



# Privacy Policy

## Contents

Background .....	1
Purpose.....	2
Scope/application of the policy .....	2
Policy statement and principles .....	2
Personal Information collected and holds .....	3
Purposes for which we will collect, use and disclose personal information. (APP 3)	4
Disclosure to third parties (APP 6).....	5
Disclosing Personal information to Overseas recipient (APPS 8) .....	5
Privacy Concerns, Access and correction of Personal Information (APP 12 & 13).....	6
Retention of Personal Information (APP 11).....	6
Mandatory Notifiable Data Breaches (APP 11) .....	7
Revisions made to this policy .....	8

## Background

Bathurst Occupational therapy Services is responsible for the delivery of diverse services in Western NSW.

## Purpose

This policy ensures that all service delivery is compliant with the [Privacy Act 1988](#) and the Australian Privacy Principles. It provides general principles describing our approach to implementing the [Privacy Act 1988](#) and the Australian Privacy Principles including:

- Implementation of each of the Privacy Principles (Appendix A)
- Privacy Management Plan (Appendix B)

This policy also provides more specific information and strategies regarding how:

- Bathurst Occupational Therapy Services collects, manages, uses, stores and secures client personal info
- Clients may access and request correction of any record containing your personal information
- Clients may make a complaint about a breach of privacy and how Bathurst OT Services will deal with a complaint regarding a breach of privacy
- Bathurst OT Services **may** disclose personal information to overseas recipients

## Scope/application of the policy

This policy applies to all staff, including but not limited to:

- Clinical staff
- Service support staff including administrative staff
- Managers responsible for health service

It applies to personal information for individuals that are external, such as clients, suppliers, and donors.

## Policy statement and principles

Bathurst OT Services is committed to protecting the privacy of clients accessing services and is required by law to comply with the Privacy Act 1988 (Cth) ('the Act'), including the Australian Privacy Principles (APPs).

All personal information that is considered or recorded in service delivery, will be managed in a way to respect the privacy of the individuals involved unless there is a risk to someone's safety. Bathurst OT services will protect both personal and health information.

## **Personal Information Bathurst OT Services collects and holds**

Personal information is information about an individual. It is information or an opinion about an identified individual, or an individual who is reasonably identifiable. It does not matter if this information is true or recorded in a material form e.g. written down.

We will only collect information about individuals that is reasonably necessary for its functions or activities which are listed under 'Purposes for which we collect, use and disclose personal information'. No information is collected without obtaining consent.

Bathurst OT Services may collect personal information including:

- Name, address, contact details for clients, volunteers, suppliers and donors.
- Images, video and sound recordings
- Information associated with web browsing, email, text messaging, phone calls or other electronic interaction with individuals accessing Bathurst OT Services, including phone numbers and any relevant personal information.
- For donors, relevant details relating to your donations and information relevant to the purpose of better identifying donor sources.
- Sensitive information about individuals that may include your age, date of birth, health, indigenous status, and other particulars required as part of Bathurst OT Services funding obligations and/or are relevant
- Health information i.e. information or an opinion regarding someone's health, disability or injury of an injury of an individual, about an individual's expressed wishes about the future provision of health services to them or about a health service provided, or to be provided to an individual.
- Survey and questionnaire responses

The above information is subject to the Privacy Act, and Bathurst OT Services treats this information in a manner consistent with the Act.

### **How Bathurst OT Services collects and holds personal information (APPS 1, 3, 4, 5 )**

Where possible, personal information is collected directly from the individual with their consent or consent of the person responsible. This means that we will inform the individual of the purpose for collecting the information and how this information is stored. At times personal information may be:

- Received from third parties, such as a referral to us from a General Practitioner for the services that we provide

Personal information may be collected in hard copy form or electronic form. Hard copy records are required to be held securely e.g. Test materials. Bathurst OT Services holds electronic records in databases with security safeguards. Some of those security safeguards are controlled by Bathurst OT Services, while some are held by an approved third-party provider.

Staff may access and upload client health information as required in the provision of healthcare, through the use of the My Health Record system. Examples of health information

that can be accessed and uploaded are allergies, current medications, investigation reports, diagnosis and patient health summaries.

Where consent to collection is sought, it is sought voluntarily from individuals and with clients fully informed as to what they are consenting to. Consent agreements are current and specific to the services to be provided to individuals.

We will not collect **sensitive information** about individuals unless consent has been obtained by the individual or the person responsible; it is required by law, or in other special specified circumstances, for example relating to health service provision and individual or public health safety.

At times we may be requested by individuals to not identify them or request a pseudonym.

### **Purposes for which Bathurst OT Services will collect, use and disclose personal information. (APP 3)**

We will collect, hold and use personal information only for the primary purposes for which it was collected or as set out below including:

- To provide services which may include, primary health care, NDIS service provision, education, promotional and fundraising activities.
- Personal information may be shared between more than one legal entity (programs) within Bathurst OT Services to provide, expand or improve the services that are provided to individuals or assist with more person-centred service delivery.
- To comply with the requirements of funding bodies as part of a funding agreement
- To provide client service functions, including handling of client enquiries, complaints and feedback.
- To facilitate proper governance processes such as risk management, incident management internal audit and external audits.
- To gather feedback from clients and others about the quality of services provided so that the services provided can be continuously improved.
- To undertake marketing, fundraising and promotional activities (informed individual consent is always sought for these occasions  
To satisfy legal obligations, comply with applicable laws and meet the requirements of bodies which regulate the services provided.
- To understand, through data and analytic information, trends and patterns which may be used for research and advocacy.
- To fulfil other purposes which individuals have consented to.

## **Disclosure to third parties (APP 6)**

We will not disclose an individual's personal information to external organisations except:

- As required by law e.g. Child Protection legislation
- For transfer to another service provider in accordance with individual service needs and consent
- Where consent is obtained to do so through individuals' acceptance of this policy and disclosure relating to the goods and services provided

Examples of disclosures of personal information to third parties include:

- Service providers external to Bathurst OT Services, to support referred clients who require a service/treatment.
- Funding providers as per funding agreements, where information is to be provided e.g. into a portal
- Subpoena's:
  - Services who provide assessment and audits to assure quality service delivery
  - Services who support data collection and electronic client record management

## **Disclosing Personal information to Overseas recipient (APPS 8)**

Bathurst OT Services does not use data providers where storage is overseas,

If this is required then reasonable steps will be taken to ensure :

- The overseas recipient does not breach the Privacy Act
- Contractual arrangements will be clear on the types of personal information to be disclosed and the purpose
- Contractual arrangements will be clear on the storage and destruction or de-identification of personal information
- Contractual arrangements will be clear on data breach prevention and response
- Individuals/clients who are participants in programs will be informed through the consent process where a contractor is engaged and data may be stored / shared overseas

## Privacy Concerns, Access and correction of Personal Information (APP 12 & 13)

All staff may receive enquiries or complaints concerning collection, use or management of individuals personal information.

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### Access to personal information

Individuals are entitled to request access to the personal information held by us about them. This is generally provided upon request, subject to completion of verification and risk processes, and to access restrictions imposed or permitted by law.

Requests are mostly made to the staff member involved in service provision; This process is detailed for clients in the Privacy, Confidentiality, your Rights and responsibilities brochure.

### Correction of Personal Information Process

The Complaint Procedure is to be followed where a staff member receives a concern (written or verbal) from an individual regarding a concern or an inaccuracy of information held. Reasonable steps will be taken to correct the information where satisfied that the information is incorrect.

Where it is considered that the information should be amended, we will ensure that a note is added to the information in question acknowledging the individual believes it is incorrect and advise the individual accordingly.

Unless a complaint can be dealt with immediately to the satisfaction of both parties, a written response to the complainant within 30 days of it being received will be issued.

If an individual believes their complaint has not been appropriately handled, they should contact the Office of the [Australian Information Commissioner](#).

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### Retention of Personal Information (APP 11)

Bathurst OT Services will retain individual's personal information in accordance with applicable legislation and funding agreements in regards to record keeping requirements.

## **Mandatory Notifiable Data Breaches (APP 11)**

Bathurst OT Services will comply with the notification and requirements of the Act where personal information held by us has been inadvertently lost, disclosed or improperly accessed and that loss, disclosure or access may result in serious harm to those individuals.

If a suspected or known data breach occurs, Bathurst OT Services will coordinate the response to the data breach.

**Personal information**

Personal information is information about an individual.

In particular, it is information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether or not it is :

- True; or
- Recorded in a material form

**Sensitive Information** means:

- Personal information that is information or an opinion about an individual's racial origin, ethnic origin, political opinions, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences, sexual orientation or practices or criminal record
- Health information about an individual; or
- Genetic information about an individual that is not otherwise health information