

PRIVACY AND CONFIDENTIALITY POLICY

1. Purpose

- 1.1 The purpose of this Policy is to provide employees of RTW Rehab Pty Ltd ('RTW Rehab') with guidelines regarding the appropriate use of employee and customer information within privacy laws and guidelines.

2. Commencement of Policy

- 2.1 This Policy will commence on and from 30 September 2016. It replaces all other policies or arrangements governing privacy (whether written or not).

3. Application of this Policy

- 3.1 This Policy applies to employees, contractors and clients (including temporary contractors) of RTW Rehab, collectively referred to in this Policy as 'workplace participants'.
- 3.2 Privacy provisions of the Privacy Act 1988 govern the collection, protection and disclosure of personal information provided to RTW Rehab by clients, staff, and stakeholders.
- 3.3 As a health service provider, RTW Rehab is required to comply with the Australian privacy principles (APPs) under the Privacy Act 1988 (Cth).

4. Definitions

- 4.1 'Confidentiality' applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access, and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature, e.g. it is information that is not available in the public domain.
- 4.2 'Consent' means voluntary agreement to some act, practice or purpose. Consent has two elements: knowledge of the matter agreed to and voluntary agreement.
- 4.3 'Individual' means any person such as a client, staff member, volunteer, student, contractor or a member of the public.
- 4.4 'Organisational information' includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the Privacy Act (1988) but some organisational information may be deemed confidential.
- 4.5 'Personal information' means information or an opinion (including information or an opinion forming part of a database) about an individual (Office of the Federal Privacy Commissioner, 2001). It may include information such as names, addresses, bank account details and health conditions. The use of personal information is guided by the Federal Privacy Act (1988).
- 4.6 The 'public domain' in relation to confidentiality is "common knowledge," i.e. information that can be accessed by the general public.

5. Principles

- 5.1 RTW Rehab is committed to ensuring that information is used in an ethical and responsible manner.
- 5.2 RTW Rehab is responsible for the way that information about clients, stakeholders and staff is recorded, stored and managed.
- 5.3 All individuals including clients, stakeholders, staff and contractors, have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy and/or legal framework.

5.4 All staff and contractors are to have an appropriate level of understanding about how to meet the organisation's legal and ethical obligations to ensure privacy and confidentiality.

6. Outcomes

6.1 RTW Rehab provides quality services in which information is collected, stored, used and disclosed in an appropriate manner complying with both legislative requirements and ethical obligations.

6.2 All staff and contractors and managers understand their privacy and confidentiality responsibilities in relation to personal information and organisational information about RTW Rehab, its staff and stakeholders. This understanding is demonstrated in all work practices.

7. Functions and Delegations

Position	Delegation/Task
Directors and Managers	<p>Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information.</p> <p>Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to RTW Rehab its clients, staff and stakeholders.</p> <p>Ensure systems are in place across the organisation to adequately protect the privacy of personal information and confidentiality of other sensitive information.</p> <p>Act in accordance with organisational systems in place to protect privacy and confidentiality.</p> <p>Comply with Privacy and Confidentiality Policy and associated procedures.</p>
Staff and Contractors	<p>Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information</p> <p>Understand the organisation's ethical standards with regards to the treatment of other confidential information relating to RTW Rehab, its clients, staff and stakeholders.</p> <p>Act in accordance with organisational systems in place to protect privacy and confidentiality.</p> <p>Comply with Privacy Policy and associated procedures.</p>

8. Risk Management

8.1 RTW Rehab ensures mechanisms are in place to demonstrate that decisions and actions relating to privacy and confidentiality comply with federal and state laws.

8.2 All staff and contractors are made aware of this policy during orientation.

8.3 All staff are provided with ongoing support and information to assist them to establish and maintain privacy and confidentiality.

9. Policy Detail

- 9.1 The privacy of personal information is defined by legislation (Privacy Act 1988). At all times, RTW Rehab acts in accordance with these legal requirements which are underpinned by the policy statements 9.1- 9.6 outlined below.
- 9.2 RTW Rehab also strives to respect the confidentiality of other sensitive information. However, in the spirit of partnership, we share information with clients and other involved individuals and organisations (subject to consent), where it would be in the best interest of the client, or other individual, to do so.

10. Collection of Information

- 10.1 We collect information from you that is necessary to provide you with health care services.
- 10.2 Often this may include collecting information about your health history, family history, your ethnic background or your current lifestyle to assist the health care team in diagnosing and treating your condition.
- 10.3 We will usually collect your health information directly from you. Sometimes, we may need to collect information about you from a third party (such as a workplace, relative or another health service provider). We will only do this if you have consented for us to collect your information via a signed consent form or where it is not reasonable or practical for us to collect this information directly from you, such as where your health may be at risk and we need your personal information to provide you with emergency medical treatment.
- 10.4 Personal information collected by RTW Rehab is only for purposes which are directly related to the functions or activities of the business. These purposes include:
- Enquiries about Services
 - Referrals to Services
 - Administrative activities, including human resources management
 - Community development activities
 - Complaint handling

11. Use and Disclosure

- 11.1 RTW Rehab only uses personal information for the purposes for which it was given, or for purposes which are directly related to one of the functions or activities of the organisation. It may be provided to government agencies, other organisations or individuals if:
- The individual has consented
 - It is required or authorised by law
- 11.2 With the other purpose being directly related to, the purpose for which you have given us the information and you would reasonably expect, or we have told you, that your information is usually disclosed for another purpose or to other individuals, organisations or agencies (see paragraphs (a) – (g) below);
- 11.3 you have consented for us to use your information for another purpose;
- 11.4 RTW Rehab is required or authorised by law to disclose your information for another purpose (see paragraph (f) below);
- 11.5 the disclosure of your information by RTW Rehab will prevent or lessen a serious and imminent threat to somebody's life or health; or

11.6 the disclosure of your information by RTW Rehab is reasonably necessary for the enforcement of the criminal law or a law imposing a penalty or sanction, or for the protection of public revenue.

a) *Use among health professionals to provide your treatment*

Modern health care practices mean that your treatment will be provided by a team of health professionals working together.

You may be referred for diagnostic tests such as pathology or radiology and our staff may consult with senior medical experts when determining your diagnosis or treatment. Our staff may also refer you to other health service providers for further treatment (for example, to a physiotherapist or outpatient or community health services).

Further, if you require a prosthetic as part of your treatment, we may disclose your personal information to the manufacturer or supplier of that prosthesis.

These health professionals will share your health information as part of the process of providing your treatment. We will only do this while maintaining confidentiality of all this information and protecting your privacy in accordance with the law.

Your health information will only be disclosed to those health care workers involved in your treatment.

b) *Your local doctor*

This is in accordance with long-standing health industry practice and is intended to inform your doctor of information that may be relevant to any ongoing care or treatment provided by them.

If your nominated general practitioner has changed or your general practitioner's details have changed during your case, you must let us know.

c) *Other health service providers*

If in the future you are being treated by a medical practitioner or health care facility who needs to have access to the health record of your treatment in one of our facilities we will require an authorization from you to provide a copy of your record to that medical practitioner or health care facility.

The only time we would provide information about your health records to another medical practitioner or health facility outside RTW Rehab **without your consent** is in the event of an emergency where your life is at risk and you are not able to provide consent or as approved or authorised by law.

d) *Relatives, guardian, close friends or legal representative*

We may provide information about your condition to your parent, child, other relatives, close personal friends, guardians, or a person exercising your power of attorney under an enduring power of attorney or who you have appointed your enduring guardian, unless you tell us that you do not wish us to disclose your health information to any such person.

e) *Other common uses*

In order to provide the best possible environment in which to treat you, we may also use your health information where necessary for:

- activities such as quality assurance processes, accreditation, audits, risk and claims management, patient satisfaction surveys and staff education and training;
- invoicing, billing and account management;

- to liaise with insurers where required provide information to verify treatment provided to you, as applicable and as necessary;
- the purpose of complying with any applicable laws – for example, in response to a subpoena or compulsory reporting to State or Federal authorities (for example, for specified law enforcement or public health and safety circumstances);
- the purpose of sending you standard reminders, for example for appointments and follow-up care, by text message or email to the number or address which you have provided to us .

f) Contractors

Where we outsource any of our services or hire contractors to perform professional services within our hospitals or health services we require them to also comply with the Privacy Act 1988 (Cth) (or other relevant privacy legislation) and our Privacy Policy.

g) Other uses with your consent

With your consent we can also use your information for other purposes such as including you on a newsletter list or research. Please note, however, that unless you provide us with your express consent for this purpose, we will not use your information in this way.

h) Job applications

RTW Rehab collects personal information of job applicants for the primary purpose of assessing and (if successful) employing or placing clients in work trials.

The purposes for which RTW Rehab uses personal information of job applicants include:

- managing the individual's employment or engagement;
- providing work placement and work trials;
- insurance purposes;
- ensuring that it holds relevant contact information; and
- satisfying its legal obligations.

RTW Rehab may also store information provided by job applicants who were unsuccessful for the purposes of future recruitment.

12. Information Quality

- 12.1 RTW Rehab takes steps to ensure that the personal information collected is accurate, up-to-date and complete. These steps include maintaining and updating personal information when we are advised by individuals that it has changed (and at other times as necessary), and checking that information provided about an individual by another person is correct.

13. Data Security

- 13.1 RTW Rehab takes steps to protect the personal information held against loss, unauthorised access, use, modification or disclosure and against other misuse. These steps include reasonable physical, technical and administrative security safeguards for electronic and hard copy of paper records as identified below.

- 13.2 Reasonable physical safeguards include:

- Locking filing cabinets and unattended storage areas

- Physically securing the areas in which the personal information is stored
- Not storing personal information in public areas
- Positioning computer terminals and fax machines so that they cannot be seen or accessed by unauthorised people or members of the public.

13.3 Reasonable technical safeguards include:

- Using passwords to restrict computer access, and requiring regular changes to passwords
- Establishing different access levels so that not all staff can view all information
- Ensuring information is transferred securely (for example, not transmitting health information via non-secure email)
- Using electronic audit trails
- Installing virus protections and firewalls.

14. Access and Correction

14.1 Individuals may request access to personal information held about them. Access will be provided unless there is a sound reason under the Privacy Act or other relevant law. Other situations in which access to information may be withheld include:

- There is a threat to the life or health of an individual
- Access to information creates an unreasonable impact on the privacy of others
- The request is clearly frivolous or vexatious or access to the information has been granted previously
- There are existing or anticipated legal dispute resolution proceedings
- Denial of access is required by legislation or law enforcement agencies.

14.2 RTW Rehab is required to respond to a request to access or amend information within 45 days of receiving the request.

14.3 Amendments may be made to personal information to ensure it is accurate, relevant, up-to-date, complete and not misleading, taking into account the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, RTW Rehab may refuse the request.

14.4 If the requested changes to personal information are not made, the individual may make a statement about the requested changes which will be attached to the record.

14.5 The Manager is responsible for responding to queries and requests for access/amendment to personal information.

15. Anonymity and Identifiers

15.1 Wherever it is lawful and practicable, individuals will have the option of not identifying themselves or requesting that RTW Rehab does not store any of their personal information.

16. Collection use and disclosure of confidential information

16.1 Other information held by RTW Rehab may be regarded as confidential, pertaining either to an individual or an organisation. The most important factor to consider when determining whether information is confidential is whether the information can be accessed by the general public.

16.2 Staff members are to refer to the Manager before transferring or providing information to an external source if they are unsure if the information is sensitive or confidential to RTW Rehab or its clients, staff and stakeholders.

17. **Organisational Information**

17.1 All staff and contractors agree to use information obtained through their involvement, employment or placement only for the purposes of carrying out their duties, and not for financial or other benefit, or to take advantage of another person or organisation.

18. **Employment Records**

RTW Rehab is required to keep personnel records for seven years from the date on which an entry is changed or from termination of an employee's employment, depending on what happens first.

The written information which will be kept by RTW Rehab includes: information contained on pay slips, employee's date of birth, whether the employee is full-time, part-time or casual, any averaging of hours agreement, where relevant, overtime hours records, termination records, the employee's commencement date and information about remuneration, hours worked, leave entitlements and superannuation contributions.

In the case of other records, RTW Rehab must maintain records for a continuous period of seven years from the date the entry is made.

The above policy is based on requirements contained in the Fair Work Act 2009 (Cth). For unincorporated employers, specific advice about state law requirements should be obtained.

Access of certain records by employees

RTW Rehab employees do not have a general right to access and review their personal records which are held about them by RTW Rehab. An employee may, however, access certain records as specified in statute, about their employment, including:

- (a) basic employment details
 - the employer's name
 - the employee's name
 - whether the employee's employment is full-time or part-time
 - whether the employee's employment is permanent, temporary or casual
 - the date on which the employee's employment began
 - on and after 1 January 2010 the Australian Business Number (if any) of the employer.
- (b) pay

- the rate of remuneration paid to the employee
 - the gross and net amounts paid to the employee
 - any deductions made from the gross amount paid to the employee.
 - hours worked by the employee (casual and irregular part-time employees only)
 - any incentive-based payment, bonus, loading, penalty or other monetary allowance, if applicable
 - pay slips, as defined by the *Fair Work Regulations 2009* Chapter 3, Part 3-6, Division 3, Subdivision 2
- (c) overtime hours
- the number of overtime hours worked each day or
 - when the employee started and ceased overtime hours
- (d) averaging of hours arrangements
- (e) leave entitlements
- any leave taken
 - the balance of the employees leave from time to time
 - if any cashing out of leave occurs, a copy of the agreement that contains the rate of payment for the amount of leave cashed out and when the payment was made
- (f) superannuation contributions
- the amount of the contributions made
 - the period over which the contributions were made
 - the date on which each contribution was made
 - the name of any fund to which a contribution was made
 - the basis on which the employer became liable to make the contribution, including:
 - a record of any election made by the employee as to the fund to which contributions are to be made
 - the date of any relevant election.
- (g) the employee's individual flexibility arrangements and a copy of the notice or agreement that terminates the arrangement (should it be terminated)
- (h) a guarantee of annual earnings
- (i) termination of employment
- The name of the person who acted to terminate the employee and whether the employment was terminated by consent, notice, summarily or in some other manner
- (j) transfer of business records
- original records, as per the above requirements, from the old employer

RTW Rehab will provide an employee with a copy of these records within 3 business days of the request being made at the premises where the employee works. Alternatively, a copy will be posted to the employee or former employee within 14 days. If the record is not kept at the premises RTW Rehab will make a copy

available or post a copy of the record as soon as practicable after receiving the request. A current or former employee is entitled to ask and be informed where such records are kept.

An employee will not be provided with access to the records of any other employee.

19. Stakeholder Information

- 19.1 RTW Rehab works with a variety of stakeholders including private consultants. The organisation may collect confidential or sensitive information about its stakeholders as part of a working relationship. Staff at RTW Rehab will not disclose information about its stakeholders that is not already in the public domain without stakeholder consent.
- 19.2 Staff will not access, copy or share client or staff information to a third party without having verbal or written consent.
- 19.3 The manner in which staff members manage stakeholder information will be clearly articulated in any contractual agreements that the organisation enters into with a third party.

20. Breach of Privacy or Confidentiality

- 20.1 If staffs are dissatisfied with the conduct of a colleague with regards to privacy and confidentiality of information, the matter should be raised with the staff member's direct supervisor. If this is not possible or appropriate, follow delegations indicated in the Personal Grievance Policy. Staff members who are deemed to have breached privacy and confidentiality standards set out in this policy may be subject to disciplinary action.
- 20.2 If a client or stakeholder is dissatisfied with the conduct of a staff member, a complaint should be raised. Information on making a complaint will be made available to clients, stakeholders and will be found on RTW Rehab website. Additionally, a complaint can be taken over the phone by any staff member.

How to contact us

- By letter: RTW Privacy Officer, RTW Rehab, PO Box 114, West Ryde NSW 2114
- By email: enquiries@rtwrehab.com.au
- By telephone: 1300 680 696
- By facsimile: 1300 680 697 Attention: Privacy Officer

21. Enforcement

- 21.1 Users must comply with the requirements of this policy. Any breach of this policy may result in disciplinary action which may include termination of employment (or, for persons other than employees, the termination or non-renewal of contractual arrangements).

STAFF PRIVACY AND CONFIDENTIALITY POLICY ACKNOWLEDGEMENT

I acknowledge:

- *receiving and understanding the RTW Rehab Privacy and Confidentiality Policy ;*
- *that I will comply with the Policies and Procedures contained in the Privacy and Confidentiality Policy; and*
- *my understanding that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment or contract for services.*

Your name:

Signed:

Date:
