	Privacy and Confidentiality Policy	
	Version number: 1.0	Version date: 20/05/2024
	Last review date:	Next review date: 20/05/2026

PURPOSE AND SCOPE

This policy defines how Choice Aged Care collects, holds, uses and discloses personal information. We take the privacy of individuals seriously and are committed to complying with the Privacy Act 1988 (Cth) (Act), including the Australian Privacy Principles, other registered Privacy Codes and the Aged Care Charter of Rights. This policy outlines how we collect, use, store, and protect data, and explains the rights of individuals regarding their personal information.

DEFINITIONS

Privacy: Keeping certain personal information free from public knowledge and having control over its disclosure and use.

Confidentiality: A separate legal concept to privacy, confidentiality applies to information given to a person or organisation under an obligation not to disclose that information to others unless there is a statutory requirement or duty of care obligation to do so. Confidentiality also applies to organisational information which is not to be used or disclosed by organisational business partners and employees.

POLICY STATEMENTS

1. Confidentiality of our Employees

- 1.1. Choice Aged Care, our subsidiaries, our clients, patients, our suppliers and our business partners generate important business-related information that must be kept confidential. Accordingly, there is a strict requirement that employees always maintain an extremely high degree of confidentiality in relation to client and business-related matters.
- 1.2. When an employee commences employment with Choice Aged Care, that employee must accept that he or she will adopt and maintain the highest degree of confidentiality where business-related matters are concerned. It is expected that this level of confidentiality will be maintained even if the employee ceases to be employed by the company.
- 1.3. Any violation of confidentiality might seriously damage Choice Aged Care’s reputation and effectiveness. Accordingly, any breach of confidentiality by an employee shall be regarded as serious misconduct resulting in severe disciplinary action which may include termination of employment.
- 1.4. Any employee who becomes aware through external or other sources that confidentiality has been breached, should advise management as soon as possible so that potential damage to Choice Aged Care can be minimised.
- 1.5. Any employee who is questioned by a person, other than another employee of Choice Aged Care, regarding client, business-related or operational matters should refrain from responding and should refer the person to management.

2. Personal Information Privacy

- 2.1. Personal information is any information or opinion which identifies an individual or can be used to identify an individual. It includes information that is generally available in the public such as name, address and telephone number. It also includes sensitive information such as a person’s ethnic origin, religious beliefs and affiliation, criminal record, health information and genetic information etc. Choice Aged Care recognises an individual’s right to privacy,

including the right to having their personal information protected, and their right to request access to any personal information held about them.

3. Anonymity and pseudonymity

- 3.1. Individuals have the right not to identify themselves, or to use a pseudonym in any interactions with Choice Aged Care. However, if we request personal information and it is not provided, we may not be able to provide services to or otherwise assist the relevant individual.

4. What personal information do we collect?

- 4.1. We collect personal information including an individual's personal identification information, contact information, relationship with us, and health information. With an individual's consent or as permitted by law, we also collect personal information including sensitive information necessary to function and deliver any specific services our clients or patients require.
- 4.2. We can collect, hold and manage clients' or patients' personal information relating to the provision of a service.
- 4.3. We can collect, hold and manage employees' personal information relating to an employee's position during their period of employment.
- 4.4. Sensitive information which may be collected could include, but is not limited to:
 - 4.4.1. Ethnicity.
 - 4.4.2. Cultural preferences.
 - 4.4.3. Sexual identity.
 - 4.4.4. Religion.
 - 4.4.5. Health information, including diagnoses and medications.
 - 4.4.6. Diversity.

5. Why do we collect personal information?

- 5.1. Generally, we will collect, use and hold a client's personal information for the purpose of:
 - 5.1.1 Assisting in the provision of quality care services for our clients.
 - 5.1.2 To monitor and analyse health trends and risks.
 - 5.1.3 To conduct research, generate reports, and identify benchmarks to be shared with approved interested parties, using deidentified data.
 - 5.1.4 Effectively training, managing and ensuring the safety of each employee.
 - 5.1.5 Facilitating our internal business operations, including the fulfilment of any taxation, compliance or legal requirements.
 - 5.1.6 Analysing our services, client and employee needs with a view to improve those services.

6. How do we collect personal information?

- 6.1. We collect information by lawful and fair means, and only collect personal information that is necessary for the provision of a client's services, for employment purposes, and/or for conducting our business in general.
- 6.2. We collect information about an individual from:
 - 6.2.1 our clients, potential clients, patients and their families, carers, health service providers, care services and other service providers

6.2.2 our employees, potential employees and contractors

6.2.3 third parties e.g. an individual's employer or provider of an employment or other reference

6.2.4. publicly available records

6.3. We collect personal information direct from an individual when that individual requests our services, meets with us, communicates with us by letter, telephone, email or fax, gives us a business card, subscribes to our publications, registers for or attends our events or submits information through our websites or other social media outlets.

6.4. When we are unable to collect personal information from the individual (for example, the individual is referred to our services), due to factors beyond our control, we collect information about an individual from:

6.4.1 the government agency that refers the potential client/resident/care recipient to us

6.4.2 the potential or current client families, carers, legal representatives, external health or other service providers whose cooperation is required to deliver our service.

6.4.3 third parties e.g. an individual's employer or provider of an employment or other reference; and

6.4.4 publicly available records.

6.5. In the circumstances where personal information is not collected directly from the individual, we will take reasonable steps either to notify or to ensure the individual is aware that we have collected their personal information and the circumstances of the collection.

7. Cookies

7.1. We maintain the privacy of all users and guests of our digital location.

7.2. We track usage patterns on our website on an anonymous basis. Each time an individual accesses our website a web server makes a record of the visit.

7.3. Specifically, it records:

7.3.1 The internet service provider

7.3.2 Date and time of your visit

7.3.3 Pages accessed and the documents downloaded

7.3.4 Search items entered and

7.3.5 Referring URLs (universal locators).

7.4. Our website may contain links to other websites. We are not responsible for the privacy practices of linked websites and any linked websites are not subject to our Privacy and Confidentiality.

8. How do we use the information?

8.1. We will only use or disclose personal information relating to clients, patients and employees:

8.1.1 for the primary purpose for which it was collected

8.1.2 for related purposes which the individual would reasonably expect; or with client consent.

8.2. We may use an employee's personal information in connection with the employee's:

8.2.1 work placement

8.2.2 performance appraisals and

8.2.3 identification of training needs.

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- 8.3. We may also use an employee's information in the management of any complaint, investigation or inquiry in which the employee is involved including, but is not limited to, insurance and/or Workcover claims.
- 8.4. We capture client's personal information in the client's individualised care plan which supports and guides the provision of a client's care services and may be used to share:
 - 8.4.1 With other service providers to ensure the provision of the required care and services.
 - 8.4.2 With our Clinical Pharmacists in feedback about their review.
- 8.5. In some circumstances, we may use or disclose personal information without consent. This may include, but is not limited to:
 - 8.5.1 Reviewing and analysing our services, including client and employee needs with a view to improving those services
 - 8.5.2 Where we reasonably believe that the use or disclosure is necessary to reduce or prevent a threat to a person's life, health or safety or a serious threat to public health or safety
 - 8.5.3 Where the use or disclosure is required by law
 - 8.5.4 Where we reasonably believe the use is necessary for law enforcement, public revenue protection, prevention and remedying of serious improper conduct, or conduct of court or tribunal proceedings, either by or on behalf of an enforcement body.

9. Failure to provide Choice Aged Care with information and/or provision of inaccurate information.

- 9.1. If the personal information a client provides is incomplete, not current or inaccurate, we may be unable to provide the client with the care and services required.
- 9.2. Failure to provide complete and accurate information by an employee could also result in disciplinary actions and may result in a decision to terminate the employment contract.

10. Benchmarking

- 10.1. In the event we use information about you for the purpose of benchmarking, we will ensure that all information is appropriately de-identified.
- 10.2. This de-identified information includes specific information that could identify individuals or specific locations where services have been provided.

11. Disclosure to other recipients

- 11.1. We may disclose personal information about an individual to other recipients only where consent to such disclosure is given by that individual or where required or authorised by law.
- 11.2. We will take all steps as are reasonable in the circumstances to ensure that overseas recipients do not breach the Australian Privacy Principles which apply upon such disclosures.

12. How do we keep personal information secure?

- 12.1. We take reasonable steps to protect the personal information we hold from misuse and loss and from unauthorised access, modification or disclosure. We store information in access-controlled premises, and electronic information on secure servers. We require all persons authorised to access electronic information to use logins and passwords to access such information.
- 12.2. We require all our contractors, partners and others to whom we disclose personal information or whom may have access to personal information we collect, to keep such

personal information private and to protect such personal information from misuse and loss and from unauthorised access, modification or disclosure.

12.3. If we engage third parties to support the development of our systems and databases, we will only engage with those third parties who agree to adhere to our Privacy and Confidentiality Policy.

12.4. Unless we are prevented to do so by the law, we de-identify or destroy securely all personal

12.5. information we hold when no longer reasonably required by us.

13. Gaining access to and correction of personal information

13.1. A client and/or an employee may request access to any personal information held about them, by making a written request. Choice Aged Care will respond to any information request within a reasonable period.

13.2. Choice Aged Care may decline a request for access to personal information in circumstances prescribed by the Privacy Act. If access is declined, Choice Aged Care will provide you with a written notice setting out the reasons for the refusal.

13.3. If, upon receiving access to personal information, or at any time, clients, patients and/or employees believe the personal information held is inaccurate, incomplete or out of date, Choice Aged Care is to be notified immediately. Choice Aged Care will take reasonable steps to correct the information to ensure information is always accurate, complete and current.

14. Data breach of personal information

14.1. In the event that we become aware of a data breach of personal information and it is considered that the risk of the data breach is more than likely to result in serious harm to an individual/s, we will notify the individual/s at risk in accordance with our obligations under the Privacy Act 1988 and the Notifiable Data Breaches Scheme.

15. Lodging a complaint and providing feedback

15.1. If a client and/or employee wish to lodge a complaint about a breach of the Privacy Act, Australian Privacy Principles or applicable Privacy Codes they are to contact the Choice Aged Care office where Choice Aged Care will follow the complaints management process.

15.2. A client and/or employee may also make a complaint to the Choice Aged Care National Office who can be contacted at:


Choice Aged Care
Telephone: 1300 275 308
Email: office@choiceagedcare.com.au

15.3. In the event a client and/or employee is not satisfied with Choice Aged Care's response, they may lodge a complaint directly to the Office of Australian Information Commissioner who can be contacted at:

Office of Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001
Telephone: 1300 363 992
Website: www.oaic.gov.au

16. Changes to Privacy and Confidentiality

16.1. We reserve the right to make changes to this Privacy and Confidentiality Policy from time to time, and without notice.

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16.2. We will maintain access to the most current version of our Privacy and Confidentiality Policy via publication on our website.

RESPONSIBILITIES

It is the responsibility of Choice Aged Care to:

- ensure that all employees have access to, and are aware of, this policy and related processes.
- ensure clients and external stakeholders are provided with this policy when asked.
- ensure that all third parties that are engaged to work with Choice Aged Care agree to adhere to our Privacy and Confidentiality Policy and have the necessary policies and processes in place to ensure data security.

It is the responsibility of all Choice Aged Care employees to:

- comply with this policy and related processes.

LEGISLATION

- [Australian Privacy Protection Principles](#)
- [Freedom of Information Act 1983](#)
- [Privacy Act 1988](#)
- [Privacy Amendment \(Enhancing Privacy Protection\) Act 2012](#)
- [Privacy Amendment \(Private Sector\) Act 2000](#)

Approved by: Chief Executive Officer on 20/05/2024

Michael Bonner

