



Status:	Current
Effective date:	February 2025
Review date:	January 2028
Responsible committee:	QRMC

Guideline Intent

The purpose of this policy is to outline how Your Health Navigator (YHN) protects the privacy of employees and clients.

Scope

This policy applies to all YHN employees, including temporary agency staff and contractors.

Overview

Your Health Navigator understand and respects the importance of keeping our employee and client information private and is committed to protecting that personal information.

The Policy has been produced to set out YHN's charter and commitment to Service. It incorporates the principles of the Australian Charter of Healthcare Rights.

Privacy

We require all employees to keep information about clients and their healthcare confidential. Aside from special circumstances, privacy laws covering access to client records require that only employees can view and share this information for the purposes of providing care. The information is kept secure to prevent unauthorised access and misuse. In order to deliver services effectively YHN collects the following types of personal information for individuals:

- Contact details that include name, address, telephone number, email and Next of Kin and alternative contacts; and
- Personal details that may include date of birth, gender, nationality, religious affiliations, Medicare and private health fund details.

We collect, process and store employee personal information as permitted by law. Such personal information may include (but not limited to):

- biographical information - including your name, gender, date of birth, citizenship and country of residence, details of family members, nationality, Aboriginal and Torres Strait Islander identity, languages spoken, previous job history, education and qualification details;
- contact information – including your home address, telephone number(s), personal email address, emergency contact information;
- identification information – including your tax file number, driver's license, passport information, birth certificate and rights to work/visa information;
- payroll and salary information – including your salary, payment details, bank account information, bonus or incentive information, taxation payments, superannuation payments (including amounts and frequency of payments), leave balances/history (including documentation certificates associated with personal/carers leave), car allowance;
- performance information – including reviews/appraisals, feedback, training, grievances and disciplinary records;
- communications, IT and internet information – including your correspondence and details of internet use made via or held on Company systems, as well as general IT information such as passwords, access rights and usage;
- special categories of information (sensitive information) such as (but not limited to):
 - health and/or medical information (so we can maintain a safe working environment) – including drug/alcohol screening results, vaccination status, disabilities, allergies;

- political opinions, religious or philosophical beliefs, ethnicity and race (so we can facilitate the observation of religious and/or cultural customs);
- criminal offences (so we can manage any risks and liaise appropriately with authorities; and
- photographs/images, for security purposes.

Breach of Privacy

Individuals who believe a healthcare service has breached the terms of privacy laws with regards to personal healthcare have the right to request an internal review in accordance with the Commonwealth Privacy Act, 1988.

Special Circumstances

The healthcare service treating a client may disclose personal healthcare information in other situations as required by law. These include where:

- The law requires that a report is made to another government agency, such as in the case of suspected child abuse, or to notify infectious diseases;
- It is necessary to prevent or lessen a serious and imminent threat to a person's health or welfare;
- There is evidence that an offence may have been committed, and the disclosure is necessary to the functions of a law enforcement agency;
- It is necessary to find a missing person;
- It is necessary for the funding, management and planning of the healthcare service; and for
- A court order such as a warrant or subpoena is issued.

Privacy Appeals

Individuals not satisfied with the outcome of an internal review conducted by the healthcare service have the right to lodge an application with the Administrative Appeals Tribunal for a review of the healthcare service's conduct.

Privacy Complaints

Any complaint should be sent in writing or by email to Your Health Navigator who will use a reasonable timeframe to resolve any complaint. A record will be kept of the complaint and the outcome. The Office of the Australian Information Commissioner can investigate complaints and is able to be contacted on 1300 363 992.

YHN Responsibilities

- The Executive Committee are responsible for the effective implementation of this policy;
- The Executive Committee are responsible for maintaining this policy, work instructions and associated documents on their software;
- All employees, consultants and reviewers (including consumer reviewers) are responsible for complying with this policy;
- Employees are responsible for seeking a documented exemption from the Directors in any situations where they are unable to follow policy or procedure; and
- YHN will take reasonable steps to ensure security and protection of personal information held.

The following principles apply:

- Maintain the Quality Framework to responsibly manage the information provided to YHN by individuals and organisations in accordance with the Australian Privacy Principles contained in the Privacy Amendment (Private Sector) Act 2000 and Information Privacy Principles; and
- YHN acknowledges and respects the privacy of individuals and organisations and supports the Privacy Act.

YHN will:

- Only collect information with prior knowledge and consent;
- Only use the information provided for the purposes for which it was collected;
- Not disclose information to a third party without consent;
- Not disclose information to other institutions and authorities except if required by law or other regulation; and
- Remove information from records when it is no longer required. The information held on a client or other organisation will be up-to-date, relevant, non-obtrusive and objective.

YHN will take reasonable steps to correct inaccurate, incomplete or out-of-date information on a regular basis. There are processes and policies to protect information from:

- Unauthorised access;
- Improper use;
- Alteration; and
- Unlawful or accidental destruction and accidental loss.

YHN defines "Individuals" as:

- Employees;
- Reviewers;
- Members of the public accessing; YHN programs, services and/or website;
- Service providers/suppliers/contractors;
- Job applicants; and
- Referees.

YHN defines "Sensitive Information" as personal or healthcare information about an individual. This may include:

- Racial or ethnic origin;
- Religious beliefs or affiliations;
- Philosophical beliefs;
- Sexual preferences or practices;
- Criminal record;
- Health information; and
- Genetic information.

YHN defines "Health Information" as information or opinion about:

- The health or a disability of an individual;
- An individual's expressed wishes about the future provision of healthcare services to him or her;
- A health service provided, or to be provided, to an individual; and
- Other personal information collected to provide, or in providing, a healthcare service.

YHN defines an Employee or Client Record as information that may include:

- Clinical, engagement, training, discipline or resignation records;
- Termination details of the employee;
- Terms and conditions of employment;
- Personal and emergency contact details;
- Performance and conduct records;
- Employees hours of employment;
- Payment costs, salary or wages;
- Membership of a professional or trade association;

- Recreation, long service, sick, personal, maternity, paternity or other leave; and
- Taxation, banking or superannuation affairs.

Use of and Disclosure of Personal Information

The purpose for which information is collected will be identified on all forms. The following guidelines will be used:

- YHN requests this information to provide in home care to clients. Information collected may be entered into the YHN database which is kept private, secure and password protected; and
- Only YHN employees may access information for the purposes stated above, except where there is a legal requirement to provide information to a government or other authorised agency.

Third Party Access to Information

Service providers/contractors/suppliers who are providing a service on behalf of YHN will have access to personal information. A non-disclosure agreement will need to be signed prior to commencing a contract with YHN.

Client and Staff Information Management

The following principles apply:

- All client and employees' files are to be kept in lockable filing cabinets when not in use;
- Client files are to be accessed only by employees providing a service to that client;
- Files may leave the office for a genuine work-related purpose. The files must be carried in a secure fashion and not left unattended. Client files must be in a non-identifiable format where possible;
- Clients and employees may access their files upon request as per the conditions contained under the law; and
- Client or company data must not be transferred from the YHN network without the express permission of the General Manager or the Operations Manager. This includes the transmission or storage of company data via the internet or any portable storage mediums such as laptops, tablets, USB or personal hard drives, DVD, CD's or storage cards.

Breaches of the Privacy Policy

It is critical to understand that if employees fail to adhere to the Company's Privacy Policy, this may result in the Disciplinary Procedure being invoked that may lead to the termination of employment.

Employees are responsible for their own actions. An employee should always seek advice from their Manager if they are unsure their actions could breach this policy.

Legislative Context

- Commonwealth Privacy Act, 1988 - <https://www.legislation.gov.au/Details/C2014C00076>;
- Australian Privacy Principles - <https://www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles>;
- Freedom of Information Act - <https://www.legislation.gov.au/Series/C2004A02562>; and
- South Australia Health Care Act 2008

YHN accepts the spirit of confidentiality as a concrete principle and adheres to the letter of the law with regard to their commitment to this issue.