

# Epilepsy Queensland Inc

## Privacy Policy

Policy number: C08		Date adopted: September 2007	
Authorised by: Chief Executive Officer			
Date last reviewed: September 2009	Reviewed by: CEO & Quality Manager	Date of next review: September 2011	

<b>Policy context:</b> This policy relates to: Privacy and handling of files	
Queensland Standards for Community Services	3.3, 3.4, 3.5, 4.1, 4.3, 4.5, 5.1, 5.2, 6.1, 6.2, 7.1, 7.4, 8.2, 9.1, 9.2
Legislation or other requirements	Privacy Act 1988 Freedom of Information Act 1992 (Old) Public Records Act 2002

### Policy Statement:

Epilepsy Queensland is committed to protecting the privacy and confidentiality of the Client and employees.

Privacy relates to many areas including:

- the right not to be watched;
- the right not to have conversations listened without consent;
- the right not to be reported upon without consent; and
- not be the focus of uninvited public attention.

Privacy can be applied to the person's physical environment and possessions, physical needs, personal relationships and personal information and needs.

Personal files are only available to the person concerned, their Support Person/ Advocate, parents or guardians and staff who are associated with the person.

All files will be located in a safe and secure environment.

Epilepsy Queensland supports and is bound by the *Privacy Act 1988*.

### Objective

To ensure that all Epilepsy Queensland staff, board members and volunteers recognise and respect the right of the Client to privacy.

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## Procedure

### *Privacy in general*

- Awareness of the privacy policy and procedure will form part of the orientation process of all Epilepsy Queensland staff, Board members and Volunteers.
- Any home visits with the Client and their support person or advocates will be arranged at times that are suitable to both parties.
- Epilepsy Queensland employees will ensure that the Client and their support person or advocate are respected and that the dignity of the person is maintained.
- Epilepsy Queensland employees will ensure that the private property of the Client is treated with respect.
- The Chief Executive Officer will monitor individual employees' adherence to personal privacy through Individual Support Plans Review meetings and through Client's surveys and staff meetings.

### *Information Privacy*

This section relates specifically to the collection, use and disclosure of private information concerning the Client which is collected as part of the coordination process and may include information about their health, families and other social relationships, personal interests, skills, behaviour patterns and financial affairs.

- Epilepsy Queensland will ensure that the personal information collected, used or disclosed is accurate, complete and up to date.
- All staff will receive training in awareness of the National Privacy Principles.
- Client Service's Staff will not proceed with the Client's assessment and Individual Support Planning processes unless the Client has provided consent.
- Where the Client is unable to provide consent due to disability or medical condition, then consent is to be obtained from their authorised representative.
- Staff will only seek information relating to the Client and their support person or advocates relevant to service provision. Staff operate on a 'need to know' basis. They do not seek more information about the Client than is necessary to perform their roles.
- Staff will disclose to other service providers only that information which is pertinent to the support of the person.
- The Client is provided with information through Epilepsy Queensland about:
  - the identity of the organisation and contact details;

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- how their information is stored;
- the right to access their personal information; and
- the right to request correction of their records held by the organisation.

File and case notes are to be written in objective terms, observing:

- respect for the feelings and dignity of the Client ;
- their right to request access to their own files; and
- freedom of information regulations and court requirements which may subpoena Clients' files.

### ***Maintaining Personal Files***

All Personal files may contain the following information as required by Disability Services Queensland.

- Name, address, telephone number, place and date of birth, gender, nationality, ethnicity, language spoken and photographs of the Client.
- Next of kin details, including place and date of birth of parents and siblings, family and relationship background information, name and contact details for significant others, guardianship information.
- Accommodation and respite support details, carer's details and transport requirements.
- Financial information such as bank details, Tax File Numbers, social security information, Medicare number, Public Trust Statements, concession cards, and private property ownership details.
- Sensitive content may include support requested and provided, work and educational history, counselling reports, court reports, behavioural history, likes and dislikes and interests, videos of activities, assessment and therapy sessions.
- Disability information including type, extent and support required, need assessment information, health details including medical records, medical summaries, medication reviews and history, and activity reports.

### ***Handling of Files***

- No files are to be taken away (except if doing a home visit) from where they are located/stored. Employees must be diligent at returning files to their right place.
- In the event of a file being subpoenaed to court, two (2) complete photocopies will be made of the file. One copy will be delivered to the relevant court in accordance with the subpoena by registered mail. The second photocopy will be appended to the original file and stored with a copy of the details of the registration of postage.
- Unless files are in current use and under the direct supervision of a staff member, they will be stored in a secured filing cabinet. In the event of Personal files needing to be transported, the files are to be placed in a

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suitable enclosing folder or briefcase and locked in the boot of a motor vehicle if unattended.

- Client Service's Staff only allows access to Personal records to those who have a need to the information to undertake their duties.
- The Client has the right to access their personal information with the exception of the exclusions allowed for in the National Privacy Principles.
- If a Client is able to establish that information held about them is not accurate, complete and up to date, steps will be taken to correct the information.
- If the Client and Epilepsy Queensland disagree about whether the information is accurate, complete and up to date, the person may request that a statement be documented stating that they do not believe that the information is accurate, complete and up to date.
- All working notes related to the Client that do not need to be kept permanently are shredded.
- Records are securely archived for a period of seven years.
- Notes recorded on the computer are protected by a password and are subject to the same requirements as written notes.
- Staff will check that computer records which are to be deleted are correctly removed, including back-up files.
- Client Services Staff should regularly seek feedback from Clients on their level of satisfaction with the privacy procedures within Epilepsy Queensland and the handling of Client files.

### Policy review processes

Policy review frequency: Every 2 years	Responsibility for review: CEO & Quality Manager
Review process: Policy will be circulated to key stakeholders for feedback/comments/suggestions	
Documentation and communication: Once policy has been approved by the Board it will be circulated to staff and other relevant stakeholders and documented in minutes of meetings	