

Privacy and Information Management Policy and Procedures

Policy

ELIZABETH LOUISE MACKNEY will comply with:

- the Privacy Act 1988 and the Privacy Amendment Act 2012 to protect the privacy of individuals' personal information
- [The NSW Health Records and Information Privacy Act 2002](#)

This includes having in place systems governing the appropriate collection, use, storage and disclosure of personal information, access to and correction and disposal of that information.

Outcome

Compliance with legislative requirements governing privacy of personal information.

All ELIZABETH LOUISE MACKNEY participants are satisfied that their personal information is kept private and only used for the intended purpose

Background

The [Privacy Act 1988](#) (Privacy Act) is an Australian law which regulates the handling of personal information about individuals by private sector organisations. Amendments were made to this legislation in 2012 (the Privacy Amendment Act 2012) which updates the [Australian Privacy Principles](#) (APP) and came into effect in March 2014. The amendment requires an organisation to explicitly state how they will adhere to the APP and inform their participants on how their privacy will be protected. The APP cover the collection, use, storage and disclosure of personal information, and access to and correction of that information. The APP are summarised in Appendix 1 of this document.

[The NSW Health Records and Information Privacy Act 2002](#) governs how long personal health information must be kept.

Definitions

'Personal information' means information (or an opinion) we hold (whether written or not) from which a person's identity is either clear or can be reasonably determined.

'Sensitive information' is a particular type of personal information - such as health, race, sexual orientation or religious information.

Procedure

Ensuring ELIZABETH LOUISE MACKNEY understands Privacy and Confidentiality Requirements

1. ELIZABETH LOUISE MACKNEY will review and update her Privacy & Information Management Policy regularly as part of her Risk Management Systems review. Evidence of this will be maintained in Elizabeth Mackney's Provider Profile (in HR register).

Managing Privacy of Participant Information Storage

1. Participant information collected is kept in a private locked office and on a single password protected computer and mobile phone. ELIZABETH MACKNEY is the only person who accesses the office and knows the computer and mobile phone passwords. These devices have automatic inactive logouts.

2. Participant information includes: personal information • program plan documents (program plan, session reports, program reviews) • correspondence from other healthcare providers • photographs • video footage.
3. Participant information is stored for seven years post the date of therapy termination. In the case of participants aged under 18 years, information is kept until their 25th birthday and 7 years post discharge.
4. Participant related information, or any papers identifying a participant are destroyed by shredding and deleting from the computer and all databases.

Managing Privacy and Confidentiality Requirements of Participants

1. ELIZABETH LOUISE MACKNEY refers to their Privacy Policy on the participant's NDIS Service Agreement.
2. The NDIS Service Agreement includes 5 Consents:
 - I. Consent for receiving services
 - II. Consent to share participant's program related documents (session reports etc), images and audio/music/sounds between members of my NDIS support team and therapists.
 - III. Consent to share of any of the participant's information/images/recordings for the purposes of an NDIS provider audit as required by the NDIS Quality and Safeguards Commission.
 - IV. Consent to the sharing of the participant's program related documents (session reports etc), images and audio/music/sounds in the context of music therapy professional supervision, and for the advancement of music therapy research and education.
 - V. Consent for the participant's images and audio/music/sounds taken/recorded in public music performances with ELIZABETH MACKNEY being used on the LISMORE MUSIC THERAPY website

These consents are discussed with the participant and/or their decision maker in a way they can understand prior to the commencement of service.

3. Persons contacting ELIZABETH LOUISE MACKNEY with an enquiry do not need to provide personal details. However, once a decision is made to progress to utilising ELIZABETH LOUISE MACKNEY's services, personal and sensitive information will need to be collected.
4. ELIZABETH LOUISE MACKNEY may need to share pertinent participant information with other professional Allied Health Professionals at the time of case conferencing or when determining support plans (i.e. program plans). Information is only shared in order to provide the best service possible and is only shared with those people whose Professional Codes of Ethics include privacy and confidentiality. Permission to share information is sought from the participant prior to the delivery of services and as required at other points of intervention as/if required.
5. Personal information is not disclosed to third parties outside of ELIZABETH LOUISE MACKNEY, other than for a purpose made known to the participant and to which they have consented, or unless required by law.
6. Participants are informed there may be circumstances when the law requires ELIZABETH LOUISE MACKNEY to share information without their consent.

Keeping Accurate Participant Information

Participants are informed of the need to provide us with up to date, accurate and complete information.

ELIZABETH LOUISE MACKNEY is the only person who has access to and updates participant's information and therapy documents. All updates are made contemporaneously to ensure the information is accurate and correct.

Using Participant Information for Other Purposes

Under no circumstances will ELIZABETH LOUISE MACKNEY use personal details for purposes other than those agreed to in the service agreement, unless specific written consent is given by the participant or their representative.

Participant Access to Their Information

Participants have the right to access the personal information ELIZABETH LOUISE MACKNEY holds about them. It is the routine practice of ELIZABETH LOUISE MACKNEY to include and share all information/reports/e-mail communications/invoices regarding the participant with the participant/their chosen representative. This is considered an integral part of the therapy process itself.

Management of a Privacy Complaint

1. As is outlined in the service agreement, if a person has a complaint regarding the way in which their personal information is being handled by ELIZABETH LOUISE MACKNEY, in the first instance they are to contact ELIZABETH LOUISE MACKNEY. The complaint will be dealt with as per *the Complaints Management Policy*. If the parties are unable to reach a satisfactory solution through negotiation, the person may request an independent person (such as the [Office of the Australian Privacy Commissioner](#)) or the [NDIS Quality and Safeguards Commission](#) to investigate the complaint. ELIZABETH MACKNEY will provide every cooperation with this process.

Reference

- ['Guidelines on Privacy in the Private Health Sector', Office of the Australian Information Commissioner](#)

Appendix 1: Summary of the 13 Australian Privacy Principles

APP 1 — Open and transparent management of personal information

Ensures that APP entities manage personal information in an open and transparent way. This includes having a clearly expressed and up to date APP privacy policy.

APP 2 — Anonymity and pseudonymity

Requires APP entities to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.

APP 3 — Collection of solicited personal information

Outlines when an APP entity can collect personal information that is solicited. It applies higher standards to the collection of 'sensitive' information.

APP 4 — Dealing with unsolicited personal information

Outlines how APP entities must deal with unsolicited personal information.

APP 5 — Notification of the collection of personal information

Outlines when and in what circumstances an APP entity that collects personal information must notify an individual of certain matters.

APP 6 — Use or disclosure of personal information

Outlines the circumstances in which an APP entity may use or disclose personal information that it holds.

APP 7 — Direct marketing

An organisation may only use or disclose personal information for direct marketing purposes if certain conditions are met.

APP 8 — Cross-border disclosure of personal information

Outlines the steps an APP entity must take to protect personal information before it is disclosed overseas.

APP 9 — Adoption, use or disclosure of government related identifiers

Outlines the limited circumstances when an organisation may adopt a government related identifier of an individual as its own identifier, or use or disclose a government related identifier of an individual.

APP 10 — Quality of personal information

An APP entity must take reasonable steps to ensure the personal information it collects is accurate, up to date and complete. An entity must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure.

APP 11 — Security of personal information

An APP entity must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. An entity has obligations to destroy or de-identify personal information in certain circumstances.

APP 12 — Access to personal information

Outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 13 — Correction of personal information

Outlines an APP entity's obligations in relation to correcting the personal information it holds about individuals.