



# Privacy Policy

<b>Scope</b>	All Staff	<b>Issue Date</b>	June 2019
<b>Manual</b>	Policies	<b>Reviewed</b>	next due 2021
<b>Reference</b>	P13	<b>ACHS</b>	3.1,2.1,1.1
<b>Approved By</b>	Governance Committee	<b>Version</b>	1.0

Yellow Door Care Pty Limited (**Yellow Door**) is committed to protecting its clients personal information (including sensitive or health information) in accordance with the Australian Privacy Principles (**APP**) contained in the Privacy Act.

The purpose of this Privacy Policy is to promote respect and care for the privacy of our clients.

This Privacy Policy details the way in which client information may be collected, disclosed, used, stored, accessed or handled by us.

## **Collection of Information**

1. Yellow Door will only collect information from clients if it is required for one or more of its functions or activities, including for the purpose of being able to provide clients with care services.
2. Yellow Door will only collect information by lawful and fair means and not in an unreasonably intrusive way.
3. At or before the time (or, if that is not practicable, as soon as practicable after) Yellow Door collects information from the client, Yellow Door will take reasonable steps to ensure that the client is aware of:
  - (a) Yellow Door's identity and how to contact us;
  - (b) the fact that the client is able to gain access to the information;
  - (c) the purposes for which the Information is collected;
  - (d) the kind of personal information that Yellow Door will collect;
  - (e) the organisations (or the types of organisations) to which the information may be disclosed
  - (f) any law that requires the particular information to be collected; and
  - (g) the main consequences (if any) for the client if all or part of the information is not provided.
4. So far as it is reasonable and practicable to do so, Yellow Door will collect information about the client and/or its authorised representative and only from them.
5. Yellow Door may collect information about the client from someone else (such as the client's General Practitioner or other medical adviser), in which case it will take reasonable steps to ensure that the client has been made aware of the matters listed in paragraph 3 (above), except to the extent that making the client aware of the matters that would pose a serious threat to the life or health of any individual.

6. Before any information is collected, Yellow Door staff will obtain consent from the client to do so. This consent is to be obtained from the client in writing by signing the relevant consent form. Where it is not possible to obtain the client's written consent, consent may be obtained verbally from the client or by consent on the website.
7. Yellow Door may collect various types of information about the client such as their name, address, contact details and information on their medical condition which will be obtained from your General Practitioner or other medical adviser with your consent. Yellow Door will collect this information to provide the client with the most appropriate care of the client's situation.

### ***Use and Disclosure of Information***

8. Yellow Door will use information only for limited purposes. These are the purposes for which it was given to us (the primary purpose), and for related purposes where the client would reasonably expect us to use it such as:
  - (a) providing the client with further information about care and treatment options;
  - (b) effective management of services for the client;
  - (c) invoices and billing;
  - (d) disclosure to a medical expert; or
  - (e) for quality assurance or clinical audit activities.
9. Specifically, Yellow Door will not use or disclose information about the client for a purpose (the secondary purpose) other than the primary purpose of collection unless,
  - (a) Both of the following apply:
    - The secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection.
    - The client would reasonably expect us to use or disclose the information for the secondary purpose;
  - (b) The client has consented to the use or disclosure;
  - (c) If the information is not sensitive information and the use of the information is for the secondary purpose of direct marketing as permitted under the Privacy Act 1988 (Cth) as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012;
  - (d) If the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety:
    - It is impracticable for Yellow Door to seek the client's consent before the use or disclosure; and
    - The use or disclosure is conducted in accordance with guidelines approved by the Commissioner under the section 95A of the Privacy Act 1988 (Cth);
    - In the case of disclosure – Yellow Door reasonably believes that the recipient of the health information will not disclose the health information, or personal information derived from the health information;
  - (e) Yellow Door reasonably believes that the use or disclosure is necessary to lessen or prevent:
    - A serious and imminent threat to an individual's life, health or safety; or
    - A serious threat to public health or public safety;
  - (f) Yellow Door has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the information as a necessary part

- of its investigation of the matter or in reporting its concerns to relevant persons or authorities;
- (g) The use or disclosure is required or authorised by or under law, such as the mandatory reporting of child abuse (under care and protection laws) or the notification of diagnoses of certain communicable diseases (under public health laws); or
  - (h) Yellow Door reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by or on behalf of an enforcement body:
    - The prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of law imposing a penalty or sanction or breaches of a prescribed law;
    - The enforcement of laws relating to the confiscation of the proceeds of crime;
    - The protection of the public revenue;
    - The prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct; and
    - The preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.
10. Unless the client would reasonably expect Yellow Door to use or disclose the information or expressly authorises Yellow Door to do so, Yellow Door will not use or disclose personal information for the purpose of direct marketing. Additionally, Yellow Door will provide the client with the option to opt out of receiving direct marketing at any time either verbally or in writing.

### ***Quality of Information***

11. Yellow Door will take reasonable steps to make sure that the information it collects uses or discloses is accurate, complete and up-to-date.

### ***Security of Information***

12. Yellow Door will take reasonable steps to protect the information it holds from misuse and loss and from unauthorised access, modification or disclosure.
13. In relation to storage of Information:
- (a) Yellow Door uses bespoke patient management software known as Visualcare TM. Visualcare is a fully integrated care management solution allowing for the majority of information and records to be maintained electronically. Access to Visualcare data is limited to personnel on a need to know basis only.
  - (b) Hard copy information that is not in circulation for process reasons is stored at a secure location.
14. Yellow Door will take reasonable steps to destroy or permanently de-identify information if it is no longer needed for any purpose for which the information may be used or disclosed, by undertaking routine reviews the currency of client lists and matters to determine when such information is no longer needed.
15. Yellow Door will not disclose any personal information to overseas recipients.

### ***Openness***

16. Yellow Door will make this Privacy Policy document available on its website and to anyone who requests it.
17. On request by the client, Yellow Door will take reasonable steps to let the client know what sort of information it holds about them, for what purposes, and how it collects, holds, uses and disclosures that information.

### ***Access to Information***

18. The client has a right to access any record that contains information that is personal to them (a Personal Record) free of charge. There may be some situations where access to a Personal Record may be withheld by Yellow Door; for example, where access would pose a serious threat to the life or health of any person or where the request is frivolous or vexatious.
19. The client may request access to a Personal Record in writing. This request may be made by letter or email to the Privacy Officer referred this Privacy Policy.
20. The client may seek assistance in making request for access to a Personal Record. If a Yellow Door member of staff writes the request on the client's behalf they may be required to sign the request.
21. Upon receipt of a request for access to a Personal Record, Yellow Door will endeavour, where practicable to have the Personal Record available for collection or delivered to the client within 48 hours. The client will be required to have photo identification available (i.e. drivers licence, passport) at time of receipt of personal record as proof of identity. A small fee will be charged for collating personal records.

### ***Correction on Information***

22. If the client is able to establish that information is not accurate complete and up-to-date, Yellow Door will take reasonable steps to correct the information so that it is accurate complete and up-to-date.
23. Yellow Door will also immediately correct any information it identifies as being inaccurate, out of date, incomplete, irrelevant or misleading.

### ***Complaints Concerning Information***

24. If the client wishes to complain about the manner in which Yellow Door handles or has handled information they may do so.
25. The client is able to lodge their complaint in person, by phone, by email or in writing.
26. Yellow Door staff who receive a complaint (verbal or in writing) while providing on-site client services are obliged to refer this complaint to the Yellow Door Operations Manager so that the complaint can be handled in accordance with the Yellow Door Consumer Complaints policy. A copy of Home Support Services' complaints policy will be made available upon request.
27. If a complaint is made verbally to a staff member, the staff member will:
  - (a) Confirm with the client whether they wish to make the complaint;
  - (b) Record of the complaint; and
  - (c) Submit the complaint to a Complaints Officer so that the complaint can be handled in accordance with Yellow Door Consumer Complaints Policy.

### ***Policy Officer***

The Yellow Door Operations Manager is nominated by Yellow Door to undertake any such tasks required by this Privacy Policy including the routine review of the compliance by Yellow Door of this Privacy Policy and the Privacy Act 1988 as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012.

### References:

Privacy Amendment (Enhancing Privacy protection) Act 2012, which amends the Privacy Act 1988

Australian Privacy Principles (APPs), March 2014

Privacy fact sheet 17 – Australian Privacy Principles

### Related Documents

Ref	Name
PO-2	Code of Conduct
	Privacy Consent Form

### Document History

Version	Document History	Date
1.0	This policy was created following a My Aged Care Audit to ensure a more comprehensive approach to rules and procedures with respect to the collection and storage of client data and information – it replaces Yellow Door's P13 Confidentiality Policy	2019