

## CO-008 Privacy and Confidentiality Policy and Procedure

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### 1. Purpose and scope

The Purpose of the Privacy and Confidentiality Policy and Procedure (the Policy) is to outline the responsibilities of Trilogy Care employees regarding the effective protection of Personal Information received, stored, shared, and used by Trilogy Care. The Policy is written and to be undertaken in accordance with the *Privacy Act 1988*.

The scope of the Policy encompasses Trilogy Care employees with reference to its implementation, Trilogy Care Care Recipients, and all other stakeholders involved in the Care Recipient's care including Trilogy Care employees themselves, with reference to the protection of their data.

The Policy should be read in conjunction with Trilogy Care's *CO-009 Records and Information Management Policy and Procedure*.

### 2. Aged Care Quality Standards

This Policy supports Trilogy Care's responsibilities under Standard 8 of the *Aged Care Quality Standards*.

### 3. Definitions

*Care Recipient* means a person who has their Home Care Package Funding managed by Trilogy Care.

*Personal Information* in the context of the Policy includes but is not limited to:

- a) Health information, as defined by the *Privacy Act 1988* to include data such as diagnosed health problems, disabilities, and injuries, a Care Recipient's wishes in relation to their medical treatments, health services they are currently receiving and so on;
- b) Sensitive information, as defined by the *Privacy Act 1988* to include data such as racial or ethnic origin, religious beliefs, criminal record and so on ;
- c) Other information relevant to Trilogy Care's fulfilment of responsibilities as a provider including contact details, medication and medical health summaries, feedback and complaints, incident reports, etc.

*Senior Leadership Team* includes Trilogy Care's:

- a) Chief Executive Officer;
- b) Chief Financial Officer;
- c) Chief Operations Officer; and
- d) Managers of each department.

#### 4. General

The Senior Leadership Team is responsible for implementing and amending this Policy to ensure that Trilogy Care fulfils its responsibilities under the *Privacy Act 1988*. The Senior Leadership Team reviews these processes through annual Privacy Audits.

As per Trilogy Care's *HR-003 Human Resources Policy and Procedure*, all employees must undergo Induction, which includes training in privacy, confidentiality and information management. Employee's knowledge and application of confidentiality, privacy and information management processes is monitored through annual Performance Reviews. Additional formal and informal training on the topic of the Policy is provided to employees as needed.

Trilogy Care's Privacy Statement is available on the Trilogy Care website for all to access.

A full copy of this Policy must be provided upon request.

#### 5. Photos, videos, and call recordings

5.1 Photos and videos are a form of Personal Information. Employees are only to take, store, publish and distribute photos and videos of individuals where consent has been obtained.

Care Recipients can elect to tick a check box indicating their consent on marketing materials for photos or videos of them to be published or distributed by Trilogy Care.

Employees can elect to sign a Consent Form during their onboarding which indicates their consent for photos or videos of them to be published or distributed by Trilogy Care.

5.2 Call recordings are a form of Personal Information. All calls made with Trilogy Care, internally and with external parties, are recorded and stored by Trilogy Care for 3 years.

Care Recipients and Employees have the right to access call recordings they are party to. Trilogy Care must action a request for a party's call recording within a reasonable amount of time. Where the request is denied, it must be pursuant to section 9.5 of this Policy.

#### 6. Care Recipient information collection and consent

6.1 Trilogy Care will only require collection of Personal Information where it is necessary to:

- a) Assess a potential client's eligibility for a service;
- b) Provide a safe and responsive service;
- c) Monitor the services provided;
- d) Fulfill Trilogy Care's responsibilities under the *Aged Care Quality Standards*; and
- e) Fulfil government requirements for non-identifying and statistical information.

6.2 Personal Information that Trilogy Care may collect includes, but is not limited to:

- a) Contact details for clients, their authorised representatives and other stakeholders as needed;
- b) The Care Recipient's health status and medical records including their medical health summary and medication list;
- c) Service delivery, intake, assessment, monitoring and review information;
- d) External agency information;
- e) Feedback and complaints;
- f) Incident reports; and
- g) Consent forms.

6.3 Prior to collecting Personal Information from Care Recipients or stakeholders involved in their care, employees of Trilogy Care must explain:

- a) That Trilogy Care only collects Personal Information that is necessary for safe and effective service delivery;
- b) That Personal Information is only used for the purpose it is collected and is stored securely;
- c) Exactly what Personal Information is required;
- d) The occasions when the Personal Information may need to be shared and who or where the information may be disclosed to;
- e) The client's right to decline providing Personal Information, or to decline providing consent to the Personal Information being shared with relevant stakeholders also involved in the Care Recipient's care; and
- f) The consequences (if any) if all or part of the Personal Information required by Trilogy Care for the purpose of providing their service, is not provided.

Care Recipients and/or their representative must be provided with Trilogy Care's Privacy Statement and informed that a copy of this policy and procedure is available on request.

An employee must provide privacy information to clients and/or their representatives in ways that suit their individual communication needs. Written information can be provided in different languages, in simplified terms, or explained verbally by employees. Employees can also help clients access interpreters or advocates where required.

After providing the above information, employees must use a Consent Form to confirm the information in section 6 has been provided and explained and then obtain consent from the Care Recipients or relevant authorised representative for Trilogy Care to collect, store, access, use, disclose and dispose of their Personal Information as needed and as set out in this Policy.

6.4 A Care Recipient or their authorised representative is responsible for:

- a) Providing correct and up-to-date information; and
- b) Completing the Consent Form and returning it in a timely manner.

## **7. Employee information collection and consent**

7.1 Personal Information that Trilogy Care collects from their employees includes, but is not limited to:

- a) Tax declaration forms;
- b) Superannuation details;
- c) Payroll details;
- d) Employment/engagement contracts;
- e) Contact and address information;
- f) Emergency/next of kin contact details;
- g) Medical details (if relevant);
- h) Qualifications; and
- i) Personal resumes.

Where Personal Information is requested from an employee, Trilogy Care will request the completion of a consent form as well, with details as to the collection, storage, access, use, disclosure, sharing and disposal of their Personal Information.

## 8. Storage of Personal Information

Refer to the *CO-009 Records and Information Management Policy and Procedure* for details on how Trilogy Care securely stores and protects employee and client Personal Information.

## 9. Access to Personal Information

### 9.1 Employee information

An employee's Personal Information must only be accessed by the Senior Leadership Team who may only access the information if it is required to perform their duties.

### 9.2 Care Recipient information

An employee must only access a client's Personal Information if it is required to perform their duties.

### 9.3 An employee and a Care Recipient of Trilogy Care have the right to:

- a) Request access to their own Personal Information held by Trilogy Care without providing a reason for requesting access;
- b) Access this Personal Information; and
- c) Make corrections if they believe the information is not accurate, complete, or up to date.

9.4 All Care Recipient and employee access or correction requests must be directed to a relevant employee responsible for the maintenance of the client's Personal Information. All employee access or correction requests must be directed to the Senior Leadership Team. Within two working days of receiving an access or correction request, the responding employee member will:

- a) Provide access, or explain the reasons for access being denied;
- b) Correct the Personal Information, or provide reasons for not correcting it; and/or
- c) Provide reasons for any anticipated delay in responding to the request.

9.5 An access or correction request may be denied in part or in whole where:

- a) The request is frivolous or vexatious;
- b) It would have an unreasonable impact on the privacy of other individuals;
- c) It would pose a harm to any person or to any undertakings by Trilogy Care of their responsibilities under the *Aged Care Quality Standards*.

Any employee or Care Recipient access or correction requests that are denied must be approved by the Senior Leadership Team and documented on the requestee's file.

9.6 Where a Care Recipient contacts Trilogy Care to discuss Personal Information or any aspect of their Home Care Package, the person must pass an identity verification process. This process requires the person to correctly name the Care Recipient's:

- a) Full name;
- b) Date of birth.

9.7 Where the authorised representative calls to discuss the Care Recipient's Home Care Package they must be able to correctly name the Care Recipient's:

- a) Full name;
- b) Date of birth; and
- c) The full name of the authorised representative on file
  - i) Where the Support Coordinator is the caller, requirements in sub sections a-c must be satisfied in addition to confirmation of the Manager name.

9.8 Where the Trilogy Care staff member has received or made a call to the caller previously within the past 24 hours, the verification process can be decreased in rigor to the confirmation of:

- a) Full name; and
- b) The phone number matching what is on file.

9.9 Where the person is unable to complete the identity verification process, they will be denied permission to access the Care Recipient's Personal and Home Care Package information. All attempts to pass the identification verification process are to be recorded as case notes on the Care Recipient's file, whether the attempts were successful or unsuccessful, and every note regarding a contact attempt must include a tag of the Care Recipient's Trilogy Care ID.

9.10 Two or more unsuccessful verification attempts will result in notification to the Care Recipient and/or their authorised representative of such failed attempts. This notice can be provided verbally over the phone or via email.

## 10. Disclosure

Care Recipient or employee Personal Information may only be disclosed:

- a) For emergency medical treatment;
- b) To outside agencies with the party/parties consent;
- c) With written consent from someone with lawful authority; or
- d) Where required by law to full obligations such as mandatory reporting.

If an employee of Trilogy Care is in a situation where they believe that they need to disclose information about a client or other employee member that they ordinarily would not disclose, they must consult the Senior Leadership Team before making the disclosure.

## 11. Reporting

### 11.1 Notifiable Data Breaches Scheme

The Notifiable Data Breaches (NDB) Scheme is a national scheme that operates under the *Privacy Act 1988*, which requires corporations to report the event of a data breach to those whose data was involved, as well as requiring corporations to report data breaches to the Office of the Australian Information Commissioner.

A data breach occurs when Personal Information held by a corporation is lost or subject to unauthorised access. A data breach may be caused by malicious action, human error, or a failure in information management.

### 11.2 Other reporting requirements

Data breaches may also trigger reporting obligations outside of the *Privacy Act 1988*, such as to:

- a) Trilogy Care's financial services provider;
- b) Police or other law enforcement bodies;
- c) The Australian Securities and Investments Commission (ASIC);
- d) the Australian Prudential Regulation Authority (APRA)
- e) the Australian Taxation Office (ATO);
- f) the Australian Transaction Reports and Analysis Centre (AUSTRAC);
- g) the Australian Cyber Security Centre (ACSC);
- h) the Australian Digital Health Agency (ADHA);
- i) Federal, State or Territory Government departments;
- j) professional associations and regulatory bodies; and
- k) insurance providers.

### 11.3 Archiving and disposal

Refer to the *CO-009 Records and Information Management Policy and Procedure* for details on how Trilogy Care archives and disposes of clients' and employees' Personal Information.

### 11.4 Supporting documents

Documents relevant to this Policy include:

- a) *Consent Form*
- b) *CO-009 Records and Information Management Policy and Procedure*

- c) *Trilogy Care Information Sharing Guidelines*
- d) *Data Breach Response Plan*
- e) *CO-004\_1 Corporate Governance Register/Continuous Improvement Register*
- f) *Client Portfolio*
- g) *Privacy Statement*
- h) *Privacy Audit Form*

#### 11.5 Monitoring and review

This Policy and its procedure will be reviewed annually by the Senior Leadership Team. Reviews will incorporate employee, client and other stakeholder feedback. Trilogy Care’s feedback collection mechanisms, such as employee and client satisfaction surveys, will assess:

- a) satisfaction with Trilogy Care’s privacy and confidentiality processes;
- b) whether stakeholders have received adequate information about privacy and confidentiality; and
- c) the extent to which clients and their supporters feel their privacy and confidentiality has been protected, as per the Purpose.

Trilogy Care’s *CO-004\_1 Continuous Improvement Register* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered.

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