



Privacy and Confidentiality for Clients Policy

What This Policy Aims To Do	This is the privacy policy of Wallara Australia Limited (Wallara). This policy sets out how Wallara complies with Commonwealth and State laws relating to the collection, storage and disclosure of personal information.
Who This Policy Applies To	Clients Wallara Staff
Who Is The Document Owner?	The CEO is the document owner.
What Words In This Policy Mean	<p>“Confidentiality” is the protection of personal information. This means that a client's information is kept secure between the organisation and the client, and not disclosed without permission unless authorised by legislation.</p> <p>“Privacy” relates to the principles of human dignity, human uniqueness, the importance of solitude, and has historically been described as ‘the right to be left alone. It encompasses several overlapping notions, including secrecy, confidentiality, and solitude of the home, informational self-determination, freedom from surveillance, and the protection of an individual’s intimate relationships.</p> <p>“Client” means a person supported by Wallara.</p> <p>“Wallara staff” refers to all persons engaged by or on behalf of Wallara, including employees, contractors, sub-contractors, volunteers.</p>
Responsibilities	<p>The CEO is responsible for maintaining and implementing this policy.</p> <p>The Senior Leadership Team is responsible for approving this policy.</p> <p>All Wallara Staff are responsible for adhering to this policy.</p>

Policy

Confidentiality

All clients have the right to privacy, dignity and confidentiality in all aspects of their life.

This means that:

- Any interaction Wallara staff have with clients, whether verbal or not, is to remain private and confidential, unless otherwise indicated by or on behalf of the client (or an exception applies); and
- Staff must respect clients’ privacy and confidentiality at all times in their interaction with other staff or outside of work.
- Staff must only discuss clients to the extent necessary to ensure effective, integrated provision of services and always ensure that conversations about clients take place at appropriate times and locations, involving only those staff members, professionals or other stake-holders with a need to participate.
- Staff must ensure that in a person’s home or residential service, no staff member, person or visitor is permitted to enter any other person’s bedroom, or an occupied bathroom, unless invited to do so, or is necessary to fulfil their duty of care.



Why Wallara collects and uses personal information

Wallara collects and uses personal information about clients so that Wallara can provide a high-quality service and a safe environment for all clients, staff and visitors.

Wallara will only collect and use personal information necessary to provide services and supports, such as:

- Contact details such as addresses, phone numbers, email addresses;
- Details of family members, guardians and advocates and other people authorised to make decisions on behalf of a client;
- Information about a client's disability;
- Information about a client's health or medical needs or treatment;
- Information about a client's payment history;
- Information about the kinds of services delivered by Wallara or other service providers; and
- The client's plan, which includes information about the client's goals, aspirations and needs.

Wallara also collects media (photos, videos, quotes and stories) of clients for use in Wallara's publications and promotional materials. Such media is only used with the consent of the client involved.

How Wallara stores personal information

Wallara stores personal information in both a computerised file and a paper-based file. This means that Wallara will limit access to this information to only those people within Wallara who need to see it.

Wallara will do this by:

- Ensuring that personal information is kept in locked secure cabinets with restricted access (when in a paper-based file) or controlled and restricted by password and the IT system manager (when in a computerised file);
- Ensuring that access to personal information is granted to Wallara staff on a "need to know" basis;
- Destroying all records that do not need to be kept permanently which include personal information relating to clients;
- Minimising the extent to which personal information is communicated via electronic means and accompanying such data with identification of the communication source and its authenticity, and a clear confidentiality statement to the recipient in relation to the data and its source.

Staff will ensure that confidentiality is observed in work practices at all times. All staff who handle files are responsible for ensuring that the files are properly stored and that no file containing confidential information is left where there is unrestricted access.

Wallara will retain information only for long as is necessary to deliver its service, and also for as long as is required by other laws or the requirements of government funding agencies.



How Wallara discloses personal information or confidential information

Wallara will only disclose personal information or confidential information to people outside of Wallara:

- With the consent of the client or legal guardian; or
- Where the disclosure is authorised under privacy laws.

Where a client provides consent, this must be in writing. Wallara will retain a copy of the consent on file. A client can withdraw or change this consent at any time. Where the client cannot give consent independently, consent must be obtained from a relevant family member or legal guardian with authority. Where appropriate, Wallara will use Easy English versions in discussion with the client and their support in conjunction with other communication supports.

Situations where privacy law authorises Wallara to use or disclose personal information or confidential information without consent include:

- Where the use or disclosure is necessary to because of a serious and imminent threat to an individual's life, health, safety or welfare, or because of a serious threat to public health, public safety or public welfare;
- Where law enforcement officials request the information in connection with an investigation.

Wallara has reporting obligations to government under funding agreements under which Wallara provides data and other information about the way it provides its funded services. Where this requires personal information to be provided, Wallara will take all reasonable steps to ensure that a client's identity cannot be ascertained from that data.

Rights and choices

Clients have the right to:

- Have access to their personal information held by Wallara (unless to do so is not allowed by law, for example to protect the privacy or safety of other people);
- Discuss their concerns about the collection, storage and disclosure of their personal information with Wallara;
- Be supported to understand their right to privacy;
- Ask that their personal information held by Wallara be corrected if it is inaccurate, incomplete or not up to date;
- Refuse to provide personal information to Wallara, and to understand what this means for Wallara's service delivery if they choose to do so.

To ensure the right of clients to privacy is maintained, Wallara will:

- Conduct annual review of records containing personal information about service users, their family members and/or legal guardians;
- Ensure all staff are adequately trained in this policy and on the requirements of privacy law;
- Maintain accurate information of authorised family members, friends, or legal guardians who are eligible to have access to personal information and/or make decisions for and on behalf of clients; and
- Take reasonable steps to verify the identities of people with authority to make decisions on behalf of clients.



How to make a complaint

A client who wishes to make a complaint about the way their personal information has been handled can do so in accordance with Wallara’s complaints policy.

Contact details

If clients or their parents, guardians or advocates have a question about privacy, they should be encouraged to contact the following:

Email - info@wallara.com.au

Phone – (03) 9792 2985

Extra Points	<p>This policy does not apply to personal information of other people not supported by Wallara such as Wallara’s supporters, donors and volunteers. This is subject to the Wallara Privacy Policy (Supporters).</p> <p>This policy does not apply to employment records of Wallara staff.</p>
Related Documents	<ul style="list-style-type: none"> • Complaints Policy, Complaints Procedures and Policy Statement • Client Incident Investigations Policy and Procedure • Incident Management and Reporting Policy and Procedures
Legislation This Policy Is Based On	<p>Privacy and Data Protection Act 2014 (Vic)</p> <p>Health Records Act 2001 (Vic)</p> <p>Privacy Act 1988 (Cwlth)</p>
Standards This Policy Is Based On	<p>NDIS Quality and Safeguarding Framework</p>

Date Created	Date Approved	Date Revised	Version control	Approved By	Amendment details
	10.6.2016		1	Senior Leadership Team	Policy Reviewed.
		27.06.2019	2	Senior Leadership Team	Policy Reviewed.