

Mpower Organisational Policy

Policy: 1.02

Confidentiality & Privacy

1. Objectives

- 1.1 All personal health information in Victoria must be handled in accordance with the Health Records Act 2001. From September 2002, the Information Privacy Act 2000 protects all other personal information.
- 1.2 The Information Privacy Act 2000 prohibits disclosure of personal information for any purpose other than the purpose for which you collect it or for a related purpose within the client's reasonable expectation. There are some exceptions, the most often used are:
 - The disclosure is necessary to lessen or prevent a serious and imminent threat to life, health or safety of an individual.
 - The disclosure is necessary to lessen or prevent a serious threat to public health, public safety of public welfare.
 - The person consents to the disclosure.
 - The disclosure is authorised by law.
- 1.3 Each client's right to privacy, dignity and confidentiality in all aspects of his or her life is recognised and respected.
- 1.4 In certain circumstances Mpower is required by law to release personal information. These include:
 - Reporting of notifiable diseases to the Department of Human Services
 - Providing health records to a court when required in relation to legal proceedings
 - Providing health records to a law enforcement agency (e.g. police) in response to a search warrant.
- 1.5 Where Mpower collects personal information from the website a privacy disclaimer will indicate which third parties we might share information with (if any). Mpower may use or disclose personal information that we collect for purposes including the following:
 - For the purpose that we have collected the information.
 - Purposes related to our research, planning, product and service development, security and testing.
 - Purposes connected to the operation, administration, development or enhancement of the website.
 - Where we suspect that fraud or unlawful activity has been, is being or may be engaged in
 - Any other purposes required or authorised by law.
- 1.6 Privacy is related to confidentiality but is not the same. Confidentiality relates to the handling of particular categories of information. Privacy provides a range of rights to individuals concerning how their personal information is collected, handled and stored.
- 1.7 Confidentiality applies to:

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- Cultural information that staff may become aware of in the course of their work; such information may be highly sensitive.
- Verbal information including telephone conversations or other conversations between staff or between staff and clients, discussions with community members.
- Written information of any kind case notes, pathology results, administration files, internal memos etc.
- Information stored on computers.

2. Record of policy development		
Version	Date approved	Date for review
1 (supersedes policy 4.04)	15/01/19	01/10/2020

3. Scope
3.1. This policy applies to all staff operating across all Mpower programs and service delivery.

4. Responsibilities and delegations	
This policy applies to	All Mpower staff.
Specific responsibilities	The Management Team is responsible for managing the implementation of this policy and for ensuring that its provisions are adhered to and applied consistently across Mpower.
Policy approval	CEO & Management Team

5. Definitions	
Information Privacy	refers to the control of the collection, use, disclosure and disposal of information and the individual's right to control how their personal information is handled.
Health Services	include public and private hospitals, community health centres, doctors, dentists, physios, psychologists, occupational therapists, aged care services, palliative care services, disability services, and any other person or organisation which collects or handles health information. Under the Health Records Act Mpower <i>is defined as a health service provider.</i>
Health Information	includes information or opinion about a person's physical, mental or psychological health or disability. It also includes personal information (eg; name, address etc) that is collected to provide a health service.
Consent	refers to the informed and voluntary agreement of the person or the person's authorised representative to a specific proposed action

6. Policy context – this policy relates to:

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Standards	<ul style="list-style-type: none"> • ISO 9001:2015 standards • Human Services Standards • ECI Standards. • Health Records Act 2001 • Information Privacy Act 2000 • Victorian Charter of Human Rights
Organisation policies	<ul style="list-style-type: none"> • 3.02 Client Service Charter
Forms, record keeping, other documents	<ul style="list-style-type: none"> • Mpower Right & Responsibilities Brochure

7. Procedures

- 7.1 The following procedures have been developed from the privacy principles identified in the Health Records Act (2001) and the Information Privacy Act (2000). These are binding standards, which cover all aspects of the handling of health and personal information. All Mpower staff will comply with the privacy principles detailed in the Health Records Act (2001) and the Information Privacy Act (2000).
- 7.2 Mpower staff will provide written confirmation of Rights and Responsibilities outlining “Information Privacy” in the service user Rights and Responsibilities brochure on intake and referral.
- 7.3 Staff will make available to clients, on their request the ‘Rights and Responsibilities Brochure’ and the Client Service Charter outlining the organisations information handling practices and how clients can seek access to their health records
- 7.4 Mpower will comply with all aspects of the Victorian Charter of Human Rights and responsibilities when managing quality care concerns.
- 7.5 Staff will maintain confidentiality of all information regarding individual people, staff, volunteers, clients, families, groups or other agencies at all times. It is particularly important to stress that this policy includes information about other agencies as well as individuals.
- 7.6 Staff should fully inform clients about confidentiality in any given situation, the purpose for which information is obtained and how it may be used, and gain consent from clients for any information used outside of Mpower.
- 7.7 If a staff member is under pressure to reveal confidential matters because of family ties or other reasons, then the problem should be discussed with a colleague or management.
- 7.8 All staff and volunteers must ensure that a service user’s personal information shall only be used or disclosed for the primary purpose for which it was collected, or a directly related secondary purpose the person would reasonably request e.g. emergency situations. Otherwise consent is required.
- 7.9 Staff and volunteers at times may experience cases where people are unable to give consent because they are legally unable to make a decision about the release of their information e.g. young people, children, people with severe illnesses or major injuries, or those with a mental illness or other impairment. In these cases, staff and volunteers will seek a decision from the person’s authorised representative as defined in the Information

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Privacy Act. Legislation specifies those people who can act as authorised representatives in these circumstances.

- 7.10 Staff and volunteers at times may have to disclose health information relating to an individual without service users consent for funding, management, planning, monitoring, improvement or evaluation of health services provided that processes are in place to ensure anonymity of individual persons.
- 7.11 Staff and volunteers may be requested to provide information to other agencies, professionals and in the case of 'Child Protection', in 'the best interests of the service user'.
- 7.12 All staff and volunteers must take reasonable steps to ensure the health information you hold is accurate, complete, up-to date and relevant to the functions you perform.
- 7.13 All staff and volunteers must safeguard the health information you hold against misuse, loss, unauthorised access and modification.
- 7.14 Mpower will ensure service users, staff and volunteer records are retained for a minimum period of 7 years from the date of the last contact with the service; or in the case of a child service user, until the child attains the age of 25 years. Do not delete health information relating to an individual during this time, even if it is later found or claimed to be inaccurate.
- 7.15 Mpower will ensure closed records are registered and preserved while archived.
- 7.16 For some purposes, it may be appropriate to retain information for statistical or planning purposes in these cases staff and volunteers will ensure such information does not identify individual persons.
- 7.17 Disposal of personal information can take place after the required retainment. Staff and volunteers must ensure documents identified for disposal are placed in the document destruction bin. A file note needs to be made and retained at Mpower that records the name of the person to whom the information is related, the period covered by it, the date and the reason it was destroyed.
- 7.18 Staff will ensure that individuals have access to their own health information and to correct it if inaccurate, incomplete, misleading or not up-to-date.
- 7.19 Staff will only attach identifying numbers for the purpose of identifying a service user if the assignment is reasonably necessary to carry out your functions efficiently.
- 7.20 Staff will ensure service users are given the option of entering transactions with you anonymously, wherever this is lawful and practicable.
- 7.21 Staff will only transfer health information outside Victoria with the consent of the individual concerned.
- 7.22 In case Mpower is transferred or closed down, Mpower will ensure notice is given to service users.
- 7.23 If an individual requests to make their health or general needs available to another provider, Mpower must comply with the request.
- 7.24 An individual has the right to make a complaint at any time.

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