

Privacy of Personal Information and Confidentiality Policy

Part 1 | Consent and Collection of Personal Information

1. Consent must be obtained prior to the collection of personal information
2. Consent must be:
 - I. specific to the personal information that is being collected and the purpose for which it is being collected,
 - II. informed and,
 - III. freely given.
3. Where an individual has capacity, they must be the person to provide consent.
4. An individual must have capacity to provide consent. Where an individual does not have capacity a substitute decision maker may provide consent.
5. Personal information will only be collected as required for a specified purpose.

Eldercare requests consent for collection of personal information for specific purposes that may include secondary purposes. Most commonly personal information may be collected to:

- Support the provision, management and accountability of services to residents and clients.
- Facilitate communications with Eldercare's residents and clients, primary contacts, suppliers - such as other authorised health care providers - and other business contacts.
- Promote and inform residents and clients, primary contacts, suppliers - such as other authorised health care providers - and other business contacts of Eldercare services, about important information and information of interest.
- Support volunteer opportunities, student placements, the job application process, contract management processes, and Board, committee and advisory processes.

Note that employee information is exempt from the requirements of the Privacy Act – Contact Human Resources for more information.

- Maintain the safety of residents and clients, staff, volunteers and visitors.
- Support business functions and grant opportunities.

- Meet legislative, regulative and funding requirements.
 - Support research – note that personal information is typically de-identified for this purpose or specific consent is obtained.
6. Personal information that is not required will not be collected.
 7. Personal information that is inadvertently collected that is not needed (also known as unsolicited information) will be destroyed as soon as practicable. An example of unsolicited information may be the metadata that is collected when a person visits a website.

Part 2 | Sharing, Access to and Correction of Personal Information

1. Only authorised persons, the Subject of the personal information and a substitute decision maker (where the Subject of the personal information does not have capacity) may share, or provide access to, personal information.
2. Sharing of personal information by or with persons that are not authorised must be requested in accordance with Eldercare procedure.
Note that employee information is exempt from the requirements of the Privacy Act and access requests to employee information are treated differently. Contact Human Resources for more information.
3. Where recorded personal information is found to be incorrect through any process, the personal information must be corrected.
4. Personal information about deceased persons is not protected under the Privacy Act. Disclosure of this information is managed by various State laws and information is generally only provided to administrators, executors and trustees.
5. Access to the personal information of an individual may be refused within the parameters set by the Australian Privacy Principles (APPs).

Part 3 | Appropriate Use and De-Identification of Personal Information

1. Personal information may only be used for the primary purpose for which it was collected, and in some circumstances for a secondary purpose, usually where the individual consented to a secondary use.
2. Personal information may be disclosed to third parties where it is required and authorised under Australian law or by a court/tribunal order or allowed under the permitted situations under the Privacy Act, such as the sharing of personal information in a life-threatening situation.
3. De-identified information is no longer personal information and may be used for other purposes. De-identification of information not only includes removal of specific identifiers such as name, health related identifiers such as Medicare numbers, and addresses, but must produce a data set that cannot be combined with another available data set to identify an individual.
4. Eldercare may use overseas suppliers or contractors, or suppliers and contractors that hold data overseas or in the Cloud, to perform services and store information, including personal information. These suppliers and contractors are required, through their contract, to manage the personal information in accordance with, or to a higher standard than, the Privacy Act and APPs.
5. In contracts between Eldercare and third parties where personal information is shared, Eldercare remains jointly responsible for the safeguarding of any personal information in use or shared between the parties.

Part 4 | Storage, Management and Disposal of Personal Information

1. Personal information must be stored and managed securely in accordance with Eldercare Policy and Procedure.
2. Personal information must be disposed of in accordance with records management requirements.
3. Privacy/data breaches must be managed in accordance with Eldercare Policy and Procedure.
4. Privacy/data breaches that are deemed to be notifiable must be reported as required by Eldercare Policy and Procedure.

Part 5 | Privacy Officer

1. The General Manager Governance Risk and Compliance is the Privacy Officer for Eldercare. The Privacy Officer is responsible for the governance and management of the privacy of personal information and confidentiality processes.

Part 6 | Confidentiality

1. Confidentiality is established by common law in Australia. Confidentiality arises out of a relationship between the parties such as a contract, providing a service or an employment relationship. Information provided in confidence (whether personal information or not) must not be disclosed regarding matters relating to the business affairs of Eldercare nor the personal affairs or care of residents and staff.
2. Eldercare staff, students, volunteers and other persons within Eldercare where a relationship may give rise to a confidential exchange of information are obliged to keep that information confidential. Both where the information was provided in an understanding it will be held in confidence, or where the confidant (the person receiving the information) ought to have realised that the information was to be treated confidentially.
3. The requirements of confidentiality may be superseded by certain legislation such as the Aged Care Act 1997 (Cth) that establishes a duty of care for resident safety and wellbeing that may override the requirement to keep information confidential.

Part 7 | Publications

The policy statements regarding privacy of personal information are provided in summary format to:

- Enquiries – over the phone – a verbal statement is used to inform the caller of their rights under Privacy Law and to obtain consent to collect and share the personal information.
- All email interactions – the standard Eldercare email signature contains a privacy statement with a link to further information.
- Residents and clients - in brochure format, in an information sheet in the Admissions Pack, and in the Consent to Management Personal Information Form.
- Job applicants – through an email provided on submission of an application.
- Students – in the Student Orientation Checklist.
- Volunteers – in the Volunteer Application Form.
- Other individuals – through orientation processes in which copies of this policy are provided and discussed.

A summary of the policy statements is available publicly on the Eldercare website www.eldercare.net.au.

All sources of information are reviewed regularly and when the policy or procedure content is reviewed.

Part 8 | Complaints

Complaints about the management of personal information are to be directed to:

Eldercare Australia Ltd

ACN 649 235 183

247 Fullarton Road

Eastwood SA 5063

PO Box 600

Fullarton SA 5063

Telephone: 08 8291 1000

Fax: 08 8291 1098

Email: feedback@eldercare.net.au

Website: eldercare.net.au

The Office of the Australian Information Commissioner also has a complaints process but will only consider complaints if first provided as a written complaint to Eldercare and Eldercare is given the opportunity to respond.

www.oaic.gov.au/privacy/privacy-complaints