



Roseneath Aged Care Centre

| POLICY | PRIVACY AND DIGNITY |
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| Authorised By: | General Manager |
| Date Developed: | September 2016 |
| Review Dates: | |
| Next Review Date: | September 2019 |
| References: | <i>Aged Care Act 1997</i> <i>Quality of Care Principles 1998</i> <i>Charter of Residents Rights</i> <i>Aged Care Standards and Accreditation Agency - Results and Processes Guide August 2015</i> |

Objective:

- Each resident's right to privacy, dignity and confidentiality is recognised and respected.

Policy:

- **Roseneath** Aged Care Centre accepts and abides by the national privacy principles for the protection of personal information set out in the Privacy Act (1988) as amended.
- In so doing all personal information pertaining to residents, employees and external service providers collected by the organisation will be carefully protected to ensure the individual's privacy is maintained.
- **Roseneath** Aged Care Centre maintains that privacy and confidentiality can be maintained by:
 - ✦ *Collecting only the information required under State and Federal legislation in order to deliver the service*
 - ✦ *Ensuring openness and consultation with individuals in regard to the information collected*
 - ✦ *Providing individuals with access to their health and other records ensuring anonymity, where possible, and when requested by the individual disclosing personal information to other parties only with the consent of the individual or where it is legally or ethically justified.*
 - ✦ *Ensuring secure storage of information.*



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Procedure:

Collection of personal information:

- ❖ Roseneath Aged Care Centre will only collect the personal information required to comply with State and Federal legislation for the delivery and funding of the care and lifestyle needs of residents or for the employment of staff.
- ❖ Residents and/or persons responsible or employees will provide the personal information or will be made aware of, and agree to, personal information being accessed from other sources.
- ❖ Roseneath Aged Care Centre will provide the resident and/or person responsible or employee with information regarding the purpose and use of the personal information required and who will have access to the information.
- ❖ Residents and/or persons responsible or employees will be informed of their right to withhold information or provide information anonymously if applicable.
- ❖ Residents and/or persons responsible or employees will be informed of the complaints mechanism should they wish to make a complaint about how their personal information is being managed by Roseneath Aged Care Centre.

Protection of personal information:

- ❖ No personal information will be provided by employees over the telephone unless it has been established that the caller has legitimate grounds to access information and can give proof of identity.
- ❖ The General Manager is the only individual authorised to divulge information related to employees, where it is legally and ethically justified.
- ❖ The General Manager may nominate another member of the organisation to provide this information, in his/her absence in particular circumstances.
- ❖ No personal information about anyone except the name of the caller should be left on voice mail.
- ❖ Personal information may only be faxed in circumstances where it is urgently required and only then if the viewer can guarantee the confidentiality and security of the information.
- ❖ All facsimiles must be accompanied with the organisation's coversheet which carries a privacy warning.

Personal information will not be sent by email unless all identifiers have been removed or encrypted.

- ❖ Employees are advised to avoid having personal mail addressed to their place of work.



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- ❖ Administrative Assistant is the designated person who opens mail.
- ❖ All mail will be date stamped on receipt prior to distribution.

Mail and facsimiles addressed:

- ✚ *To residents will only be opened by the resident and/or person(s) responsible.*
 - ✚ *By title or position alone will be opened by the designated mail opener "personal" or "confidential" will be opened only by the addressee.*
 - ✚ *By title or position only and marked "personal" or "confidential" will be opened by the person occupying that position or by the person acting in the position.*
 - ✚ *To the organisation only will be opened by the designated mail opener and forwarded to the General Manager*
- ❖ Outgoing mail of a private nature will be sent in a sealed envelope, addressed to an individual by name and marked "personal and confidential".
 - ❖ Personal information should not be copied unless it is essential to do so.
 - ❖ The anonymity of residents and/or employees will be maintained during case presentations, research activities and at seminars and conference presentations.
 - ❖ Fictitious data should be used for all training and demonstration purposes.
 - ❖ Consent will be obtained to utilise photographs, slides and other visual aids that identify an individual(s).
 - ❖ Personal information related to residents and/or employees will not be discussed in public areas or with individuals who are not directly involved with the care of the resident or supervision of the employee.
 - ❖ All clinical records pertaining to current residents will be securely stored in the Nurses Station.
 - ❖ All employee records pertaining to current staff will be securely stored in the General Manager's office.

Media:

- ❖ No information regarding a resident, employee, visiting health professional, service provider or the Roseneath Aged Care Centre will be disclosed to the media, by an employee.
- ❖ Requests from the media for information will be referred to the General Manager who, in consultation with the licensee and Executive Management will determine what information, if any, will be provided.

The decision will be based on consideration of:

- ✚ *Consent from the relevant parties*



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 Possible legal implications

 Ramifications to relevant individual(s) and/or the organisation.

Access to records:

- ❖ Access to clinical records is restricted to health care personnel currently involved in the care, observation, assessment, diagnosis, professional advice and management of the resident and in other circumstances as described under Protocol “Authorised Disclosure”.
- ❖ Residents and/or persons responsible will be made aware of their right to access their internal record and the process for doing so in the Resident Handbook.
- ❖ A resident and/or person(s) responsible may by means of written application to the licensee of Roseneath Aged Care Centre request access to their clinical records.
- ❖ The licensee as soon as practicable on receipt of the application will make the clinical record available to the resident and/or person responsible or their nominated person, on site and in the presence of the General Manager to assist with interpretation of the record.
- ❖ The licensee however, may refuse a request by a resident and/or person(s) responsible for access to their clinical record:
- ❖ if the medical practitioner in charge of the resident’s care advises that the request should be refused; and/or
- ❖ If the licensee is satisfied that access by the resident and/or person(s) responsible would be prejudicial to the resident’s physical or mental health.
- ❖ The application to the licensee for the request to access the clinical record will be retained in the resident’s clinical record.
- ❖ A resident and/or person(s) responsible are entitled to dissent from or add to the clinical record. The resident’s and/or person(s) responsible own comments will be attached, as an addendum, to the record along with an explanation of the circumstances.
- ❖ Access to employee records is restricted to the General Manager and/or his/her representative and in other circumstances as described under Protocol “Authorised Disclosure”.
- ❖ An employee is entitled to access their records and to obtain a copy of any document there in. In these circumstances, access will be on site and in the presence of the General Manager.
- ❖ An employee is entitled to dissent from or add to their employee record. The employee’s own comments will be attached, as an addendum, to the record along with an explanation of the circumstances.



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Authorised disclosure:

- ❖ Personal information regarding a resident or employee may be disclosed:
 - ✚ *When valid informed consent is obtained from the resident and/or person(s) responsible/employee for disclosure of specific information for a specific purpose;*
 - ✚ *When an employee believes disclosure is necessary in the interests of public safety. In this situation, the employee should contact the General Manager or his/her representative;*
 - ✚ *Where there is an obligation under the Crimes Act 1900 to notify police about serious criminal offences (including drug trafficking, serious assaults or murder and manslaughter); and/or*
 - ✚ *Where there is an obligation under the Coroners Act 1980 (NSW) to notify the coroner of deaths occurring under certain conditions.*

- ❖ Personal information will be provided to government authorities who have specific statutory powers to demand access to information.

In these circumstances the General Manager will be responsible for obtaining:

- ✚ *The precise authority of the person requesting access, including reference to the Section of the Act under which access is authorised; and*
 - ✚ *The nature of the access requested, to ensure that only material relevant to the statutory demand is released.*
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- ❖ This information will be recorded and kept on file.