

Policy Name		Policy Number
Access and Privacy		3.08
Manual Section		Version
Participants and Programs		3
Policy Review		Date
Date Endorsed: May 2010		Date Reviewed: July 2020

**Policy:**

- 1.1 Sharing Places adheres to the Privacy Act 1988 and the Australian Privacy Principles.
- 1.2 The right to confidentiality and privacy is the inherent right of all participants accessing Sharing Places Inc.
- 1.3 Sharing Places collects information about individuals for the purpose of providing a service tailored to a participant’s individual needs. Information collected is used to develop Individual Plans and Programs, offer appropriate medical support and facilitate communication between Sharing Places and relevant stakeholders. All information is available at the written request of parents/guardians/participants who are required to complete and sign off consent forms.
- 1.4 Sharing Places takes every precaution in protecting the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 1.5 Sharing Places has a Privacy Officer (Senior Manager – Participants and Programs) who can be contacted for information regarding the Privacy Policy. Details of this person are available from Sharing Places’ reception.

**Procedure:**

**2.0 Participant Records**

- 2.1 All participant records are stored in locked cabinets and/or archived under a coded system for seven (7) years.
- 2.2 Participant records, including personal file/data collection/progress reports, are maintained by direct care staff.

2.3 All information on the personal files remains the property of Sharing Places. Information which is stored in these files includes all relevant correspondence, a personal profile, authorisations and individual plans. Information kept on the personal files is only to be released by the Executive Director and/or the Chair of the Association following a written application to appropriately authorized recipients, in accordance with the following guidelines:

- when the request is within the parameters of the Australian Privacy Principles, and
- the Legislation requires that access to information in records can be made by a participant or the participant's representative which may include a person authorised by the participant to have access and/or a legal guardian.

In the event that neither the Executive Director nor Chair is available to release information in an emergency, the Sharing Places Privacy Officer (Senior Manager – Participants and Programs) will control the release of any information.

2.4 Participants' files are the responsibility of each Team Coordinator and are made available on a "need to know" basis to support staff who are directly involved with the participant and, on request, to management. Staff members discussing cases must always be aware of the potential risk of a breach of the participants' right to confidentiality.

2.5 The security of information kept on electronic information management systems must be maintained as per the Sharing Places 1.11 Information Technology policy.

2.6 Any request to access records should be in writing to the Executive Director of Sharing Places Inc.

2.7 The written application must specify whether the request is to view the record, obtain a copy of the file or to discuss the file with Sharing Places' staff.

2.8 A response to the application will be given within five working days and access will be provided within 15 days of approval.

2.9 Access may be denied for the following reasons:

- providing access could pose a serious and imminent threat to the individual's life;
- access would have an unreasonable impact upon the privacy of others;
- the request for access is frivolous or vexatious;
- the information relates to existing or anticipated legal proceedings between the organisation and the individual and the information would not be accessible by the process of discovery in those proceedings; and
- providing access may be unlawful.

- 2.10 If a request for access is denied and the applicant wishes to take the matter further, the procedures to follow are outlined in the Sharing Places' Complaints Policy. This policy is based on the principles of natural justice.
- 2.11 If the complaint cannot be resolved at the organisational level, either party has the option to have the matter dealt with by the Office of the Australian Information Commissioner (OAIC). To contact the OAIC or to make a complaint, visit [www.oaic.gov.au](http://www.oaic.gov.au), or phone 1300 363 992.
- 2.12 If an individual or their representative believes that the information kept at Sharing Places is incorrect, a request for correction can be made at any time. These corrections will be facilitated by Sharing Places' Privacy Officer.

### **3.0 Disclosure of Information**

- 3.1 Disclosure of participant information is strictly in accordance with the Australian Privacy Principle 6 (*Use or Disclosure of Personal Information*); and Clause 1.3 in this policy.
- 3.2 Staff addressing issues relating to the disclosure of information must also have regard to the information in Sharing Places Inc. 1.6 Communication Policy.

### **Responsibility:**

Board Chair  
Executive Director  
Senior Manager – Participants and Programs

### **Relevant Forms:**

Request for Access to Participant's Record  
Complaint Form

### **Related Policies:**

- Rights and Responsibilities
- Records and Information
- Complaints - Participants