

Mansfield Autism Statewide Services

Information Privacy Policy and Procedures

HS12	Healthy and Safe Services	Information Privacy Policy and Procedures
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What this policy aims to do	Make sure all clients have their right to privacy respected
Who this policy applies to	Board members, managers, employees, contractors and volunteers and MASS clients.
Who is responsible for carrying out this policy	The CEO or responsible managers and service delivery staff
What words used in this policy mean	Definitions are provided in Key Concepts, Appendix A.
Legislation this policy is based on	Human Services Standards Victorian Child Safe Standards Privacy Act 1988 (Cwlth) Privacy and Data Protection Act 2014 (Vic) Health Records Act 2001 (VIC) National Disability Insurance Scheme Act 2013 (Cth) (NDIS Act) NDIS Practice Standards Nov 2021, Core Module
Other relevant policies	AS1 Rights and Responsibilities MS3 Staff Code of Conduct MG9 Information Management

Version	Date	Author/Editor	Approved by	Notes
1.1	29/8/2018	D Stephenson	Director	<i>Change Summary</i> – Updated how to report a privacy incident on advice by DHHS for compliance by July 2018.
1.2	22/1/2020	D Stephenson	S Reeves	Major review to comply with OAIC guidelines, APP

				Principles and Guide to Health Privacy (2019)
1.3	18/2/2021	D Stephenson	S Reeves	Added reference to NDIS Practice Standards. Added privacy statement for website.
1.4	29/02/2024	T de Vries	S Reeves	Annual review, update template

Privacy Policy

We respect your privacy.

Mansfield Autism Statewide Service respects your right to privacy and is committed to safeguarding the privacy of our customers and website visitors. We adhere to the Australian Privacy Principles contained in the Privacy Act 1988 (Cth). This policy outlines how MASS will collect, use, manage and disclose personal information. It applies to all personal information provided to or collected by MASS. The policy includes information related to clients and their families/carers, MASS staff and volunteers, the MASS Board and contractors.

"Personal information" is defined in Appendix A: Key Concepts.

What information does MASS collect?

MASS collects information to:

- Enable the efficient, effective and safe delivery of services to clients, with the involvement of the family or carers
- Manage employee records
- Handle complaints and compliments
- Communicate with stakeholders and volunteers
- Report to government agencies as required by law/legislation.

Table 1 – Primary Purpose of and type of personal information collected by MASS. See Appendix A for more detail on what MASS can collect.

Primary Purpose of Collection	Type of Information that may be collected
Enable the delivery of services to clients with autism and their families	Personal information, sensitive information, health information, family arrangements, school records, NDIS plans, communication requirements, skill levels, Developmental Behaviour Checklist (DBC), General Health Questionnaire and Stress measurement
Manage employee records	Job application and references, employment conditions, personal information, education attainments, leave and entitlements, training record, Police Check, Working with Children Check, NDIS Worker Screening Check, Disability Workers Exclusion check
Handle complaints and compliments	Personal information, details of complaint, actions taken
Communication with stakeholders and volunteers	Personal details for correspondence, Volunteer Working with Children Check

Report to government agencies	Personal information, sensitive information, incident reports, child safety mandatory reporting information, restrictive interventions
Participate in quality assurance audits and activities as required by State and Commonwealth agencies	Personal information, sensitive information and health information of clients, families, staff and volunteers.
Optimal use of website	Browser type, operating system and location data. This information is used in an aggregated, non-identifiable way to analyse how people use our site, so that we can improve our service. Our website may from time to time use cookies to analyse website traffic and help us provide a better website visitor experience.

How do we collect this information?

MASS will respect the privacy of people who use MASS services and their right to choose if, when and how their information is collected, used and/or shared with others. MASS will only collect information about a person using a service that is needed for their care and support, and then only if the person (or their parent or guardian if a child) agrees, that is, gives their consent.

MASS collects information in a number of ways, including:

- In person and over the phone, from clients, parents/carers, guardian, teachers, health professionals, staff, volunteers,
- In writing from electronic and paper documents, including job applications, emails, letters, forms, questionnaires, consent forms, enrolment forms, excursion forms, medical reports, treatment reports, medication lists and prescriptions, NDIS plans,
- Through the website, including referrals, contact forms and feedback forms.

MASS will collect information directly from the client where it is practicable to do so, but if the client faces barriers in communicating and making decisions, MASS will collect information from the parent, carer, guardian or relative.

In certain circumstances MASS may collect information without consent and this may include:

- Being required or authorised by law
- To lessen or prevent a serious threat to life, health or safety of any individual
- Providing a health service by a registered health professional.

When MASS collects information, we will take reasonable steps to advise how the information will be handled. This will include the purpose of the collection, and how to access, update and correct information held about you.

MASS will request personal information on enrolment of students into its schools or for providing services in the client's home, in the community, or at events such as a camp. MASS will ask for consent for use of this information directly from the client where there is capacity, or from their parent, guardian or relative.

MASS may receive unsolicited information about a client, parent/carer, employee or volunteer. If permitted or required by law, MASS may keep records of this information, for example, mandatory reporting. If this information is not required, then MASS will destroy or de-identify the information when practicable, lawful and reasonable to do so.

Why do we collect personal information?

MASS collects information about its clients and their families to:

- Develop individualised program/learning objectives for clients while attending a MASS school and monitor progress
- Assess a client in their home situation for identifying goals for a service such as Mansfield Autism Practitioners and monitoring progress and desired outcomes
- Support the client's social and emotional wellbeing and health
- Support the family's involvement in their child's progress and their wellbeing
- Provide first aid if required and administer medication as authorised
- Take reasonable steps to reduce the risk of foreseeable harm to clients, employees, volunteers and visitors
- Make reasonable adjustment for clients with disabilities
- Provide a safe and secure workplace
- Enable MASS to communicate with parents/carers/guardians
- Investigate incidents and/or respond to any legal claims.

MASS collects information about employees, volunteers, contractors, board members and job applicants:

- To assess applicants' suitability for employment or volunteering
- To administer employment or volunteer placement
- For insurance purposes, including public liability and WorkCover
- To fulfil various legal obligations, including employment and contractual obligations, occupational health and safety law and to investigate incidents
- To respond to legal claims.

How does MASS hold and keep secure personal information

MASS takes reasonable steps to protect information from misuse, loss and from unauthorised access, modification and disclosure. MASS will de-identify or destroy personal information when it is no longer required.

Hard copy records that include personal and/or sensitive information are kept in locked storage and only staff that need to access the files for their respective role will be granted access. Practitioners that deliver services outside the MASS premises will keep their files with them, or locked in a car or appropriate place.

Electronic records are kept secure by:

- Staff passwords and multifactor authentication to access information
- Limited access on need to know basis (sensitive, confidential)

Data collected through use of the MASS website is transferred to the Mansfield Autism Record System (MARS) then deleted from the website. Data in MARS is stored on servers in a secure data center.

When using software and contracted service providers to manage information, MASS will ensure they have a sound privacy, confidentiality and data security policy and procedures in place, along with an understanding of MASS's Policy and Procedures.

When does MASS use information?

MASS will use information consistent with Victorian and Commonwealth privacy law:

- For a **primary purpose** stated in Table 1 (page 1)
- For a related **secondary purpose** such as for the MASS Director or Board to plan, review or report on MASS functions and performance
- With **notice and/or consent**, including consent provided on enrolment and other forms
- When necessary to **lessen or prevent a serious threat** to:
 - A person's life, health, safety or welfare
 - The public's health, safety or welfare
- When **required or authorised by law** including as a result of MASS's duty of care, anti-discrimination law, occupational health and safety, reporting obligations to government agencies and complying with tribunal or court order, subpoenas or Victoria Police warrants
- To investigate or report **unlawful activity**, or when reasonably necessary for a specified **law enforcement** purpose, including the prevention or investigation of a criminal offence or seriously improper conduct, by or on behalf of a law enforcement agency

- For **research or MASS statistics** purposes, with explicit consent
- To establish or respond to a **Legal claim**

When does MASS disclose information?

MASS will disclose information consistent with Victorian and Commonwealth privacy law:

- We may disclose your personal information to any of our employees, officers, insurers, professional advisers, agents, suppliers or subcontractors only as reasonably necessary for a **primary purpose** as stated in Table 1 (page 1). Personal information is only supplied to a third party when it is required for the delivery of our services.
- When necessary to **lessen or prevent a serious threat** to:
 - A person's life, health, safety or welfare
 - The public's health, safety or welfare
- When **required or authorised by law** including as a result of MASS's duty of care, anti-discrimination law, occupational health and safety, reporting obligations to government agencies and complying with tribunal or court order, subpoenas or Victoria Police warrants
- To investigate or report **unlawful activity**, or when reasonably necessary for a specified **law enforcement** purpose, including the prevention or investigation of a criminal offence or seriously improper conduct, by or on behalf of a law enforcement agency
- To establish or respond to a **Legal claim** if legally directed to do so

How do you access your information?

Clients, families and guardians

MASS clients and their families or guardian have a right to access the information that MASS holds about them, unless an exception applies. Requests to access information may be made to MASS in writing, by email or mail. MASS will respond to information access requests by:

- Verifying the requesting individual's identity and their right to this information
- Locating the information required and ensuring there is no requirement to deny access
- Provide the information requested within 30 days in the form requested or agreed alternative form

- If access to information is denied, MASS will provide a written notice setting out the refusal grounds and complaint mechanism

Staff

MASS employees may seek access to their personnel file by contacting the HR Manager.

How do you update or correct your information?

MASS will take reasonable steps to make sure the information that is collected is correct, either by a client or family member informing MASS or if MASS becomes aware the information is incorrect.

MASS requires that clients and families, as well as employees and volunteers update their information when required or as their situation changes. If MASS receives a correction request, the process to correct the information will include:

- Verifying the person's identity
- Locating the information to be corrected
- Being satisfied the information currently on file is incorrect
- Taking reasonable steps to correct the information
- Notify any third parties as agreed.

If MASS does not feel satisfied the information is incorrect, we will provide written notice to the requestee setting out the reasons for not making changes and how the individual may make a complaint.

Collecting and using health information

Health information may be personal and sensitive and MASS will only collect this information where it is necessary for health management activities. Health management activities may include:

- When a quality assurance body collects data about the quality of MASS services
- When an oversight body collects information about an incident
- Reports to an accreditation body

MASS may collect health information without consent where it is necessary for health management activities and it is not practical to use de-identified information or the information is required by or under Australian law. MASS will take reasonable steps to de-identify personal information before disclosure for health management activities.

Disclosing information about clients who face barriers in communicating and making decisions

MASS may disclose a client's information to a 'responsible person' where:

- MASS needs to deliver a health service to the client
- The client lacks the capacity to consent or is unable to communicate consent
- The disclosure is either necessary to provide appropriate services or is made for compassionate reasons
- The disclosure is limited to the extent reasonable and necessary for the provision of care or treatment, or for compassionate reasons
- The disclosure is not contrary to the expressed wishes of the client.

Health Information and Research

MASS will obtain consent from individuals if they are to be included in research. Under certain circumstances MASS may collect, use or disclose health information where it is necessary for research, or the compilation or analysis of statistics, relevant to public health or safety without consent.

What happens if there is a privacy breach?

A data breach is when personal information is lost or subjected to unauthorised access, modification, disclosure, or other misuse or interference. Examples of a data breach are when:

- A device containing personal information of clients is lost or stolen
- An entity's database containing personal information is hacked
- An entity mistakenly provides personal information to the wrong person

If a *privacy breach*, *possible breach* or *near miss* has occurred, the details must be documented, and a report sent to Department of Families, Fairness and Housing (DFFH). The Australian Information Commissioner and affected individuals will be notified in the case of a breach involving personal information that is likely to result in serious harm to any affected individual (OAIC Notifiable breaches webpage)

Does MASS provide personal information to overseas recipients?

MASS will not provide information to overseas recipients. The only exception is if it is required to inform a parent, carer or legal representative of a client's situation and consent has been given by the client or their legal representative.

How can someone make a complaint?

If a client, parent, carer, employee, volunteer or an individual wants to make a complaint about MASS's Privacy Policy or the Australian Privacy Principles, then it is advised that in the first instance if practicable, one should:

- Contact the Director of MASS using the details below and provide sufficient details regarding the complaint, together with any supporting evidence and information and request resolution
- MASS Director will respond within 30 days to the complaint and provide information on the steps, if any, that MASS will undertake to resolve the complaint
- More information is provided in HS11 Complaints and Disputes Policy and in the Complaints and Compliments Pamphlet.

If an individual is not satisfied with the response, then they can make a complaint to the Australian Privacy Commissioners via www.oaic.gov.au

Contact MASS CEO

Phone (03) 5775 2876

Fax (03) 5775 3006

Email info@autismmansfield.org.au

Mail: PO Box 715, Mansfield VIC 3724

Changes to this policy

MASS reserves the right to make changes to this Privacy Policy. We may modify this Policy at any time, in our sole discretion and all modifications will be effective immediately upon our posting of the modifications on our website. Please check back from time to time to review our Privacy Policy.

