

PRIVACY AND DIGNITY

POLICY AND PROCEDURE

Policy Statement

The right to privacy is a fundamental human right that is provided to all individuals. All files and documentation of Mypower Foundations relating to the personal information of clients are safely stored both in locked files at the premises of the Director. Electronic systems used by Mypower Foundation guarantee privacy of information with password protection, two factor authentication and management by a professional IT company which restricts access to the relevant individuals, including contractors and the Director.

Definitions

Confidential Information is any information that identifies a person.

Informed consent is the voluntary agreement and/or action where the person making the decision has appropriate information, understands the consequences of the decision and capacity to make the decision.

Procedure

- Restricted access respects and protects the client's privacy and dignity by preventing any misuse, loss and third party or unauthorised access of documents.
- Information not needed by Mypower Foundations such as documents that have passed their statutory time to retain, is destroyed as soon as practicable in a way that complies with all legal requirements.
- Reasonable steps are taken to ensure information is complete, current and accurate.
- Personal information is only ever released if required by law, agreed to through the informed consent of the individual or if a person requests to see their own personal file.
- Any information collected from clients, open communication, and explanation of why it needs to be collected forms part of Mypower Foundation's policies. Any recorded material in audio or visual format that Mypower Foundations collects will have the required consent form explained and signed in the appropriate language or mode of communication. Signed consent is stored in the client's file securely. Consent can be withdrawn at any time in writing. The client has access to our complaints and incident reporting process if at any time they feel their privacy has been breached. All contractors are required to

ensure objective, detailed, accurate and up-to-date records and information are maintained to meet legal, contractual and mandatory reporting requirements. All requests for correction are processed in conjunction with Privacy Act as soon as practicable.

- Employees and contractors who are authorised to access personal information must not share their passwords and logins with others and agree on signing the contract that they will take all reasonable steps to ensure information is protected from misuse, loss and unauthorised access and the manager administers secure access to electronic records.
- Access to personal information may be denied. There may be real concerns that access to certain information could pose a serious threat to the life, health or safety of an individual, or to public health or public safety or have an unreasonable impact on the privacy of other people. The Director will consider all the circumstances and decide on access. Where access to information is not provided, the Director will provide a formal response explaining why access has been denied.
- Data breaches will be taken seriously, and Mypower Foundations will work closely with their chosen IT experts and any relevant authorities to identify the extent of any breach and the information accessed. Mypower Foundations will notify any person affected as soon as is practicable, within 48hrs of identifying the information affected.
- All data is stored in line with current legislation regarding retention periods.

Responsibility

- Personal information will not be disclosed to other parties or used for direct marketing without permission.
- The Confidentiality and Privacy Policy and Procedures reflect these processes and practices. The Code of Conduct confirm that the release of information relating to the client, requires the informed consent of the client.
- All clients are provided with the Document Control policy, and have it explained to them in the language that they are most comfortable with by either an employee or contractor, a close trusted relative acting as translator or an outside agency employed to provide translation services. Each client is informed how their information is stored and used, and when and how each client can access or correct their information and withdraw or amend their prior consent.
- An exception to this policy is that when legally required to share the information, such as being subpoenaed by a court of law and at the time of audit, auditors have a right to access participant records that Mypower Foundations has compiled. An opt out clause is on the Service Agreement to allow clients to have this choice.
- The Director is responsible to ensure and oversee data protection and privacy within the organisation.

- Clients, employees and contractors are responsible for reporting any suspected unauthorised access, misuse or breach of privacy using our feedback and complaints channels.
- Unauthorised access or sharing of data by employees or contractors will result in action being taken, from being instructed to participate in further training, or dismissal for serious breaches.
- The director is responsible for ensuring third-party tools and services comply with privacy standards.

Relevant Legislation and Policies

- Privacy Act 1988
- Work Health and Safety Act 2011
- Australian Privacy Principles (APPs)
- Notifiable Data Breaches (NDB) scheme
- NSW Disability Services Standards
- National Standards for Disability Services
- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- NDIS Code of Conduct
- NDIS Quality and Safeguarding Framework
- Universal Declaration of Human Rights
- United Nations Convention on The Rights of Persons with Disabilities