

# Privacy and Confidentiality

## Policy and Procedure



### 1. Policy statement

1.1. The privacy, confidentiality and protection of personal information is central to Hartley Lifecare's (Hartley's) operations. Collection and utilisation of personal information is necessary as it enables Hartley to deliver its services in a collaborative and person-centred way by professional and qualified employees. Hartley will only collect personal information in a lawful and transparent way, complying with the obligations of the Privacy Act 1988 (Cth), Health Records (Privacy & Access) Act 1997 (ACT) and the NDIS Practice Standards and Quality Indicators (Cth July 2018).

### 2. Purpose

1.2. The purpose of this policy is to ensure that Hartley upholds the highest standards of privacy, confidentiality, and responsible management of personal information. This policy establishes clear guidelines for the collection, use, storage, and sharing of personal information to safeguard the rights and interests of clients, their families, employees, volunteers, and other stakeholders, while enabling effective, person-centred service delivery in accordance with relevant legislation and standards.

### 3. Scope

3.1. All clients, their families and/or legal representatives, employees, volunteers and other stakeholders of Hartley are covered by this policy and procedure.

### 4. Definitions

| Term                 | Definition  |
|----------------------|---|
| Personal Information | Is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. This includes written information, photographs, images, video footage and the verbal transfer of information. |

### 5. Principles

5.1. Hartley will use reasonable endeavours to ensure personal information:

- 5.1.1. is accurate, complete and up to date, and relevant for the purpose for which it was collected.
- 5.1.2. is protected from misuse, loss and from unauthorised access, modification or disclosure.
- 5.1.3. that is no longer needed for any authorised purpose is destroyed or permanently de-identified where it is legal and reasonable to do so or securely archived.
- 5.1.4. is only shared with external people, professionals and organisations following receipt of written consent, which has been given freely from the person the information relates to {or their legal representative(s)}, and in accordance to item 6.7 below.

5.2. In obtaining consent from clients, guardians, legal representatives, employees, volunteers and other stakeholders, Hartley employees will ensure that:

- 5.2.1. all reasonable efforts have been made to inform the person(s) providing consent about what they are consenting to, why it is necessary or desirable, and what may be the results both of giving and withholding consent;

- 5.2.2. the person(s) providing consent has the capacity to consent in accordance to privacy legislation, including the Office of the Australian Information Commissioner, Disclosing information about people with impaired capacity;
  - 5.2.3. obtaining consent is timely, including revisiting considerations for consent, every 12 to 24 months.
  - 5.2.4. individuals have the right to request the deletion of their personal data in accordance with applicable privacy legislation
- 5.3. After obtaining written and informed consent, personal information will be communicated internally and externally in a way that aligns with Hartley's values and purpose statement.

## 6. Procedures

- 6.1. Hartley will only collect personal information about clients, employees, volunteers and other stakeholders (including event participants) that can be shown to be directly relevant to the effective delivery of services, employment or the coordination of an event.
- 6.2. Clients and/or potential clients of Hartley will have their personal information collected directly from them, their families and/or their legal representative(s) with their full consent. If this is not possible, Hartley will take reasonable steps to make the person with a disability or their guardian or legal representative, aware of the process involved, including the reasons why the consent is required and provide them with a copy of this policy and procedure.
- 6.3. Personal information collected from clients and/or potential clients may be obtained through, but not limited to, forms, charts, assessments, agreements or support plans which relate to supports delivered by Hartley.
- 6.4. As part of the provision of ongoing and effective service delivery, Hartley employees will continue to collect, gather, collate, monitor and report upon (as required) the health and wellbeing of clients, including but not limited to, the update and completion of daily activity records, charts, health assessments and *Individual Support Plans*.
- 6.5. Hartley employees and volunteers will have their personal information collected both directly and indirectly with their full consent. This information may include name, date of birth, contact information, qualifications, work history, bank account details and information arising from reference and education checks as part of the Hartley recruitment process. Ongoing employment/volunteer records will also be collected, stored and maintained in accordance to this policy and procedure, including but not limited to information relating to demographics, employment terms and conditions, onboarding, performance, training, development, leave, payroll and rostering.
- 6.6. Hartley shares information and images about its services and people through various media platforms to raise awareness, celebrate achievements, and maintain a community presence. This includes television, radio, social media, and written publications such as annual reports, newsletters, websites, and flyers. Occasionally, Hartley provides articles, photos, and videos for external publications. Any personal information, stories, photos, or videos shared will only be used with written consent through Hartley's media and communications consent form.
- 6.7. Consent to collect, store, utilise and share personal information is provided by the client (or their guardian and/or legal representatives), an employee, volunteer or other stakeholder by signing relevant documents such as forms, charts, assessments, agreements or support plans.
- 6.8. All personal information collected by Hartley is kept confidential by being held securely in Hartley's physical files, in Hartley's computer systems or in a database.
- 6.9. Personal information about clients is only made available to Hartley employees on a 'need to know' basis or to others as outlined in this policy and procedure.
- 6.10. Hartley will not share personal information without obtaining prior written (and informed) consent (as outlined in item 6.7 above) from the individual involved (or their

guardian or legal representative), unless it is to deal with a serious and imminent threat to personal or public health or safety or where authorised or required by law.

- 6.11. Clients, their families and/or legal representatives, employees and volunteers have a right to request any personal information held by Hartley about them. Hartley will work collaboratively to ensure personal information is available within a reasonable time frame from the request and will implement any requested changes will be implemented if possible/practicable.
- 6.12. Files of Hartley employees and volunteers will be securely destroyed and/or archived in accordance with legislative requirements.
- 6.13. Request for data deletion
  - 6.13.1. To request the removal of personal data, individuals must submit a written request to the Quality Manager.
  - 6.13.2. The request will be assessed within 10 business days to determine the eligibility under relevant legislation.
  - 6.13.3. If approved, the data will be deleted or anonymised within 30 business days, and confirmation will be provided to the person who made the request.
  - 6.13.4. If deletion is not possible due to legal or contractual obligations, the person making the request will be information of the reasons and offered alternative solutions where possible, such as restricting access to the data.

## 7. Review Procedures

Hartley Lifecare may make future changes to this policy to improve the effectiveness of its operation and ensure compliance with relevant legislation. Feedback on this policy can be directed to the Quality Manager at any time. Whilst feedback is welcome, it may not necessarily lead to a change in the policy.

## 8. References and Acknowledgements

- 8.1 Office of the Australian Information Commissioner – Guide to developing an APP Privacy Policy
- 8.2 <https://www.oaic.gov.au/privacy/guidance-and-advice/guide-to-developing-an-app-privacy-policy/> and Disclosing information about people with impaired capacity
- 8.3 NDIS Practice Standards <https://www.ndiscommission.gov.au/document/986>
- 8.4 Disability Services Association – Privacy Policy <https://www.dsa.org.au/privacy-policy/>
- 8.5 Privacy Act 1988 (Cth) <https://www.legislation.gov.au/Series/C2004A03712>

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