

# Privacy and Records Management Policy and Procedures

## Purpose

This policy relates to Kendie Gador, Occupational Therapist, trading as My OT and Me and the collection, use and disclosure of information about the people My OT and Me support and the people who work with My OT and Me. Kendie Gador, Sole Trader is responsible for this policy and is committed to protecting the privacy of personal information we collect and hold about individuals.

My OT and Me collects and stores information so it can provide a safe working environment, high quality services and meet its legal requirements.

My OT and Me will need to use and collect personal and sensitive information. My OT and Me relies on participant / clients to provide accurate information. Should participant / clients decide to withhold or provide inaccurate personal or sensitive information, this could impact the ability to provide the service they request or require.

My OT and Me manages personal information in accordance with relevant legislation and disposal guidelines as stated in the Privacy Act 1988, other privacy laws that govern how private sector health service providers handle your personal information (including your health information), and Occupational Therapy Australia's Code of Ethics.

## Definitions

Personal information: Information that identifies a person e.g. name, address, contact details, photographs. What constitutes personal information will vary, depending on whether an individual can be identified or is reasonably identifiable in the particular circumstances. It may include information such as a person's first name, mailing address, telephone number or email. Health information includes any information collected in the course of providing a health service. This may include information such as the health or disability of an individual, their express wishes about their future health treatment, and information about health services provided or to be provided.

Sensitive information: Is also personal information, however special protection applies to this type of information e.g. racial or ethnic origin, medical history, disability or injury, supports and services being received and criminal records.

## Principles

- Personal information is collected with consent and is used where the information is needed to provide services and meet compliance requirements.
- Information is protected from misuse, loss and unauthorised access.
- Information not needed by My OT and Me is destroyed as soon as practicable in a way that complies with all legal and compliance requirements
- Reasonable steps are taken to ensure information is complete, current and accurate.

- Personal information is only ever released if required by law, agreed to through the informed consent of the individual or if a person requests to see their own personal file.
- Personal information will not be disclosed to other parties or used for direct marketing without permission.
- Personal and sensitive information is usually collected directly from the client/participant or their representative; however sometimes this information is collected from a third party (such as a relative or another health service provider).

### **When is your personal information collected?**

My OT and Me will collect personal information when a participant / client, parent, guardian, or representative books a service, during the course of providing services or when an online form is used and submitted through [www.myotandme.com.au](http://www.myotandme.com.au). My OT and Me collects personal information from its web site through receiving online forms and emails. They also use third parties to analyse traffic at that web site, which may involve the use of cookies.

My OT and Me may create links to third party websites and is not responsible for the content or privacy practices employed by websites that are linked from My OT and Me website.

### **Who might your personal information be disclosed to?**

My OT and Me may disclose your personal information when required by law, to legal practitioners, courts, tribunals and regulatory authorities, and anyone else to whom you authorise us to disclose it as per the Privacy section on the service agreement.

Prior to the commencement of services with My OT and Me a participant / client or representative is required to complete a service agreement which contains a privacy and consent statement for the participant / client. By signing the service agreement participant / clients and / or their guardians, parents or legal representatives are giving their expressed consent for My OT and Me to contact the following people to discuss relevant information in relation to services provided as a part of the agreement. It is the responsibility of the participant/client or their representative to inform the provider of any changes to the details of the persons listed below. The people who may be contacted are:

- The treating doctor and other medical practitioners (This may be required in relation to Medicare required discharge summary's or may be required to collect or provide information related to your care and services with My OT and Me).
- The treating allied health professionals (Your care may be provided by a number of health professionals (for example, speech pathologist, occupational therapist and/or psychologist) working or consulting together. We may disclose your information to these health professionals as part of the process of providing your care and to other health professionals involved in your care).
- The support coordinator (where relevant).

- The plan manager (where relevant).
- Any other person nominated (people nominated by the participant/client including their name, contact details and relationship to the participant). This may include. But is not limited to, a house manager, support worker, teacher/school or family member.
- Where there is a legal guardian, advocate or representative in place, My OT and Me may provide personal and sensitive information to this person within the context of your care and support.

My OT and Me may also collect personal information from these organisations and individuals and will deal with that information in accordance with this Policy.

### **Access to information**

Participant / clients may request access to their personal information held by My OT and Me by contacting the sole trader, Kendie Gador by emailing [admin@myotandme.com.au](mailto:admin@myotandme.com.au). My OT and Me will require you to verify your identity and to specify what information you require. All requests must be made in writing.

In some circumstances access to personal information may be denied. There may be real concerns that access to certain information could pose a serious threat to the life, health or safety of an individual, or to public health or public safety or have an unreasonable impact on the privacy of other people. My OT and Me will consider all the circumstances and make this decision. Where access to information is not provided, you will be provided with a formal response in writing explaining why access has been denied.

Complaints about perceived or suspected breaches of privacy will be dealt with using the Complaints handling and Reportable Incident Policy.

If you believe that personal information that I hold about you is incorrect, incomplete or inaccurate you may request amendments. I will consider if the information requires amendment and if I do not agree, I will add a note to the personal information stating your disagreement with the information.

My OT and Me may also provide information to other parties in the case where:

- We reasonably believe it is necessary to assist an enforcement body to perform its functions.
- We suspect that an unlawful activity has been, is being or may be engaged in and the personal information is a necessary part of our investigation or reporting of the matter.
- We reasonably believe it is necessary to prevent a threat to life, health or safety.
- We are authorised or required by law to do so, (e.g. where information is required by bodies regulating us or in response to subpoenas or warrants).

- We have contracted an external organisation to provide support services and that organisation has agreed to conform to our privacy standards.

## **Data breaches**

My OT and Me will take reasonable steps to protect your personal information from misuse, interference, loss, unauthorised access, modification or disclosure. As per the Privacy Act 1998, My OT and Me has an obligation to report privacy breaches. As a result of an amendment to the Privacy Act: Privacy Amendment (Notifiable Data Breaches) Act 2017, notification to the Office of the Australian Information Commissioner (OAIC) will be mandatory when a data breach could give rise to a 'real risk of serious harm' to the affected individuals. (Effective from 22 February 2018).

Further information on this can be found at:

<https://www.oaic.gov.au/privacy-law/rights-and-responsibilities>

<https://www.oaic.gov.au/privacy/privacy-complaints/>

Information about the Australian Privacy Principles can be found at: <https://www.oaic.gov.au/privacy/australian-privacy-principles/>

## **Storage and Protection**

- Storage – My OT and Me records of individuals' information are kept in electronic form, when not required for clinical care.
- My OT and Me is required by law to retain medical records as long as it is required for our business function, for a minimum period of seven years or as required by state and territory legislation.
- My OT and Me, for the purposes of its NDIS Services, adheres to the directive from the National Archives of Australia Notice of Disposal Freeze, meaning all records are archived and not disposed of.
- Protection – Electronic information kept on computers is password protected and is available only to Kendie Gador.
- Disposal – Information or hard copy documents that are no longer required are disposed of appropriately using shredding machines into secure bins. Electronic data is securely archived so it is no longer accessible without a password.

## **Related policies and plans**

- Code of Conduct Policy
- Complaints handling and Reportable Incident Policy

*My OT and Me will, on written request provide a copy of the above related policies.*

## **Related legislation and standards**

- Carers' Recognition Act 2004
- Disability Services Act 1993 (WA)
- Equal Opportunity Act 1984 (WA)
- Fair Work Act 2009
- NDIS Act 2013
- National Standards for Disability Services
- NDIS Quality and Safeguarding Practice Standards 2018
- Privacy Act 1988