

Service Provider Confidentiality and Privacy Policy

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Policy application	Service Providers
Policy category	Procurement
Authorisation	General Manager - Marketing and Business Development
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Policy implementation date	22 June 2018
Policy review	22 June 2021
Applicable legislation	<ul style="list-style-type: none"> • Aged Care Act 1997 (Cth) • Disability Services Act 2006 (Vic) • Mental Health Act 2014 (Vic) • Privacy Act 1988 (Cth) • Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) • Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth) • Health Records Act 2001 (Vic) • Privacy and Data Protection Act 2014 (Vic) • Privacy and Personal Information Protection Act 1998 (NSW) • Health Records and Information Privacy Act 2002 (NSW) • Information Privacy Act 2009 (Qld)

Policy Overview

This policy is designed to ensure Care Connect complies with all relevant legislation and funding requirements regarding the confidentiality and privacy of clients and personnel. This policy seeks to ensure that the safety and security of clients are not compromised and defines the obligation of the Service Provider in relation to confidentiality and privacy when they are engaged to support Care Connect clients.

Policy Description

During the course of delivering services, the Service Provider and its workers will gain access to the personal and sensitive (including health) information of clients. The Service Provider and its workers must at all times respect the confidentiality and privacy of the clients by ensuring that:

- any information gained about clients is not disclosed to or discussed with a third party, except as required by law.
- any personal information of clients is only used in accordance with applicable State and Commonwealth legislation and any relevant direction, guideline, determination or recommendation made by the Office of the Australian Information Commissioner or a state or territory privacy commissioner, health services commissioner and/or any equivalent body or agency.
- all workers are provided training at least annually on the need for client privacy and confidentiality to be applied.

The Service Provider must ensure that all personal information of clients is held in Australia and keep the terms of the Agreement between Care Connect and the Service Provider, and any confidential information of Care Connect, strictly confidential, except as required by law. Where a breach of confidentiality or privacy occurs, the Service Provider is to notify Care Connect immediately in writing. The Service Provider will work with Care Connect to resolve the breach and implement required steps that protect clients from any recurrence of the incident.

Both Care Connect and the Service Provider will ensure that the privacy of personal information of each other's employees is respected and will keep such information confidential, except as required by law. Where a breach of privacy occurs, both parties will work to implement the required steps to prevent a recurrence of the breach.

The Service Provider must not publicise or promote that it has provided the services to Care Connect without prior written approval of Care Connect which will not be unreasonably withheld.

The Service Provider will be responsible for its own costs in correcting any process, systems or training that arises from a breach of confidentiality or privacy for which it is responsible.

Qualification: *Where the Service Provider has its own policy governing these requirements, that policy is to apply to its organisation provided it addresses all aspects of this Care Connect policy. Where the Service Provider's policy does not address all or any aspect of this Care Connect policy, the Service Provider is to ensure that its personnel, agents and contractors are aware of and comply with these requirements.*

Associated Documents

Document ID	Document Name
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Reference Documents

Document Name
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Definitions

Agreement - Agreement and Terms and Conditions (previously Short Form Deed, Service Provider Agreement or Home Care Services Agreement) executed between Care Connect and a preferred Service Provider.

Confidentiality – what is discussed between a client and a staff member is kept private and cannot be discussed without the client’s permission.

Data Breach - is when personal information held by Care Connect, its contractors and Service Providers is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference.

Health Information - information or an opinion about an individual's physical health, mental or psychological health, their disability, or any health services provided to them or to be provided.

Personal Information – as defined by the *Privacy Act 1988* (as amended) is information or an opinion about an individual, or an individual who is reasonably identifiable, whether true or not, and whether recorded in a material form or not.

Preferred Service Provider - a provider approved for use in service delivery to clients who has met all compliance and Care Connect requirements and has an Agreement with Care Connect signed by a duly authorised Care Connect representative.

Privacy – that which is confined to or intended only for the person or persons immediately concerned.

Sensitive Information – a subset of personal information and is defined as:

- information or opinion (that is also personal information) about an individual's racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual preferences or practices, or criminal record.
- health information about an individual
- genetic information
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification, and
- biometric templates.

Staff / Employee – all paid and unpaid persons undertaking work for Care Connect or Service Providers, including employees, volunteers, individuals on work experience, student placements, secondments and contractors.

