

## Privacy Policy

### INTRODUCTION

Embracia is bound by the Australian Privacy Principles, these principles require organisations that hold personal information about people handle that information responsibly. The Australian Privacy Principle guidelines came into effect on 12 March 2014.

In recognition of the sensitivity of the health and personal information we are required to collect and hold Embracia has appointed our Corporate Advisor to manage our compliance with Privacy laws. The Corporate Advisor's contact details are available from the Victorian Support Centre on 03 9450 7000.

### PURPOSE

The purpose of this document is to support our staff, to ensure we comply with our legal obligations as set out in the Australian Privacy Principles guidelines

### DEFINITIONS

'Personal information' means information, 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 that information, regardless of its source;

'Sensitive Information' is Personal information which is also health, genetic or biometric information or which relates to an individual's race, politics, religion, philosophy, professional or trade union association, sexual preference or criminal record.

'*Employee Record*', means a record of personal information relating to the employment of the employee, including, health information about the employee and personal information about:

- The engagement, training, disciplining or resignation of the employee;
- The termination of the employment of the employee;
- The terms and conditions of the employment of the employee;
- The employee's personal and emergency contact details;
- The employee's performance and conduct;
- The employee's hours of employment;
- The employee's salary or wages;
- The employee's membership of a professional or trade association;
- The employee's trade union membership;
- The employee's recreation, long service, sick, personal, maternity, paternity or other leave; or
- The employee's taxation, bank or superannuation affairs.

## **POLICY STATEMENT**

As a general statement of policy, we are not generally concerned whether people who contact us or provide us with information use their name or whether they choose to remain anonymous or use an alias or pseudonym. However:

- Anonymity or a pseudonym is not acceptable for a resident of our aged care services where we must provide identification details to Government under the Aged Care Act 1997 and where medical history may be essential for the provision of care;
- Anonymity or a pseudonym is not acceptable for a retirement village resident where we provide a registered lease of property over the Title to land; and
- Anonymity or a pseudonym is not acceptable in the case of an employee or volunteer, as a genuine name and any previous names are required in order to conduct a Police Check and the name must correspond to the Individuals' Tax File Number.

## **EXEMPTIONS**

There are exemptions provided in the Privacy Act 1988 concerning acts done, or practices engaged in, by us:

For individuals in non-business capacity that are done, or engaged in, other than in the course of the business carried on by us;

For employee records that are directly related to:

- A current or former employment relationship between us and the Individual; and
- An *Employee Record* held by us and relating to the Individual;

## **INFORMATION HELD**

We will not solicit or hold any information which is not reasonably necessary for the delivery of the services we provide.

We may hold the following personal information:-

For residents of or prospective residents of aged care:

- Information provided about the individual to the Aged Care Assessment Team;
- Information provided about the individual to Department of Social Services (DSS) or Department of Human Services (DHS);
- Information about the Individual's financial status;
- Assessments done by DSS and any classification records; details of psycho-social history;
- Information concerning Centre link or Department of Veterans Affairs status;
- Information concerning details of the appointment of attorneys or other alternative decision makers;
- Contact details for relatives of the individual;
- Documentation required to complete residential care service documentation pursuant to the Aged Care Act 1997;
- Progress notes;
- Medical reports from Individual's medical practitioners and health care providers;
- A medical history;

- Details of the individual's health insurance provider;
- Individual's family contact details;
- Information concerning the individual's religion and end of life arrangements and the location of a person's will;
- A care plan recording the individual's ongoing care needs and strategies (including an interim care plan);
- Records relating to the approved provider meeting prudential requirements for accommodation bonds;
- Records relating to the payment of accommodation bonds (including periodic payments) or accommodation charges;
- Records relating to the individual's entry discharge and leave arrangements, including death certificates where appropriate. Information provided to the aged care assessment team.

This information is collected in order to provide or in connection with providing a health service, therefore may be classed as 'Sensitive Information' as prescribed by the *Privacy Act 1988 (as amended)*.

Under Section 88 of the *Aged Care Act 1997* we are required to collect personal information prescribed by that Act and the Aged Care Principles.

#### For residents of or prospective retirement village residents

- Information concerning details of the appointment of attorneys or other alternative decision makers;
- Contact details for relatives of the individual;
- Documentation required to complete documentation pursuant to the retirement villages act (Queensland) 1999;
- Individual's family and solicitor's contact details;
- Records relating to the village operator meeting requirements entry contributions;
- Records relating to the payment of entry contributions;
- Records relating to the individual's entry and departure arrangements, including death certificates where appropriate.

#### For prospective employees

- Resumes;
- Information gathered during assessment of prospective employees applications for employment;
- Health information directly related to the individual's ability to perform the inherent requirements of the position collected with the Individual's consent.

#### For service providers and or contractors

While in the normal course of events our service providers and contractors are businesses operating with an ABN, we may hold information about individuals employed by our service providers or contractors.

- Personal contact details;
- Information necessary to assess their suitability for the work;

### For volunteers

- Personal contact details;
- Information gathered relating to educational background, experience and ;availability
- Information relating to the times and locations of the volunteer's attendance at our services;
- Emergency contacts.

Where we are required by the *Privacy Act 1988 (as amended)* to obtain consent for the collection use or disclosure of the Individual's personal information we will do so.

### **PURPOSE OF INFORMATION HELD**

We may hold personal information for the following purposes:

#### For residents of or prospective residents of aged care:

- To provide appropriate ongoing care or accommodation;
- To comply with the provisions of the aged care act 1997
- To determine the individual's eligibility to entitlements provided by the aged care act 1997 if applicable;
- To enable us to contact any nominated person to lawfully inform of an individual's health status;
- To enable the facility to provide relevant financial and asset information to the commonwealth government to determine our funding entitlements and to set the individual's daily bed fee or to comply with government requests for information under the aged care act 1997, if applicable;
- To lawfully liaise with the individual's nominated representative and to contact family if requested or needed.

#### Prospective employees

- To enable us to properly assess the quality of applications for employment applied for.

#### Service providers and or contractors

While in the normal course of events our service providers and contractors are businesses operating with an ABN, we may hold information about individuals employed by our service providers or contractors.

- To enable us to contact the individual;
- And to assess their suitability to do the work (e.g., Police Checks, qualifications).

#### Volunteers

- To enable us to contact the individual;
- Or to assess their suitability to do volunteer work.

#### Other individuals with whom we have contact

- To enable us to contact the Individual

Where we hold information in respect of prospective residents for either our aged care services or our retirement villages in order to keep them informed of opportunities to enter our services that information will only be:

- Such information as is required to make contact with the Individual;
- Information describing the nature of the care or accommodation which the individual may require or may be interested in obtaining;
- Information which has been obtained voluntarily from the Individual with the Individual's awareness that it will be retained for this purpose.

Where a third person contacts us to request that we provide information to an individual, on the first occasion we contact the individual, we will advise them that their details may have been given to us by another person interested in them receiving our information.

In all cases where we distribute unsolicited information to people we will provide them with an option to opt out of that list and cease receiving that information.

### **COLLECTION**

We may collect 'personal information' in any of the following ways:

#### For residents of or prospective residents of aged care:

- From the Department of Social Services, the Department of Human Services or the Aged Care Assessment Team;
- From the individual upon the individual's initial inquiry by the individual's completion of our enquiry or application form; or during interviews with the individual;
- Upon completion of the individual's residential care agreement;
- From the individual's medical practitioner, or;
- From other health providers or facilities.

#### Prospective or current employees

- Information provided from the individual;
- Information provided by referees proposed by the individual;
- Information provided on request from previous employers;
- Information concerning the individual's criminal record from a police service or crim track upon the individuals' provision of consent and identification information required to complete such a check

#### Service providers and or contractors

- Information provided from the individual;
- Information provided their employer (the contractor);
- Information concerning the individual's criminal record from a police service or crim track upon the individuals' provision of consent and identification information required to complete such a check



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### Volunteer

- Information provided from the individual;
- Information provided by referees provided by the individual;
- Information concerning the individual's criminal record from a police service or CrimTrac upon the individuals' provision of consent and identification information required to complete such a check.

We will not collect information through the purchases of "lists" from a third party.

If we collect this information through conduct of a competition, we will advise any participant that entering the competition will result in that information being held and their subsequently receiving information from us.

### **UNSOLICITED INFORMATION**

From time to time we may receive information which we have not requested or which has been given in addition to information which we have requested. The person receiving that information should only retain such information as is necessary to carry out the services we provide.

If the unsolicited information is an enquiry about use of our services in the future, the enquirer's contact details, and details of the services they are seeking, may be stored in order for us to respond if we can assist at some time in the future.

The Aged Care Act 1997 requires that provide services after taking a resident's preferences into account. If we receive information which may not seem directly relevant to the services we provide, that information should only be stored if it describes the resident's preferences or their history that may assist us to meet their preferences.

Unless one of the previous paragraphs applies, we will not retain information that we would not be able to request under this policy.

### **STORAGE**

We may store personal information about the Individual electronically on our computer databases or hard copy documents kept securely within the premises

Where information is stored electronically, our servers are not located on Embracia's premises. Storage, security and back-up is provided by a contracted service provider with expertise in the field. We do not use cloud storage.

### **USE AND DISCLOSURE**

We may use or disclose personal information about the Individual in any of the following ways:

#### For residents of or prospective residents of aged care:

- To provide appropriate ongoing care;
- To comply with the provisions of the aged care act 1997;
- To determine the individual's eligibility to entitlements provided by the aged care act 1997;
- To enable us to contact any nominated person to lawfully inform of a residents health status;
- To enable the facility to provide relevant financial and asset information to the commonwealth government to determine our funding entitlements and to set the individual's daily bed fee;
- To lawfully liaise with the Individual's nominated representative and to contact family if requested or needed;
- To comply with requirements of the Aged Care Act 1997 which require us to notify the Department of Social Services or the Police of certain matters.

#### Prospective employees

- To enable us to properly assess the quality of applications for the employment for which the person has applied
- To comply with requirements of the aged care act 1997 which require us to notify the department of social services or the police of certain matters
- To obtain the individual's criminal record from a police service or CrimTrac upon the individuals' provision of consent and identification information required to complete such a check.

#### Service providers and or contractors

- To enable us to assess their suitability to do the work and comply with our responsibilities under the Aged Care Act 1997

#### Volunteers

- To enable us to assess their suitability to do volunteer work;
- To respond to requests from government agencies seeking information about their volunteering
- To obtain the individual's criminal record from a police service or CrimTrac upon the individuals' provision of consent and identification information required to complete such a check.

#### Other Individuals with whom we have contact

- To enable us to contact the individual

There are certain "permitted general situations" under the Privacy Act 1988 wherein information may be used or disclosed

- Lessening or preventing a serious threat to the life, health or safety of any individual, or to public health or safety;

- Taking appropriate action in relation to suspected unlawful activity or serious misconduct;
- Locating a person reported as missing;
- Asserting a legal or equitable claim;
- Conducting an alternative dispute resolution process

We will not disclose information to any entity or individual located outside Australia except where such disclosure is purely for the purposes of:

- To enable us to contact any nominated person to lawfully inform of a residents health status
- To lawfully liaise with the individual's nominated representative and to contact family if requested or needed

### **ACCESS**

An Individual may access personal information held about them by us on request except where we can lawfully deny or limit access as prescribed by the *Privacy Act 1988*. Such a request will not be unreasonably denied.

Access may be obtained by contacting the Residential Service Manager of the home who will assess the request and provide that access within a reasonable period, ideally within 14 days if the information is stored on, or accessible from, the site.

An individual does not need to provide a reason for requesting access.

We will provide a reasonable range of choices of how access will be available depending on an individual's particular needs.

We may choose to charge for the service of providing access if we incur a cost to provide that access. What is charged will be reasonable and consistent with fees imposed by the Commonwealth for access to documentation under the Freedom of Information Act 1982.

We will not charge a fee for lodging a request for access, nor will we charge a fee for a request to correct or amend a record.

If the individual believes the personal information held about the Individual is inaccurate incomplete or not up to date, the individual may request that the record be corrected, amended or attach a statement explaining the record. If we do not agree we will advise the individual of our decision and note the individual's disagreement.





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### **GRIEVANCE PROCEDURE**

If the individual wishes to make a complaint about our management of the individual's personal information we ask that the individual do so in accordance with our Grievance Procedure, a copy of which will be made available on request.

### **OTHER DOCUMENTS TO CONSIDER WITH THIS POLICY:**

Policy and procedure: **P 1.02.03 Privacy Grievance Procedure**