

Title	Privacy Policy
Development Date	August 2017
Revision Date	08 June 2022

Rationale

McGrath Nursing Consultancy (MNC) provides community-based disability and health services. Obtaining personal and sensitive information i.e. health information is central to being able to provide our services.

Policy Statement

MNC is committed to protecting the privacy and security of personal and health information it collects. We adhere to the requirements of the Privacy Act 1988 and other relevant privacy legislation.

Definitions

Client *Client means, for the purposes of this policy, individuals who receive MNC services or, where applicable, other individuals who provide information to MNC.*

Participant *See Client*

Personal and health information *Personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion. Personal information includes health information.*

Procedure

Collection of Information

MNC collects personal and health information to provide services to the best possible standard. Types of personal information which we may collect include:

- Identifying and contact information, such as name, age, employment details, email address and mobile phone number;
- Information about health and health services provided to a client, and
- Financial information.

Personal and health information is collected in various forms, e.g. paper-based records and electronic records (including telephone recordings) and/or photos/videos.

Personal and health information is collected with the client's informed consent (or that of their authorised representative) or otherwise in accordance with the law. Information may also be collected about persons involved in the care of clients.

MNC may collect personal and health information directly from the client, from another person involved in the care of the client (for example, a carer, a hospital, doctor or a health and care service provider) or from a person authorised to provide this information on behalf of the client.

A Person's Right to Anonymity

Clients are not obliged to identify themselves or disclose their personal or health information when seeking services from MNC. However, if a client declines to identify themselves, MNC may not always be able to provide the service or level of service expected or required.

Use and Disclosure of Personal and Health Information

Personal and health information collected is used and disclosed by MNC for the primary purpose of providing health and other care related services to clients.

MNC may also use and disclose personal and health information to:

- Manage our service providers, and
- Manage, review, develop and improve our services, processes and systems.

Personal and health information may be disclosed by MNC to third parties e.g. other health providers involved in the client's care or the provision of our services, or to other providers of goods or services to MNC, usually with the consent of the client (or their authorised representative) unless otherwise permitted by law.

Personal and health information may be used or disclosed by MNC without the consent of the client/their authorised representative for a secondary purpose that the client would reasonably expect in the circumstances – or in other circumstances permitted under privacy legislation, including any of the following:

- Situations involving a serious and imminent threat to the health, safety or welfare of a client or the public;
- If required or permitted by law;
- Where the client is incapable of giving consent and it is not reasonably practicable to obtain the consent of an authorised representative or there is no authorised representative;
- For research, compilation or analysis of statistics in the public interest or relevant to public health and safety in accordance with Guidelines issued by the

Australian Information Commissioner/State Health Services Commissioner (or equivalent); and

- To an immediate family member on the grounds of necessity or compassion and limited to what is reasonable and necessary and the client is incapable of consenting.

MNC does not ordinarily disclose personal or health information to any person outside Australia. However, if we do, MNC will comply with the requirements of privacy legislation regarding overseas disclosures.

MNC will not use personal information for direct marketing without a client's (or their authorised representative's) consent, or unless permitted under privacy legislation. MNC may use a client's information to inform them about our business activities.

Data Quality

MNC takes reasonable steps to ensure that collected personal and health information is accurate, relevant, complete and kept up to date.

Security of Personal and Health Information

MNC takes reasonable measures to protect personal and health information, in whatever form, from misuse, interference, loss, and unauthorised access, modification or disclosure.

Access to and security of any client records left in the client's home is the responsibility of the client.

Personal and health information held by MNC that is in hard copy is stored in secure and locked facilities and may only be accessed by authorised staff. Soft copy personal and health information is stored in secure, encrypted cloud-based facilities. All electronic files and programs can only be accessed by authorised staff using two-step authentication.

Retention and disposal

MNC retains client health and personal information in accordance with relevant privacy legislation.

- Adults' records are retained for 7 years from the last date of service. Minors' records are retained until the client is 25 years of age, or 7 years after the last date of service, whichever is the later; and
- Where a service is known to be related to a pregnancy or birth, records are retained for the same period as for minors.

Client records are destroyed as confidential documents after the required retention period.

Use of government identifiers

MNC will not use government identifiers as our own identifier of clients (i.e. NDIS participant number).

MNC may use or disclose such identifiers in circumstances when required for a specific legitimate purpose e.g. where required for funding applications.

Openness

Clients from whom we collect personal and health information are advised as to what information is collected, held, used, disclosed, how it is protected and how it can be accessed and corrected. This information may be given in writing, verbally or both depending on the nature of the service.

Access and Ownership

The documents and other media in which personal and health information collected by MNC is stored, contained or held are the property of MNC unless agreed otherwise under contract with a third party.

Clients have a legal right to access their personal or health information in accordance with privacy legislation. However, in some circumstances MNC may not permit access to personal or health information, for example:

- Legal professional privilege applies;
- Access would pose a serious threat to the life or health of the client or any other person;
- Access would have an unreasonable impact on the privacy of others;
- Information has been given in confidence by another person or non-health organisation;
- Access would be prejudicial to law enforcement or legal proceedings; or
- Access has been previously provided or refused in the same way.

If MNC does not permit access, we will provide a reason for this decision.

Clients can freely access information held in the MNC paper record in their home (but may not remove the record).

Requests are otherwise directed in writing to MNC.

Correction

Clients may seek corrections or amendments to their personal or health information in accordance with relevant privacy legislation.

Clients may request their allocated staff member to arrange minor clerical changes to their record (e.g. change of address).

All other requests for correction are to be made in writing to hello@mcgrathnursing.com.au

Privacy Complaints

If you suspect MNC may have breached your privacy, you may make a privacy related complaint to MNC in writing.

Complaints will receive a formal response. If you wish to discuss your privacy issues with a third party, you can contact:

Office of the Australian Information Commissioner

website: www.oaic.gov.au

address: GPO Box 5218, Sydney NSW 2001

phone: 1300 363 992

fax: 02 9284 9666

email: enquiries@oaic.gov.au