# Privacy, Dignity and Confidentiality Policy

## (This policy includes additional attachments such as our Privacy statement as well as various agreements and forms)

##

## Policy

*futures in sight (fis)* is committed to protecting and upholding the right to privacy and dignity of people who have contact with *futures in sight*.

*futures in sight* takes the view that you, the person associated with *fis*, and, if appropriate, your family/allies are the ‘keepers’ of private and personal information and we seek to retain the least possible information about you.

We ask people to give us permission to collect only information we need.

We minimise the nature and amount of personal and private information we collect. We have in place consistent processes for collecting information we need.

*futures in sight* is committed to safeguarding the confidentiality of any personal or sensitive information of people, volunteers, employees, contractors, partners and representatives of the agencies we deal with.

Unless there are legal reasons, only people who need to access personal and private details will have access to the information. Personal and private information is kept by *fis* to complete the work you have requested we do for you, to pay invoices/reimbursements or as required if you are an employee, contractor or volunteer*.*

*futures in sight* is committed to collecting, keeping and disposing records in ways that ensure confidentiality is maintained.

### Scope

*futures in sight* Partners, Employees, Contractors, and Volunteers

## **Definition**

For the purpose of this Policy, “confidential information” is defined as:

* name, address and contact details (e.g. phone, email and fax)
* information about personal circumstances (e.g. marital status, age, gender, ethnicity, race, occupation, accommodation and relevant information about partner or children)
* information about financial affairs (e.g. income details, household expenses, bank account details and information about business and financial interests)
* information about identity (e.g. date of birth, country of birth, passport details, visa/residency details, driver’s license, birth certificates or any other information which may identify a person)
* information about employment (e.g. work history, referee comments, remuneration)
* information about background (e.g. educational qualifications, the languages spoken and English proficiency)
* government identifiers (e.g. NDIS Number, Centrelink Reference number, Medicare number or Tax File number)
* information about assistance provided under *futures in sight’s* funding arrangements
* matters of a technical nature relating to *futures in sight* include trade secrets, technical data, information, accounting programs and procedures, financial information, strategic and business plans and like information relating to *futures in sight’s* business
* information about health/mental health (including information about your medical history and any disability or injury you may have)
* information about any criminal record and/or traffic offence record
* photographs, video recordings and audio recordings
* any other information that *futures in sight* informs employees, contractors or volunteers as being confidential
* any other information that employees, contractors or volunteers know or ought reasonably to know is confidential to *futures in sight*.

### Legislation

* Privacy and Personal Information Protection Act 1988 (NSW)
* Privacy Act 1988 (C’th)
* Disability Services Act (National Standards for Disability Services) Determination 2013
* National Disability Insurance Scheme Act 2013
* The Health Records and Information Privacy Act 2002 (NSW)
* The Privacy Code of Practice (General) 2003
* The Health Records and Information Privacy Code of Practice 2005 (NSW)

### Principles

*futures in sight* requires Partners, Employees, Contractors and Volunteers to be consistent and careful in the way they manage what is written and said about people and how they decide who can see or hear this information.

*futures in sight* will:

* meet its legal and ethical obligations in relation to protecting the privacy of people who have contact with *futures in sight*
* follow the *Australian Privacy Principles* and relevant legislation in its information management practices
* provide people we support with information about their rights regarding privacy
* ensure people we support have privacy when discussing matters of a personal or sensitive nature
* ensure everyone at *futures in sight* understands what is required in meeting these obligations.

This policy conforms with Australian legislationwhich governs the collection, use and storage of personal information.

In particular, *futures in sight* has adopted the respective Privacy Principles contained in the NSW Privacy Laws as minimum standards in relation to handling personal information.

In broad terms this means that we:

* Collect only information which we need for our work with you;
* Ensure that people who come in contact with us and people we support are informed as to why we collect the information and how we administer the information gathered;
* Use and disclose personal information only for our primary functions or a directly related purpose, or for another purpose with the person’s consent;
* Store personal information securely, protecting it from unauthorised access; and
* Provide you with access to your own information, and the right to seek its correction.

This policy will apply to all records and photographs, whether hard copy, electronic or in other form, containing personal information of people.

## Procedures

### 1. Dealing with private and confidential information

Access to private and confidential information held by *futures in sight* is restricted to authorised persons who are *futures in sight* partners, associates, employees contractors, or volunteers.

Electronic and paper records containing personal information are protected in accordance with the relevant *futures in sight* policy and procedures.

In dealing with personal and confidential information, *futures in sight* Partners, Employees, Contractors, and Volunteers will:

* ensure privacy when discussing matters of a personal or sensitive nature
* only collect and store information that is necessary for the functioning of *futures in sight* and our work
* use fair and lawful ways to collect personal information
* ensure that a person has given consent in writing before their photograph is taken or used in any publications either hard copy or online
* collect personal information only if the person consents to this
* explain what personal information is kept, why it is held, how it is collected, used, disclosed and who will have access to it
* ensure that personal information collected or disclosed is accurate, complete and up-to-date
* not disclose information to any third parties as identified by the person in their Service agreement with *futures in sight*
* provide access to any person to review information about themselves and correct any information that is wrong
* take reasonable steps to protect all information from misuse and loss and from unauthorised access, modification or disclosure
* destroy or permanently de-identify personal information no longer needed after legal requirements for retaining documents have expired.

At the end of their work with *futures in sight* the partner, employee, contractor or volunteer must return to *futures in sight*:

* all confidential information in material form;
* those parts of all notes and other records based on or incorporating confidential information;
* all copies of confidential information and notes and other records based on or incorporating confidential information; and
* all of *futures in sight’s* intellectual property in the partner, employee, contractor, or volunteer’s possession or control.

Obligation of confidentiality will continue beyond engagement with *futures in sight* in respect of all confidential information.

Anyone found to be in breach of their confidentiality obligations will be dealt with in accordance with the relevant disciplinary action policy and relevant laws.

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### 2. Responsibilities for managing privacy and confidentiality

*futures in sight* Partners, Employees and Contractors are responsible for the management of any personal information they have access to.

The three Partners are responsible for content of all publications and written communications and must ensure the following:

* consent is obtained for the inclusion of any personal information about a person including staff and volunteers
* consent is obtained before a photograph is taken of any person and is used in publications both hard copy and online
* information being provided by other agencies or external individuals conforms to privacy principles
* the website contains this policy and the privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website
* All partners, employees and contractors are aware of the content of the Privacy Statement and comply with the requirements.

The three Partners are responsible for safeguarding personal information relating to people we support, people who are in contact with us.

It is the joint responsibility of the Partners to ensure:

* that personal information relating to people we support, people who are in contact with us, including: Employees, Contractors, and Volunteers is safeguarded;
* that any new associates, employees, contractors or volunteers are provided with orientation and relevant information about the confidentiality policy;
* that associates, employees, contractors and volunteers are aware of their roles/responsibilities in relation to confidentiality; and
* that the storage of information relating to people associated with *futures in sight* is secure and as safe as possible from access by any unauthorised person or potential destruction.

### 3. Information Security

*Futures in sight* has put systems and processes in place to ensure that electronic data is secure including:

* regular backups of Future Hub/Sharepoint to ensure information is not lost
* systems such as antivirus programs, regular systems updates and active firewalls to prevent unauthorised external access
* two stage verification processes to access Future Hub or Sharepoint

If there is an electronic data breach of any of your personal information*, fis* will notify you as soon as possible. This notification will include:

* a description of the data breach
* the kinds of information concerned, and
* recommendations about the step to take in response to the breach.

### 4. Information Disclosure and Consent

*Futures in sight* may disclose your personal information to third parties in the course of our work with you. Our service agreement with you identifies the kinds of information we may provide to other service providers. We will seek your consent in writing to disclose information about you to other people or organisations.

There are certain circumstances in which we may be legally required to provide personal information to government agencies, other organisations or individuals, for example, if it will prevent or lessen a serious and imminent threat to somebody’s life or health.

In certain circumstances, if your communication with us raises safety concerns, we will try and contact you to check that you and/or others are safe. If necessary, we may need to pass on your contact information (if you have supplied it) to authorities who can help protect you and/or others, such as a crisis service or the police. Where possible we will work with you openly, letting you know if our concerns reach the point where we need to involve other services.

We are obliged to try to protect you and/or others if the information you submit tells us that:

• You are being seriously hurt by someone else;

• You are thinking of seriously harming yourself;

• Someone else is being, or is likely to be, seriously hurt by you or another person.

**5. Children and Young People**

Additional processes are in place to protect the privacy, dignity and confidentiality of children and young people.

A child or young person should be given the opportunity to express their views, and consent should be sought.

Consent to disclose information is not required for children and young people where:

* it relates to the safety, welfare and/or wellbeing of a child and/or young person (Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*), disclosing information to a law enforcement agency where an offence has been committed, or to help find a missing person, or
* under amendments to the *Children and Young Persons (Care and Protection) Act 1998*, information exchange is permitted between certain government and non- government agencies where it would help to deliver services and supports to promote the safety, welfare and wellbeing of a child or young person, or
* under any other law requiring disclosure (e.g. law enforcement purposes), or
* there is a serious and imminent threat to life or health.

### 3. Complaints

If you believe that your confidentiality has been breached, please contact *futures in sight* using the contact information at [www.futuresinsight.com.au](http://www.futuresinsight.com.au) and provide details of the incident so it can be investigated.

All complaints are taken very seriously and *futures in sight* will endeavor to respond to confidentiality complaints and address concerns as soon as reasonably practicable.

**How to contact our Privacy Officer?**

Donna Rhall – *futures in sight*

PO BOX 882; Marrickville, NSW 1475

Phone 0432 414 219

Email: donna@futuresinsight.com.au

The Privacy Contact Officer will be responsible for:

* ensuring that all partners, employees and contractors are familiar with the Privacy and Confidentiality Policy and administrative procedures for handling personal information
* ensuring that people we support are provided with information about their rights regarding privacy
* handling any queries or complaints about a privacy issue

### 4. Privacy information for people who have contact with *futures in sight*

*futures in sight* will include this policy and a privacy statement on the website. We will provide a copy of our Privacy Statement to every person we support, as part of an information package.

### 5. Participants in research projects, consultations and forums

People being invited to participate in a research project including consultations and forums must be:

* given a choice about participating or not
* given the right to withdraw at any time
* informed about the purpose of the research project, the information to be collected, and how information they provide will be used.
* given copies of any subsequent publications.

People will be given a consent form to sign before participating in research or attending a consultation or forum.

**Review**

This policy will be reviewed on a two-yearly basis.

However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly.

**Related Documents (attached):**

1. Privacy Statement
2. Participant Agreement and Privacy Agreement
3. Confidentiality Agreement for Contractors, Employees and Volunteers
4. Photo Release Form

|  |  |  |  |
| --- | --- | --- | --- |
| Signed by all Partners |  |  |  |
| Date effective | 1 April 2023 | Version | V-5 |
| Review date | 1 April 2025 | No of pages | 20 |

**Attachment 1 – Privacy Statement**

This statement describes what personal information *futures in sight* may collect and what we do with it.

## What personal information do we collect and hold?

We may collect the following personal information:

* name;
* mailing or street address;
* NDIS Number
* email address;
* telephone number;
* date of birth;
* any additional information relating to you that you provide to us directly through our websites, by telephone or personal contact.

## How do we collect your personal information?

We collect your personal information directly from you. Personal information may also be provided by other organisations, including the NDIA. We will only retain this information ourselves, if we are working with you.

## Why do we collect your personal information?

We collect your personal information to:

* provide you with information and updates about *futures in sight*
* determine how we can best help you
* research, monitor and evaluate our work and identify areas for improvement
* meet our legal and, if needed reporting, requirements
* process and respond to complaints
* provide information to third parties as authorised by you or as required by law.

## What happens if we collect your personal information?

You can refuse to give us your personal information.

If you do not provide us with the personal information we require, we may not be able to provide our full range of services to you or respond to your complaint. We will explain what, if any, limitations this may cause.

## Why do we collect, hold, use and disclose your personal information?

We collect, hold, use and disclose your personal information for the following reasons:

* to answer enquiries, provide information and services to you
* to update our records and keep your contact details up to date
* to process and respond to any complaint made by you
* to comply with any law
* to evaluate our work

Your personal information will not be shared, sold, rented or disclosed other than as described in this Privacy Policy.

## Who do we disclose your information to?

We may disclose your personal information to Partners, Employees, Contractors or Volunteers who need the information to provide you with our services. We will also disclose information to other agencies and organisations for the purpose of our work with you. We will not share any information to any of the agencies, individuals and organisations you have requested us not to share any information with.

If you have given us your approval, we may share information for the purpose of external auditing.

## How can you access and correct your personal information?

You may request access to any personal information we hold about you at any time by contacting our your Support Coordinator, Plan Manager or our Privacy Officer.

Where we hold information that you are entitled to access, we will try to provide you with suitable means of accessing it (for example, by mailing or emailing it to you).

There may be instances where we cannot grant you access to the personal information we hold. For example, we may need to refuse access if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality. If that happens, we will give you written reasons for any refusal.

If you believe that personal information we hold about you is incorrect, incomplete or inaccurate, you may ask us to amend it. We will consider if the information requires amendment. If we do not agree that there are grounds for amendment, then we will add a note to the personal information explaining how you disagree with it.

## What is the process for complaining about a breach of privacy?

If you believe that your privacy has been breached, please contact us using the contact information below and provide details of the incident so that we can investigate it.

The Privacy Officer will make enquiries and will advise you of the outcome of these enquiries within 21 days of receiving your complaint. A report will also be made to the Partners about any breaches of privacy and action will be taken to ensure that the breach does not occur again.

## Privacy Policy

Our Privacy Policy contains additional information about how we deal with privacy matters. Our Privacy Policy is available by contacting us by phone on 0432 414 210 or by email to info@futuresinsight.com.au.

## How to contact our Privacy Officer?

Donna Rhall – PO BOX 882 Marrickville, NSW 1475

Phone 0432 414 210 Email: donna@futuresinsight.com.au

**Attachment 2 – Participant Agreement and Privacy Agreement**

Please check all the information and add or change anything that is not correct.

**Your contact details**

Name:

NDIS participant number:

Date of Birth:

Address:

Email:

Phone number:

How do you prefer to be contacted?

Do you need an Interpreter at our meetings?

What language Interpreter do you need?

Aboriginal/TSI:

**If you have a Nominee, how do we contact them?**

Name:

Address:

Email:

Phone number:

How does your Nominee prefer to be contacted?

Does your Nominee need an Interpreter at our meetings?

What language Interpreter do they need?

**Who should we contact if we can't get in touch with you or your Nominee and it's urgent (your emergency contact)?**

Name:

Address:

Email:

Phone number:

**Your *futures in sight* contact:**

Name:

Email:

Phone number:

**Your alternate contact at *futures in sight:***

Name:

Email:

Phone number:

**Your Privacy**

As part of our work with you, sometimes we need to speak to other people and organisations about the things you need.

Is there anyone that you DO NOT want us to speak to?

[ ]  YES

[ ]  NO

Who do you NOT want us to speak to?

**Consent**

To do our work together with you, we might have to share information about you with other people and organisations.

I agree for you to share (please tick):

[ ]  Your NDIS goals

[ ]  Your date of birth (DOB) and NDIS Number and Plan Dates

[ ]  Reports from my therapists

[ ]  Medical reports

[ ]  Other (tell us other things that are okay to share):

I agree that you can share the above information with the following
Individuals / Organisations:

1.

2.

3.

4

Remember that you can change your mind about who we can talk to about what you need at any time. Please remember to let us know if you change your mind.

**What we do with your information?**

We are committed to keeping your private/confidential information private.

Private/confidential information includes things like:

* Your name, address and contact details
* Your personal circumstances and identity
* Centrelink Reference number, Medicare number, Tax File number or NDIS number
* information about assistance provided to you under *futures in sight’s* funding arrangements and agreements
* information about your health
* information about any criminal record and/or traffic offences records

We will only share your private information with the people/organisations written down above when you give us permission to do so. We will not share the information with anyone else. We will make sure your information is stored safely in a password protected system. At *futures in sight* your information will be accessible only to the people who need to see it (such as your *futures in sight* Coordinator of Support or your Plan Manager).

You can ask to access the information about you that we hold at *futures in sight* and/or to change the information that we have on file. You can do this by contacting your *futures in sight* Support Coordinator or Plan Manager.

If you would like more information, please check out our Privacy, Dignity and Confidentiality Policy or our Records Management Policy on our website [www.futuresinsight.com.au](http://www.futuresinsight.com.au) or ask us to get you a copy.

**Our Policies**

A summary of our main policies is in a document called “ Things you should know about your agreement with *futures in sight*” you should receive a copy with this agreement. If you did not please let us know and you can also find some key policies on our website www.futuresinsight.com.au

**Audit**

As an NDIS registered provider, *futures in sight* is regularly audited by external auditors. This is to make sure that the things we do are in line with the NDIS and Quality and Safeguards Commission guidelines. The guidelines say that because you are a Participant in the NDIS (or you are a nominee of an NDIS Participant), you automatically agree that an auditor may contact you for an interview about our work with you and that they may read any of your files, records and plans for review that are stored by *futures in sight*. You can read more about that here: <https://www.legislation.gov.au/Details/F2019C00386>

However, you do not have to agree to this if you don't want to. You can ‘opt out’, which means you can say that you do NOT want to take part in the audit or allow the auditors to have access to your personal information held by *futures in sight*.

Would you like to participate in any audits of our work and processes

[ ]  NO, I do NOT want to take part in the Audit

[ ]  YES, I Do want to take part in the Audit

**Agreement**

Please make sure you read and understand "Things you need to know about your agreement with *futures in sight*" (which should be attached to the email or included in the printed information you received).

**Signatures**

By signing this Agreement, you and/or your Nominee and *futures in sight* say that we agree with all of the information here.

It also means you have read and understood the "Things you need to know about your agreement with *futures in sight*" document.

**Your /or your Nominee's signature:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_

**Signed for *futures in sight*:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_

**Attachment 3 – Confidentiality Agreement for Contractors, Employees and Volunteers**

I, (Name) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ understand that in the course of my contract with *futures in sight* I will receive and acquire confidential information that is the property of *futures in sight*.

In this agreement, ‘Confidential information’ includes:

* Personal information of people using the services provided by *futures in sight*
* Personal information of partners, associates, contractors and volunteers including home address, telephone numbers, and other non-work related information
* Information about any internal dispute or grievance
* Business conducted in *future in sight* meetings, unless it is identified as being for public discussion
* Information concerning financial transactions, tenders or expressions of interest or any other organisational plans or activities unless it is identified as being for public discussion by the Board of Directors.

I undertake, during and after my contract with *futures in sight* to keep confidential all information that is disclosed to me or obtained by me as a result of or during the course of my contract with *futures in sight*.

I will not, either during or after my contract with *futures in sight* disclose confidential information concerning the business or affairs of *futures in sight* its people or its service and community partners without written permission from *futures in sight*.

Other than is necessary and authorised for the delivery of my contract, I will not:

* copy, duplicate or make extracts from confidential information;
* make use of confidential information for private purposes or in a manner which may or is calculated to cause injury or loss to *futures in sight* its people, or its service and community partners;
* other than for the benefit of *futures in sight* make notes or documents relating to any within the scope of the business of *futures in sight* or concerning any of its dealings or affairs.

I undertake to inform one of the *futures in sight* Partners immediately if I become aware of any breach of privacy or security relating to the information I access in the course of my duties.

All confidential records, documents and other papers together with any copies or extracts thereof in my possession will be returned to *futures in sight* on the termination of my contract.

All confidential electronic records, documents and other items together with any copies or extracts thereof in my possession will be returned to *futures in sight* and deleted from my electronic files on the termination of my contract.

I recognise and accept this agreement will continue to apply despite the termination or cessation of my contract by myself or by *futures in sight*.

Signed: in the presence of

(name)

(signature)

Date:

**Attachment 4 – Photo/Video Release Form**

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I agree to have my photo/ video taken for *futures in sight*

I have been told what the photo/ video is being used for (it will be part of promoting *futures in sight* and also used for training)



I know that my photo/ video might be shared on the *futures in sight* website, brochures, newsletters or workshops

Name……………………………………………………………………………

Signature………………………………………………..Date………………..