

# Privacy Policy

## 1. Purpose

This Policy sets out the commitment of Villa Maria Catholic Homes (VMCH) to protecting the privacy of the personal information of clients and employees, and the way in which that commitment is put into practice.

## 2. Scope

This Policy applies to all VMCH service users, employees, customers, students and agents. The scope of this policy includes where VMCH services are offered and the activities of the service in VMCH offices, VMCH op-shops, St Paul's College, any VMCH site and the VMCH website.

## 3. Alignment with Vision, Mission and Values

This Policy supports the VMCH values of integrity and dignity.

## 4. Definition of Terms and Abbreviations

Term	Definition
Agent	Means a person or organisation external to VMCH who is authorised to act on VMCH's behalf. Agents at VMCH typically include contractors, consultants and agency staff.
Personal information	Means information or an opinion about an individual, whether true or not, which could reasonably lead to the identification of the individual. This may include name or address details, dates of birth, telephone numbers, email addresses, financial information such as banking details, or photographic or video material.
Sensitive information	Is a subset of <i>personal information</i> , and includes information about an individual's race or ethnicity, political opinions or membership, religious or philosophical beliefs, professional or trade association or union membership, sexual preferences or practices, criminal records, health information and genetic/biometric information such as fingerprints.

Term	Definition
Health information:	<ul style="list-style-type: none"> <li>• information or an opinion about the health, including illness, disability or injury of an individual;</li> <li>• an individual's expressed wishes about the future provision of health services to him or her;</li> <li>• a health service provided, or to be provided, to an individual that is also personal information;</li> <li>• personal information collected to provide, or in providing, a health service to an individual;</li> <li>• personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or</li> <li>• genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.</li> </ul>

## 5. Policy Statement

- 5.1.** VMCH values the privacy of all individuals and is committed to handling their information in a lawful and responsible manner. VMCH is committed to ensuring that it is compliant with the *Privacy Act 1988 (Cth)* and Australian Privacy Principles (APPs); the *Health Records Act 2001 (Vic)* and the Health Privacy Principles (HPPs); the *Surveillance Devices Act 1999 (Vic)* and the related legal obligations by which it is bound.
- 5.2.** VMCH recognises that privacy is not the same as secrecy, and that a culture of transparency and accountability is critical for building trust and confidence and for VMCH as an organisation to improve our systems, processes and service delivery.
- 5.3.** VMCH is committed to openness and information sharing wherever this is appropriate and lawful.

## 6. What kind of personal information does VMCH collect and use?

- 6.1.** VMCH collects personal information from clients and/or their representatives which is necessary for its functions and activities, as a provider of health services, allied health and therapeutic services, day and residential respite programs, community programs, housing, retirement living, residential aged care, home care support, primary and secondary education and childcare.
- 6.2.** VMCH collects personal information from clients in order to provide individualised quality care and services, including to:
- manage our ongoing relationship with each client along each phase of his/her care;
  - fulfil requests during an enquiry process;
  - assess suitability for, enrol in, and administer services;
  - maintain accounts and records;
  - communicate with government agencies or departments in relation to funding and the provision of services;
  - collect information necessary for research, or the compilation or analysis of statistics;

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- conduct market research to inform the strategic direction of VMCH, by seeking to understand ways to improve the care of clients and the services offered by VMCH;
- manage, review, develop and improve business and operational processes through quality improvement activities such as audits and surveys;
- resolve any legal or commercial complaints or issues, which may include obtaining professional advice and participating in legal proceedings; and
- comply with our legal and regulatory obligations.

**6.3.** The personal information collected from **clients** and their representatives will include:

- name, address, telephone number and date of birth;
- health information including information provided by GPs, and external specialists, health professionals and hospitals;
- information about care needs, including cultural, religious and social needs, including hobbies, interests and recreational activities;
- next of kin and preferred contact person or representative/guardian details;
- financial information such as income, assets and pension status and
- Medicare number and pension number.

**6.4.** In relation to employees, volunteers and agents, VMCH collects the personal information we require in order to administer the employment or contractual relationship and to comply with our legal and regulatory obligations. The information collected will include:

- taxation and superannuation details;
- employment history, qualifications, performance assessments, personnel records and business details;
- sensitive information as required, including police/criminal record checks and Working with Children Check status; and
- health information as required, including incident and accident reports, vaccination status, administration of leave entitlements and medical assessments for insurance and employment purposes.

**7. How does VMCH collect personal information?**

**7.1.** VMCH collects personal information about our **clients** in the following ways:

- directly from clients and/or their representatives or next of kin, whether by telephone/direct conversation or electronic means;
- from clients' health care providers and other persons/organisations who provide care and services to the client;
- where relevant from other care providers/services; and
- from government agencies regarding our clients' eligibility for services and ability to pay certain fees and charges.

**7.2.** VMCH collects personal information about our **employees, volunteers and agents**:

- directly from the individuals concerned;
- through general background check processes such as criminal history checks; and
- from other sources such as referees, employment agencies and parties with whom we contract

**7.3.** Personal information may be collected when individuals use our online “contact us” form, make enquiries or complaints, or via “Cookies” which collect website user information and data for statistical and analytic purposes.

## **8. How does VMCH store personal information?**

**8.1.** Clinical records are maintained using a secure electronic document management system, ICARE.

**8.2.** Information may be stored off-site by approved providers.

**8.3.** VMCH sometimes uses service providers (including IT support) who may host or store your information overseas. In all such cases, VMCH will take reasonable steps to ensure all entities to whom it transfers your personal information comply with the *Privacy Act 1988* (Cth), including ensuring appropriate security measures are taken by those entities to protect your information from unauthorised access and use.

## **9. How does VMCH protect personal information?**

**9.1.** VMCH protects the personal information we collect by:

- confidentiality requirements in relation to the use of information by employees and agents;
- password protection to prevent unauthorised access to our IT systems; and
- controlled access to health records.

**9.2.** All staff, agency staff, contractors and volunteers at VMCH are required to:

- be aware of and compliant with all VMCH policies and procedures in relation to access, collection, storage, use and disclosure of all personal information ensure that existing and new clients are provided with the VMCH [Privacy Collection Statement](#)
- during the initial collection of personal and health information;
- ensure that they do not use their personal smart phone or any electronic device with camera or video capability to take photos or film of any client, resident, documentation or VMCH facility without the consent of the individual concerned or of VMCH.
- ensure that no photograph, image or video in any form of a VMCH client, resident, employee, document or facility is uploaded to or published on any internet or social media application without the consent of the individual concerned or of VMCH.
- ensure that personal information is not used in research, statistical compilation and analysis unless it has been de-identified or the individual’s consent has been obtained;
- be aware that any inappropriate or unlawful disclosure of personal or confidential information in relation to VMCH clients, employees, volunteers and agents and/or its business operations may result in disciplinary action up to and including termination of employment;
- consult with the VMCH Privacy Officer on any matters relating to this policy and the release of information.

**9.3.** The VMCH Privacy Officer is required to:

- ensure that VMCH is compliant with all privacy legislation and related legal obligations;
- receive, investigate and manage complaints in relation to privacy issues.

## **10. Disclosure of information**

**10.1.** In order to carry out its functions and activities, VMCH may disclose personal information to persons or organisations such as:

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- health services providers, including doctors and allied health professionals;
- other service providers who may provide some services directly to clients on VMCH's behalf, including direct care workers, cleaners, gardeners, maintenance personnel and pharmacists;
- regulatory bodies and government agencies or departments;
- its bodies corporate and professional advisors;
- payment system operators, insurance companies and financial institutions; and
- other parties to whom VMCH is authorised or required by law to disclose information.

## 11. Direct Marketing

**11.1.** VMCH may use or disclose personal information (other than sensitive information) for direct marketing purposes when it has collected the information directly from the individual, the individual would reasonably expect the information to be used for that purpose, where a simple means for the individual to opt out of direct marketing communications has been provided and where the individual has not done so.

## 12. Access to and accuracy of personal information

**12.1.** Individuals have the right to request access to their personal information held by VMCH, and may request that the information be corrected if it is inaccurate or out of date.

**12.2.** Requests for access to an individual's own personal or health information will be granted unless:

- the person making the request does not have the consent of the individual concerned or the authority necessary to act on their behalf;
- granting access would unreasonably impact upon the privacy of another person;
- granting access would be unlawful or would prejudice or compromise legal proceedings or disciplinary/, regulatory or enforcement action.
- Granting access may prejudice commercial negotiations; or
- granting access would pose a serious threat to the life, health, or safety of an individual or to public health or safety.

**12.3.** Requests for access to information may be made by email to the VMCH Privacy Officer ([privacy@vmch.com.au](mailto:privacy@vmch.com.au)) using the VMCH [Personal Information Health Records Access Request Form](#) and a response will be provided within 10 working days.

**12.4.** Staff who receive a request for information should direct the request to the Privacy Officer.

**12.5.** VMCH may require that reasonable charges be paid in respect of granting access.

**12.6.** Access requests will require proof of identity and authority.

## 13. Making a Privacy Complaint

**13.1.** Complaints about the handling of personal information or a breach of any privacy legislation may be raised directly with the relevant staff member or his/her manager.

**13.2.** Alternatively, written complaints may be directed to the VMCH Privacy Officer at email address [privacy@vmch.com.au](mailto:privacy@vmch.com.au). The complaint will be promptly acknowledged and the complainant kept informed of the progress of the complaint. Less complex complaints will be addressed within 30 days.

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- 13.3.** Upon receipt of a complaint, the Privacy Officer will make a preliminary assessment of the complaint, and, if necessary, take immediate steps to contain the information that is the subject of the complaint, which may involve securing or quarantining files containing personal information.
- 13.4.** The role of the Privacy Officer in addressing complaints is to determine whether VMCH has complied with its legal obligations in relation to privacy. If the complaint raises complex and/or serious matters, the Privacy officer may retain an impartial third party to investigate on his/her behalf.
- 13.5.** The Privacy Officer may make recommendations for improvements to information handling practices and protocols within the organisation.
- 13.6.** The complainant will be informed of the outcome of the complaint and any actions taken as a result.
- 13.7.** If the complainant is not satisfied with the outcome, they may make a further complaint to the CEO. The role of the CEO in addressing complaints is to determine whether VMCH has complied with its legal obligations in relation to privacy. If the complaint raises complex and/or serious matters, the CEO may retain an impartial third party to investigate on his/her behalf.
- 13.8.** If the complainant is not satisfied with the outcome following review by the CEO, they may make a further complaint to the Office of the Australian Information Commissioner or to the Health Complaints Commissioner (if the complaint relates to health records).

#### **14. Data Security Breaches**

If a privacy or security data breach is suspected or identified, VMCH will assess and contain the breach in accordance with the [Data Breach Response Plan](#).

#### **15. Referenced/Related Documents**

[Privacy Act 1988 \(Cth\)](#)

[Health Records Act 2001 \(Vic\)](#)

[Privacy Regulations 2013 \(Cth\)](#)

Office of Australian Information Commissioner – For further information go to

<http://www.oaic.gov.au/privacy/making-a-privacy-complaint>