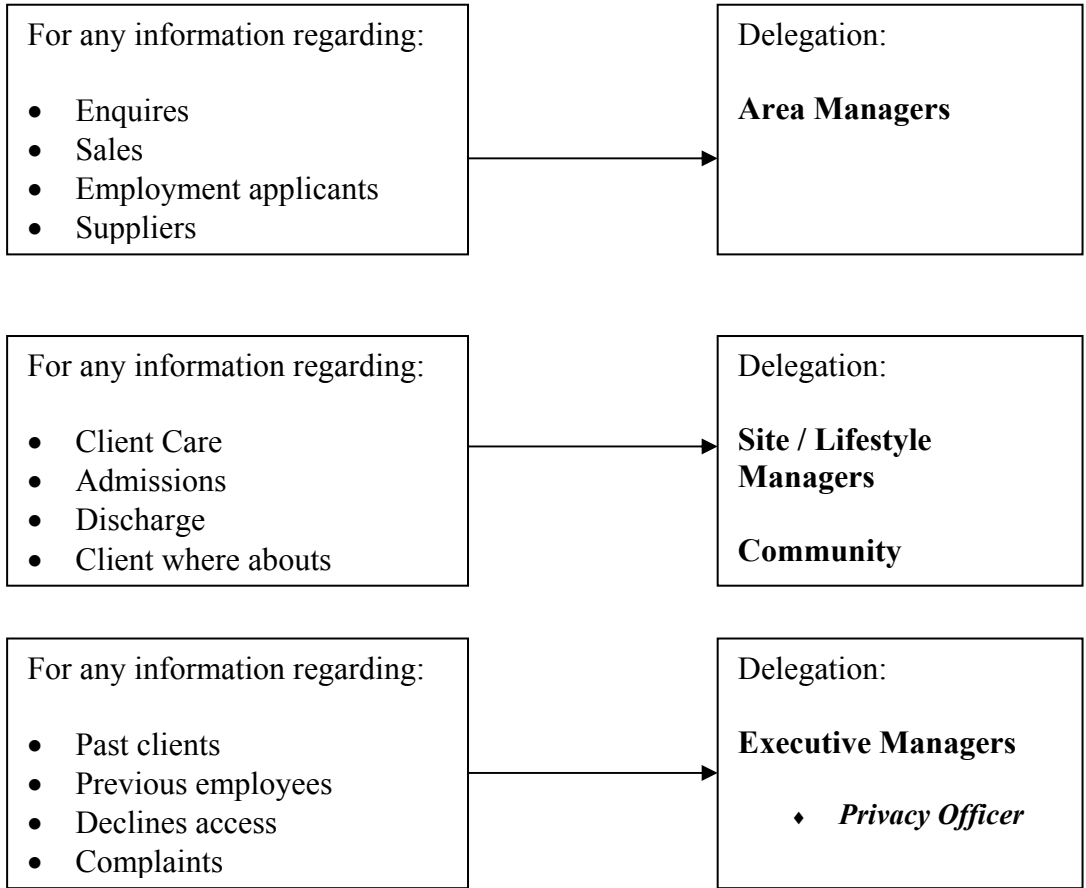
RSL has a Privacy and Information Handling Policy Statement, which should be read before using the below policy. A Privacy Officer is available to assist clarify any questions or to lodge a complaint.

The Privacy Act has ten principles as set out in the following diagram.

The National Privacy Principles and Health Protecting privacy throughout the information life cycle



Authority to disclose or access information:



Procedures:

Enquiries and Sales, Employment Applicants, Suppliers:

ITEM/ WHO	KEY STEPS	CLARIFICATION	REF DOC
		Types of information covered by this section include: <ul style="list-style-type: none"> • General resident enquires • Resident records • Community client records • Sales and admission procedures/ waiting list enquires • Employment applicants wanting to access information • Suppliers who may supply us 	

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		<p>with information. Information not covered by this procedure or Privacy Legislation include:</p> <ul style="list-style-type: none"> • Current and previous employee records 	
HRD	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">Policy Developed and Implemented</div>	<ul style="list-style-type: none"> • Policy Statement is made available to prospective customers or anyone whom RSL Care is requesting information from at any time. • Short policy statement is included on all requests for information includes: <ul style="list-style-type: none"> • Advertising/marketing material, • Employment information packs • Information sent from a request for services • Admission forms • Request for assessments – Home & Community 	<p>Statement of Policy</p> <p>National Privacy Principle 5</p>
Executive Management	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">Distribution of Information</div>	<ul style="list-style-type: none"> • All public documents should direct the reader to access to full and short policy statements such as: <ul style="list-style-type: none"> • Sales & general company brochures • Advertising • Employment application packs • Resident hand books • Web sites • Statement should read: <ul style="list-style-type: none"> • <i>“For further information on the Privacy Act and RSL Care Policies see www.rslcare.com.au.”</i> 	
ALL	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">Collection of information</div>	<ul style="list-style-type: none"> • Only collect information for one or more of RSL Cares business functions or activities. RSL Care works within the Aged Care Act 	<p>Statement of Policy</p> <p><i>Privacy Amend-</i></p>

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		<p>1997, which requires us to collect personal information</p> <ul style="list-style-type: none"> • Collection of information should be fair and not intrusive. • Informed individuals of the company name, the purpose for collection and their ability to access their information, once collected. This can be done by referring them to www.rslcare.com.au or providing shortened policy statement on ALL requests for information or the issue of Policy Statement on request. • Give individuals the option to interact anonymously with you whenever it is practicable to do so. 	<p><i>ment</i></p> <p><i>(Private Sector) Act 2000</i></p> <p>National Privacy Principle 1</p> <p>National Privacy Principle 8</p> <p>Retirement Village Act 1999 HACC Act 1986 VHC</p>
All	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>Use of information</p> </div>	<ul style="list-style-type: none"> • Only use or disclose personal information for the reason it was collected. • Take reasonable steps to make sure that the personal information collected, used or disclosed is accurate, complete and up-to-date. • Take reasonable steps to protect the personal information we hold from misuse and loss and from unauthorised access, modification or disclosure. • Do not adopt an identifier of an individual that has been assigned by a Commonwealth government agency, eg tax file number, Medicare number or drivers licence. • Take reasonable steps to ensure that a recipient of personal information in a foreign country has comparable information privacy guidelines. (However, it 	<p>Statement of Policy</p> <p><i>Privacy Amendment (Private Sector) Act 2000</i></p> <p>National Privacy Principle 2</p> <p>National Privacy Principle 3</p> <p>National Privacy Principle 4</p> <p>National Privacy Principle 7</p> <p>National Privacy Principle 9</p>

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		<p>should be noted that RSL Care at this point in time can see no reason for providing information to foreign countries).</p>	
<p>ALL</p>	<div data-bbox="347 595 679 734" style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Access and Correction of information</p> </div>	<ul style="list-style-type: none"> • Access means giving an individual information about themselves (ie their own records). • Individuals can request access to their information collected and have the ability to correct any information. • A request for access to information should ideally be in writing from the individual with access being provided within 30 days. • On request, provide access to personal information (see Individual Request for Access to Information Plan) and the ability for individuals to correct any personal information. • Need to correctly establish the individuals' identity before giving access to information. • Current and prior employee records are exempt from this policy under the <i>Privacy Amendment (Private Sector) Act 2000</i>. 	<p>Statement of Policy</p> <p><i>Privacy Amendment (Private Sector) Act 2000</i></p> <p>National Privacy Principle 6</p>
<p>As per Authority to Disclos</p>	<div data-bbox="347 1626 679 1742" style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Disclosure of information</p> </div>	<ul style="list-style-type: none"> • Disclosure means releasing information to others outside the organisation. • Can use or disclose personal information for almost any purpose if consent granted, eg training and education, fund raising, transferring records to another health service provider on request. • Can also release information if: 	<p>Statement of Policy</p> <p><i>Privacy Amendment (Private Sector) Act 2000</i></p> <p>National Privacy Principle 2</p>

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		<ul style="list-style-type: none"> • Serious threat to life, health or safety; • If suspected unlawful activity (this may require a magistrates court order); • Required or authorised by law; • Requested by a responsible person, eg partner (spouse or de facto), family member (over 18 yrs of age), carer, guardian if individual is incapable of giving or communicating consent. 	

Low & High Care Admissions:

ITEM/ WHO	KEY STEPS	CLARIFICATION	REF DOC
		<ul style="list-style-type: none"> • Information in this section is covered by the <i>Aged Care Act 1997</i>. Refer to procedure 3.1.16 Resident Health Records Management. 	
HRD	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Policy Developed and Implemented</div>	<ul style="list-style-type: none"> • Current copy of policy is distributed to sites and retained in the RSL Policy and Procedures Manual • Policy Statement is made available to prospective customers or anyone whom RSL Care is requesting information from at any time. • Shortened policy statement is included on all requests for information, eg marketing material, admission forms etc. 	Statement of Policy National Privacy Principle 5
ALL	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Collection of information</div>	<ul style="list-style-type: none"> • Collection should only occur for the purpose of collecting information for one or more of RSL Cares business functions or activities. • Collection of information will be fair and not intrusive. 	<i>Aged Care Act 1997</i> Statement of Policy

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		<ul style="list-style-type: none"> • Individuals from whom information is being collected are informed of the company name, the purpose for collection and their ability to access their information, once collected. This is provided by way of shortened policy statement on all requests for information and the issue of Policy Statement on request. • Give individuals the option to interact anonymously whenever it is lawful and practicable to do so. 	<i>Privacy Amendment (Private Sector) Act 2000</i> National Privacy Principle 1 National Privacy Principle 8
ALL	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> Collection of Sensitive Information (Health Information) </div>	<ul style="list-style-type: none"> • As a private health care provider, RSL Care is able to collect sensitive information with consent from individuals. • Sensitive information is defined in the <i>Privacy Amendment (Private Sector) Act 2000</i> as: <ul style="list-style-type: none"> • Health information, ethnic or racial origin, political opinions, religious or philosophical beliefs etc. • Health information is further defined as: <ul style="list-style-type: none"> • About an individual's health or disability at any time (past, present or future); • About an individual's expressed wishes regarding future health services; • About health services provided, or to be provided, to the individuals; • Collected whilst providing a health service; or • Collected in connection with the donation or intended donation of body parts and substances. 	Statement of Policy <i>Privacy Amendment</i> <i>(Private Sector) Act 2000</i>

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		<ul style="list-style-type: none"> • Health Information includes any information collected by a health service provider during the course of providing treatment and care to an individual (refer Admissions Policy) including: <ul style="list-style-type: none"> • Medical information; • Personal details such as name, address, admission and discharge dates, billing information and Medicare number; • Information generated by a health service provider such as notes and opinions about an individual and their health; • Information about physical or biological samples, where it can be linked to an individual; • Genetic information, when this is collected or used in connection with delivering a health service, or genetic information when this is predictive of an individual's health. • At admission, the client should identify any parties they do not wish personal information to be accessed or given out to. For example: <ul style="list-style-type: none"> • family members • friends • partners • health professionals 	
As delegated by Manager	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Collecting Health Information with Consent </div>	<ul style="list-style-type: none"> • You need consent from the individual to collect health information (except in special circumstances – see collecting health information without consent) • Consent must be provided voluntarily, and the individual must be informed. The individual 	Statement of Policy <i>Privacy Amendment (Private Sector) Act 2000</i> National

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		<p>must have the capacity to understand, provide and communicate their consent.</p> <ul style="list-style-type: none"> • Consent may be express or implied or in certain situations may be given on behalf of an individual (eg, spouse, carer, power of attorney etc). • Express consent means that it is clearly and unmistakably stated, ie in writing or orally given. • Implied consent means that it is assumed that the individual knows you will use the information. For example, in consulting with a resident who provides you with health information during this consultation, it can be assumed that this information is provided with consent. • If an individual cannot give valid consent as they lack the capacity to do so (eg some Special Care residents), another person may act on the individual's behalf. This may be: <ul style="list-style-type: none"> • A guardian; • Someone with an enduring power of attorney for health matters, or health directive that can be used regarding the individual's health; • A person recognised by other relevant laws (eg spouse, partner, carer, family member etc) • A person who has been nominated in writing by the individual while they were capable of giving consent. 	<p>Privacy Principle 1</p> <p>National Privacy Principle 10</p>
As delegated by Manager	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Collecting Health Information without Consent </div>	<ul style="list-style-type: none"> • There are limited situations where RSL Care can collect information about an individual without consent. These situations include: 	<p>Statement of Policy</p> <p><i>Privacy Amendment (Private</i></p>

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		<ul style="list-style-type: none"> • Professional rules of confidentiality of competent health or medical bodies: <ul style="list-style-type: none"> • When the collection is necessary to provide a health service and the collection is carried out according to particular kinds of professional rules of confidentiality, eg <i>Nursing Code of Practice</i>. • Laws requiring collection <ul style="list-style-type: none"> • When there is a law requiring RSL Care to do so, eg <i>Aged Care Act 1997</i> • Serious and imminent threats to life or health <ul style="list-style-type: none"> • In situations where there may be a serious and imminent threat to the life or health of any person, RSL Care can collect without consent the information necessary to lessen or remove the threat. • This only applies to where an individual is unable to provide or communicate their consent, eg in an emergency, where an individual is unconscious and urgent treatment is required. • Information required for management, research or statistical purposes: <ul style="list-style-type: none"> • This allows for collection related to management, research or statistics where it is impracticable to seek consent from the relevant individuals. 	<p><i>Sector) Act 2000</i></p> <p>National Privacy Principle 1</p> <p>National Privacy Principle 10</p>
ALL	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Use of information </div>	<ul style="list-style-type: none"> • Only use or disclose personal information for the reason it was collected. 	<p>Statement of Policy</p> <p><i>Privacy</i></p>

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		<ul style="list-style-type: none"> • Take reasonable steps to make sure that the personal information collected, used or disclosed is accurate, complete and up-to-date. • Take reasonable steps to protect the personal information we hold from misuse and loss and from unauthorised access, modification or disclosure. • Do not adopt an identifier of an individual that has been assigned by a Commonwealth government agency, eg tax file number, Medicare number or drivers licence. • Take reasonable steps to ensure that a recipient of personal information in a foreign country has comparable information privacy guidelines. (However, it should be noted that RSL Care at this point in time can see no reason for providing information to foreign countries). 	<p><i>Amendment (Private Sector) Act 2000</i></p> <p>National Privacy Principle 2</p> <p>National Privacy Principle 3</p> <p>National Privacy Principle 4</p> <p>National Privacy Principle 7</p> <p>National Privacy Principle 9</p>
ALL	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p>Access and Correction of information</p> </div>	<ul style="list-style-type: none"> • Information collected for assessment and care planning should be done in collaboration with the client and/or their family. • Access means giving an individual information about themselves (ie their own records). • A client may verbally request access to historical information from the Manager or Co-ordinator. • An appointment should be made to address this request within 7-10 working days. • On request, provide access to personal information (see Individual Request for Access to 	<p>Statement of Policy</p> <p><i>Privacy Amendment (Private Sector) Act 2000</i></p> <p>National Privacy Principle 6</p>

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		<p>Information Plan) and the ability for individuals to correct any personal information.</p> <ul style="list-style-type: none"> • Need to correctly establish the individuals' identity before giving access to information. 	
As per Authority to Disclos	<div data-bbox="347 658 678 775" style="border: 1px solid black; padding: 5px; width: fit-content;"> Disclosure of information </div>	<ul style="list-style-type: none"> • Disclosure means releasing information to others outside the organisation. • Can use or disclose personal information for almost any purpose if consent granted, eg training and education, fund raising, transferring records to another health service provider on request. • Can also release information if: <ul style="list-style-type: none"> • Serious threat to life, health or safety; • If suspected unlawful activity; • Required or authorised by law; • Requested by a responsible person, eg partner (spouse or de facto), family member (over 18 yrs of age), carer, guardian if individual is incapable of giving or communicating consent. • During hand-over, care should be taken that the environment is secure so that disclosure to those not involved in the care of the client does not occur. • Following discharge any requests for client information requires the client's written consent (refer definition of who can give consent above). There may be a fee charged for disclosure, see your Manager. • When a request for disclosure is received regarding Health 	<p>Statement of Policy</p> <p><i>Privacy Amendment (Private Sector) Act 2000</i></p> <p>National Privacy Principle 2</p>

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		Professionals, including GP's, information, the Health Professional or GP will be required to give their written consent for release of this information. This information may include material contained in a clients progress notes or other written care material.	

Individual Request for Access to Information Plan:

ITEM/ WHO	KEY STEPS	CLARIFICATION	REF DOC
Person wanting to access information	Formal Request received	<ul style="list-style-type: none"> Request for access to information received – must be provided to RSL Care in writing. Take reasonable steps to let individual know generally what sort of information is held, for what purpose and how it has been collected, held, used or disclosed this information. 	Statement of Policy <i>Privacy Amendment (Private Sector) Act 2000</i> National Privacy Principle 5
A per delegated authorities	Correctly establish the individual's identity	<ul style="list-style-type: none"> Contact the person wanting access to information via telephone to establish their identity and confirm their request. Acknowledge the request for access in writing within 14 days. 	Statement of Policy <i>Privacy Amendment (Private Sector) Act 2000</i> National Privacy Principle 6
As per delegated authorities	Individual's identity established	<ul style="list-style-type: none"> If satisfied that individual's identity has been correctly established, and request has been confirmed, determine how best to provide access to information. Access may be via: <ul style="list-style-type: none"> Looking at the information and talking through the contents with RSL Care; Providing a copy of the 	Statement of Policy <i>Privacy Amendment (Private Sector) Act 2000</i> National Privacy Principle 6

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		<p>information, eg photocopies of paper records;</p> <ul style="list-style-type: none"> • Providing a print-out of the information if it is stored electronically. • A summary prepared by RSL Care may be provided to the individual however, where possible access should be provided in the form requested by the individual. • Consult with Area Manager as to best form of access. • In the interests of transparency and information being correctly understood, where able, information should be looked at and talked through with RSL Care. • On accessing the information, give the person wanting access the opportunity to correct information held by RSL Care. • Corrected information to be checked by outside sources if available (ie address checked against current White Pages) and be corrected on any RSL Care database or information system. 	
As per delegated authorities	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Individual's identity not established </div>	<ul style="list-style-type: none"> • If unsatisfied with individual's identity or access is requested from an unauthorised or unassociated party, can decline access to information. • Can also decline access to information: <ul style="list-style-type: none"> • if there is a serious threat to life or health of any individual; • if the privacy of others may be affected; • if the request is frivolous or vexatious eg, repeated requests for same information, 	<p>Statement of Policy</p> <p><i>Privacy Amendment (Private Sector) Act 2000</i></p> <p>National Privacy Principle 6</p>

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		<p>once provided;</p> <ul style="list-style-type: none"> • if information relates to existing or anticipated legal proceedings; • if access would prejudice negotiations with the individual; • if access would be unlawful; • if access exposes commercially sensitive evaluative information, eg commercial criteria for waiting list. <ul style="list-style-type: none"> • Reasons for decline to access are to be provided in writing to the person wanting to gain access. • If an individual thinks RSL Care has interfered with their privacy they can lodge a complaint to the Privacy Commission. The Commission will conciliate the complaint, however if no resolution is reached, the Privacy Commission may make a formal determination. 	