



Privacy and Confidentiality

It is very important for support workers and volunteers to maintain privacy and confidentiality in their work with their agencies and clients. All aged care agencies should have policies and procedures on privacy and confidentiality and should tell their workers and volunteers about privacy and confidentiality requirements.

WHAT'S THE DIFFERENCE BETWEEN PRIVACY AND CONFIDENTIALITY?

In Australia, all people have a legal right to privacy. Privacy is about restricting access to personal information. Personal information includes any information that could identify a person like the person's name, address, date-of-birth, ethnic origin, religion, sexuality, health or their private or family life. Agency policies and procedures are based on three laws that protect privacy:

- Privacy Act 1988 (Commonwealth)
- Privacy and Personal Information Protection Act 1998 (NSW). Other States and Territories have similar acts.
- Health Records and Information Privacy Act 2002 (NSW).

Confidentiality refers to the rules around the sharing of information. When we keep something confidential, it is kept secret from people who are not authorised to know it.

HOW DOES PRIVACY LAW GUIDE YOUR AGENCY'S POLICIES AND PROCEDURES?

Your agency holds personal information about your clients. Privacy law includes a number of principles that agencies keeping personal information must follow. Some of those principles that is important for you to know include:

- Only collecting personal information that the agency needs to know about the client so that it can provide support services
- Telling the client what personal information is kept, why it is collected, how it will be used, who has access to it and how it is stored
- Ensuring that all personal information is relevant, up-to-date, accurate and complete
- Securely storing and disposing of personal information. Secure storage means keeping paper files in locked filing cabinets and offices and electronic information on computers with password access only
- Telling clients that they have a right to see their personal information, including client plans and notes made by staff and to have that information updated, corrected or deleted when necessary
- Only using the information for the purpose it was collected
- Not passing that information on without permission.

WHEN CAN PERSONAL INFORMATION BE SHARED WITHOUT THE PERSON'S CONSENT?

Privacy law only allows the sharing of personal information without consent when:

- It has been subpoenaed by a court of law
- When a client is in danger of significant harm to their health or life and duty of care to protect the person from harm is more important than confidentiality.

WHAT DOES THIS MEAN FOR SUPPORT WORKERS AND VOLUNTEERS?

The most important thing is to know your agency's policy and procedures on protecting privacy and confidentiality. Remember that following these policies and procedures protects you too. If you haven't been shown the policy or been given a copy, ask to see it.

Your agency's policy and procedures around privacy and confidentiality mean that you cannot share any client's personal information with anyone outside the agency like your family and friends. Personal information includes the person's name, address or any information that could be used to identify them. So you need to be careful when talking about your support work with family and friends to ensure that they can't tell who you are talking about.

It also means that anything you write about the client in an email, report or client file needs to be respectful of the person. Remember a client has the right to see their personal information and a court has the right to subpoena agency records. So, state the facts rather than make a judgment about them. The best way to do this is to think about how the client might feel if they read what you had written.

Be very careful in protecting any personal information you are carrying about the client. This could include information about their name, address or support plan. Don't leave this information lying around in your car or on a table at home. Put any personal information about clients in a safe place where others cannot see it.

Remember that confidentiality exists between the client and your agency. If your client tells you something that is really important for your agency to know and then tells you not to tell anyone, then you are not breaching confidentiality if you tell your supervisor. In these situations, it can be good to tell the client something like "I've been trained that I must tell my supervisor about any concerns I have about your health, wellbeing or safety or anything that could affect the support they provide."

