

# 8. Being Mentors Privacy & Confidentiality Policy & Procedure

## **PURPOSE AND SCOPE**

To provide assurance to potential and current participants that Being Mentors is committed to handling and safeguarding personal information with respect and robust information management systems.

To ensure that management of participants' personal information meets all relevant legislative and regulatory requirements.

This policy and procedure applies to all staff, current and potential participants.

## **DEFINITIONS and PRINCIPLES**

**Consent** - Consent means providing voluntary, informed, specific and current approval. That is, a person must be informed and free to exercise genuine choice about whether to give or withhold consent about how their personal information is handled.

Support must be provided for the person to communicate their consent. For example, choices must be offered in a way to enable effective communication, for example by using images or signing.

Consent must be sought for a specific purpose and this purpose must be understood by the participant.

Consent cannot be assumed to remain the same indefinitely. People are entitled to change their minds and revoke consent at any time.

# 8. Privacy & Confidentiality Policy & Procedure

## DEFINITIONS and PRINCIPLES

**Personal information** – Recorded information (including images) or opinion, whether true or not, from which the identity of a person could be reasonably ascertained. Personal Information can include:

- name and date of birth
- gender
- current and previous addresses, telephone numbers and e-mail addresses
- residency status
- bank account details
- driver's licence number
- Government identifiers such as a NDIS Tax file number or Centrelink information
- photographs
- medical history or information provided by a health service

**Sensitive information** – Sensitive personal information usually refers to personal information that people like to keep private such as: health information; ethnicity; political opinions; religious beliefs or affiliations; sexuality and criminal record

# Privacy Policy

Being Mentors values the privacy of every person and is committed to protecting the privacy and dignity of all participants.

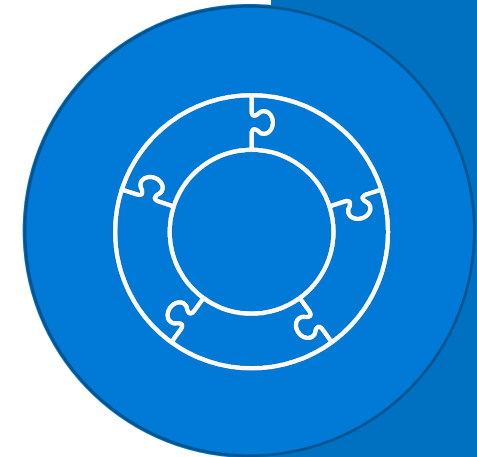
We have implemented safeguards to ensure the safety and security of participants' personal information in line with the Australian Privacy Principles of the *Privacy Act 1988* and the *National Disability Insurance Scheme Act 2013*.

Being Mentors will only collect information that is relevant to the needs of service delivery for the individual.

Personal information is not shared with anyone unless required by law.

In collecting personal information Being Mentors will take all reasonable practical steps to ensure the participant knows:

- why the information is being collected,
- what the information is being used for,
- how the information will be stored and where,
- who has access to the information and why, and
- raise questions or concerns about how Being Mentors is dealing with personal information and how we handle privacy concerns or complaints.



# Privacy & Confidentiality Procedure

Personal

Information

Being Mentors handles personal information with great care.

All participants' information is recorded, maintained, stored, and made available in ways that respect participant's rights to privacy, dignity and confidentiality.

Participant issues are not discussed by staff with people outside the service without their consent.

Where appropriate, and with the consent of the participant, information is communicated to family members, nominated support person, other providers and relevant government agencies.

In collecting personal information, Being Mentors will inform the participant:

- that information is being collected;
- the purposes for collection;
- who will have access to the information;
- the right to seek access to, and/or correct, the information; and
- the right to make a complaint or appeal decisions about the handling of their information.

# HANDLING OF PERSONAL INFORMATION

## Collection & Storage

Information is collected:

- directly from participants orally or in writing;
- from third parties, such as medical practitioners, government agencies, participant representatives, and other providers;
- from referrals; and
- from publicly available sources of information.

Being Mentors takes all reasonable steps to protect personal information against loss, interference, misuse, unauthorised access, modification, or disclosure.

Being Mentors will destroy, or permanently de-identify personal information that is:

- no longer needed;
- unsolicited and could not have been obtained directly; or
- not required to be retained by, or under, an Australian law or a court/tribunal order.

Being Mentors has appropriate security measures in place to protect stored electronic and hard-copy materials.

An archiving and record destruction process is in place to ensure controlled storage and destruction of personal information takes place.

## Consent

Participants are to be provided with the *participant Consent Form* at intake, prior to commencing services with Being Mentors.

People will be supported to understand what Consent means and encourage the person to make an informed decision.

Staff members must explain to the participant, using the language, mode of communication and terms that they are most likely to understand, why the information is required and who will have access to the information. The participant may need to be provided with additional information to help them make an informed decision. If the participant chooses not to sign the consent form or disclose information, this needs to be documented and retained in the participant's file.

This form must be signed and placed in the participant's file.

## Disclosing Information

Information pertaining to participants' activities may be disclosed to family members based on the participant's signed consent. Where a participant is unable to consent to the release of information, staff may contact his/her carer or legal guardian.

Being Mentors respects the right to privacy and confidentiality, and will not disclose personal information except:

- where disclosure would protect the participant and / or others;
- where necessary for best service practice; or
- where obligated by law

## Access

Each participant has the right to see any information Being Mentors keeps about them, to correct their information and withdraw or amend any prior consents they have given.

## Breaches & Complaints

Suspected or actual breaches or concerns/complaints about Being Mentors privacy practices should be brought, in the first instance, to the Director's attention. In investigating the breach or complaint, Being Mentors may contact the person making the complaint to obtain more information.

If concerns cannot be resolved and the person wants to raise a formal complaint, or if they believe Being Mentors has breached an APP and/or IPP, they may send their concerns to:

The Office of the Australian Information Commissioner  
Phone: 1300 363 992

Web: <http://www.oaic.gov.au> (online complaint form)  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Any breach of privacy will be handled with the incident management and complaint handling process. Incidents and complaints about breaches of privacy will be reported to the NDIS Quality and Safeguards Commission via:

web: <https://www.ndiscommission.gov.au/>  
email: [feedback@ndis.gov.au](mailto:feedback@ndis.gov.au)

phone: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged.

The participant will be advised either in writing, or in a face to face meeting, of the breach and the outcomes and actions arising from the investigation.