

1. Introduction

1.1 Purpose

This Policy and the Policies and Procedures and related documentation set out in section 1.5 below (**Related Documentation**) supports SDA Living Australia to apply the Privacy and Dignity and Information Management NDIS Practice Standards.

1.2 Policy Aims

SDA Living Australia is committed to ensuring each client is treated with dignity and respect, can maintain their identity, make informed choices about the services they receive, and live the life they choose.

In this regard, SDA Living Australia is committed to ensuring it:

- (a) has a culture of inclusion and respect for clients; and
- (b) supports clients to exercise choice and independence; and
- (c) respects the client's privacy.

1.3 NDIS Quality Indicators

SDA Living Australia aims to demonstrate each of the following quality indicators through the application of this Policy and the relevant systems, procedures, workflows and other strategies referred to in this Policy and the Related Documentation:

Privacy and Dignity

- (a) Consistent processes and practices are in place that respect and protect the personal privacy and dignity of each client.
- (b) Management of each client's information ensures that it is identifiable, accurately recorded, current and confidential. Each client's information is easily accessible to the client and appropriately utilised by relevant workers.
- (c) Each client understands and agrees to what personal information will be collected and why, including recorded material in audio and/or visual format.

Information Management

- (a) Each client's consent is obtained to collect, use and retain their information or to disclose their information (including assessments) to other parties, including details of the purpose of collection, use and disclosure. Each client is informed in what circumstances the information could be disclosed, including that the information could be provided without their consent if required or authorised by law.

Approved By: National General Manager	Version 2
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(b) Each client is informed of how their information is stored and used, and when and how each client can access or correct their information, and withdraw or amend their prior consent.

(c) An information management system is maintained that is relevant and proportionate to the size and scale of the organisation and records each client's information in an accurate and timely manner.

(d) Documents are stored with appropriate use, access, transfer, storage, security, retrieval, retention, destruction and disposal processes relevant and proportionate to the scope and complexity of support delivered.

1.4 Scope

(a) This Policy applies to the provision of all services and supports at SDA Living Australia.

(b) All permanent, fixed term and casual staff, contractors and volunteers are required to take full responsibility for ensuring full understanding of the commitments outlined in this Policy.

1.5 Related Documentation

The application of the above NDIS Practice Standard by SDA Living Australia is supported in part by and should be read alongside the Policies and Procedures and related documentation corresponding to this Policy in the Policy Register.

2. Definitions

2.1 Definitions

In this Policy:

SDA Living Australia means SDA Living Australia Pty Ltd ABN 55 658 745 138.

Client means a client of SDA Living Australia (including an NDIS client).

Key Management Personnel means Dion George, Rodney Cannon and other key management personnel involved in SDA Living Australia from time to time.

Legislation Register means the register of legislation, regulations, rules and guidelines maintained by SDA Living Australia.

Personal information means information or an opinion (whether true or not and whether recorded in a material form or not) about an individual who is identified or reasonably identifiable from the information.

Policy Register means the register of policies of SDA Living Australia.

Principal means Martin Sizer and Rodney Cannon.

Related Documentation has the meaning given to that term in section 1.1.

Sensitive information is a subset of personal information that is generally afforded a higher level of privacy protection. Sensitive information includes health and genetic information and information about racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, sexual preferences or practices, criminal record and some types of biometric information.

Worker means a permanent, fixed term or casual member of staff, a contractor or volunteer employed or otherwise engaged by SDA Living Australia and includes the Principal.

Approved By: National General Manager	Version 2
Approval Date: April 2025	Next Review Date: April 2026

3. Policy Statement

3.1 Communication of Privacy and Dignity Policy

To ensure Clients understand the subject matter of this Privacy and Dignity Policy in a manner which is responsive to their needs and in the language, mode of communication and terms that the client is most likely to understand, SDA Living Australia will:

- (a) use respectful, open, clear, and honest communication in all professional interactions (e.g., spoken, written, social media).
- (b) consistently respect the client's privacy and confidentiality in how they communicate and interact with them.
- (c) communicate effectively with clients to promote their understanding of the subject matter of this Privacy and Dignity Policy (e.g., active listening, use of plain language, encouraging questions).
- (d) identify potential barriers to effective communication and make a reasonable effort to address these barriers including by providing information and materials on how to access interpreter services, legal and advocacy services.
- (e) work with bilingual assessment staff, interpreters (linguistic and/or sign), communication specialists and relevant advocacy agencies/services that can also assist client participation, inclusion, informed choice and control.
- (f) encourage clients to engage with their family, friends and chosen community if SDA Living Australia has consent to do so.

3.2 The personal information that SDA Living Australia collects

The personal information that SDA Living Australia collects from a Client includes their:

- (a) name, address, telephone and email contact details;
- (b) gender, date of birth and marital status, information about their disability and support needs;
- (c) health and medical information;
- (d) numbers and other identifiers used by Government Agencies or other organisations to identify individuals;
- (e) financial information and billing details including information about the services individuals are funded to receive, whether under the NDIS or otherwise;
- (f) records of interactions with individuals such as system notes and records of conversations individuals have had with SDA Living Australia's workers; and
- (g) information about the services SDA Living Australia provides to individuals and the way in which SDA Living Australia will deliver those to individuals.

3.3 Sensitive information and protection of dignity

SDA Living Australia only collects sensitive information where it is reasonably necessary for SDA Living Australia's functions or activities and either:

- (a) the individual has consented; or

Approved By: National General Manager	Version 2
Approval Date: April 2025	Next Review Date: April 2026

(b) SDA Living Australia is required or authorised by or under law (including applicable privacy legislation) to do so.

For example, in order to provide SDA Living Australia's services to a client or to respond to a potential client's inquiries about services, SDA Living Australia may be required to collect and hold their sensitive information including health and medical information and information relating to their disability and support requirements.

SDA Living Australia will treat clients with dignity and respect and as far as reasonably practicable protect the privacy and dignity of each client and, in particular, their sensitive information.

3.4 How SDA Living Australia collects personal information

SDA Living Australia collects personal information in a number of ways, including:

- (a) through SDA Living Australia's website;
- (b) when individuals correspond with SDA Living Australia (for example by letter, fax, email or telephone); (c) on hard copy forms;
- (d) in person;
- (e) from referring third parties (for example, the National Disability Insurance Scheme or a Support Coordinator);
- (f) at events and forums; and
- (g) from third party funding and Government Agencies.

3.5 Why does SDA Living Australia collect personal information?

The main purposes for which SDA Living Australia collects, holds, uses and discloses personal information are:

- (a) providing individuals with information about SDA Living Australia's services and support. (b) answering their inquiries and delivering service to clients.
- (c) administering SDA Living Australia's services and supports and processes payments.
- (d) conducting quality assurance activities including conducting surveys, research and analysis and resolving complaints.
- (e) complying with laws and regulations and to report to funding and Government Agencies.
- (f) promoting SDA Living Australia and its activities, including through events and forums.
- (g) conducting research and statistical analysis relevant to SDA Living Australia's activities (including inviting individuals to participate in research projects and activities).
- (h) reporting to funding providers.
- (i) recruiting employees, contractors and volunteers.

Approved By: National General Manager	Version 2
Approval Date: April 2025	Next Review Date: April 2026

- (j) processing payments.
- (k) answering queries and resolving complaints.
- (l) evaluating SDA Living Australia's work and reporting externally.
- (m) carrying out internal functions including administration, training, accounting, audit and information technology.
- (n) other purposes which are explained at the time of collection or which are required or authorised by or under law (including, without limitation, privacy legislation).
- (o) purposes for which an individual has provided their consent.
- (p) for research, evaluation of services, quality assurance activities, and education in a manner which **does not identify individuals**. If individuals do not wish for their de-identified data to be used this way, they should contact SDA Living Australia.
- (q) to keep individuals informed and up to date about SDA Living Australia's work, for example, changes to the National Disability Insurance Scheme or information about disability supports, either where SDA Living Australia has their express or implied consent, or where SDA Living Australia is otherwise permitted by law to do so. SDA Living Australia may send this information in a variety of ways, including by mail, email, SMS, telephone, or social media.
- (r) where an individual has consented to receiving marketing communications from SDA Living Australia, that consent will remain current until they advise SDA Living Australia otherwise. However, individuals can opt out at any time.

3.6 What third parties does SDA Living Australia disclose personal information to?

SDA Living Australia may disclose personal information to third parties where appropriate for the purposes set out above, including disclosure to:

- (a) SDA Living Australia's funding providers;
- (b) government and regulatory bodies, including the National Disability Insurance Agency, Medicare, the Department of Social Services, the Department of Health & Human Services, and the Australian Taxation Office;
- (c) people acting on their behalf including their nominated representatives, legal guardians, executors, trustees and legal representatives;
- (d) the police, or to the Disability Services Commissioner, or to comply with compulsory notices from courts of law, tribunals or Government Agencies;
- (e) financial institutions for payment processing;
- (f) referees whose details are provided to SDA Living Australia by job applicants; and
- (g) SDA Living Australia's contracted service providers, including:
 - (1) information technology service providers
 - (2) invoice processing service providers
 - (3) marketing and communications service providers including call centres

Approved By: National General Manager	Version 2
Approval Date: April 2025	Next Review Date: April 2026

(4) freight and courier services

(5) external business advisers (such as recruitment advisers, auditors and lawyers).

In the case of these contracted service providers, SDA Living Australia may disclose personal information to the service provider and the service provider may, in turn, provide SDA Living Australia with personal information collected from individuals in the course of providing the relevant products or services.

3.7 How is personal information stored and used?

(a) SDA Living Australia holds personal information in a number of ways, including in hard copy documents, electronic databases, email contact lists, and in paper files held in drawers and cabinets. Paper files may also be archived in boxes and stored offsite in secure facilities.

(b) SDA Living Australia must take reasonable steps to:

(1) make sure that the personal information that SDA Living Australia collects, uses and discloses is accurate, up to date and complete and (in the case of use and disclosure) relevant;

(2) protect the personal information that SDA Living Australia holds from misuse, interference and loss and from unauthorised access, modification or disclosure; and

(3) destroy or permanently de-identify personal information that is no longer needed for any purpose that is permitted by the Australian Privacy Principles, subject to other legal obligations and retention requirements applicable to SDA Living Australia.

(c) SDA Living Australia Workers must only access and use personal information for a valid work purpose. When handling personal information, Workers should:

(1) confirm recipient details before sending faxes or emails;

(2) always store any hard copies of confidential information that is not being used in a secure cabinet or room;

(3) be aware of the surroundings and people nearby;

(4) limit taking hard copy information away from secure sites;

(5) secure information when travelling e.g. in briefcase, folder etc.;

(6) dispose unneeded copies of information securely; and

(7) ensure the information is available to people who need to access it.

(d) SDA Living Australia workers may only share personal information as set out under this policy and in circumstances permitted under law.

3.8 How is personal information kept secure?

SDA Living Australia ensures that the personal information is protected by security safeguards that are reasonable in the circumstances to take against the loss or misuse of the information.

The steps SDA Living Australia takes to secure the personal information SDA Living Australia holds include:

Approved By: National General Manager	Version 2
Approval Date: April 2025	Next Review Date: April 2026

- (a) online protection measures (such as encryption, firewalls and anti-virus software);
- (b) security restrictions on access to SDA Living Australia's computer systems (such as login and password protection) and cloud based storage (using Google Drive and OneDrive),
- (c) controlled access to SDA Living Australia's premises
- (d) personnel security (including restricting the use of personal information by SDA Living Australia workers to those who have a legitimate need to know the information for the purposes set out above); and
- (e) training and workplace policies.

3.9 Information retention

Unless otherwise required by law, all client records and personal information will be retained for at least seven years after a client ceases to be a client.

3.10 Information disposal

- (a) Workers should ensure record retention requirements have been met prior to the disposal of any personal information.
- (b) When disposing of personal information, Workers should:
 - (1) Place unneeded working documents or copies of information in secure bins or adequate shredders.
 - (2) Ensure any electronic media including computers, hard drives, USB keys etc. are sanitised when no longer required.

3.11 Privacy incidents

Privacy incidents may result from unauthorised people accessing, changing or destroying personal information. Examples of situations from which incidents may arise include:

- (a) the accidental download of a virus onto a SDA Living Australia computer;
- (b) discussing or sharing of personal information on a social networking website such as Facebook;
- (c) loss or theft of a portable storage device containing personal information;
- (d) non-secure disposal of hard copies of personal information (i.e. placing readable paper in recycle bin or hard waste bin);
- (e) documents sent to the wrong fax number or email address; and
- (f) documents sent to a free web-based email account such as Yahoo!, Gmail or Hotmail.

Privacy incidents can:

- (g) occur due to accidental or deliberate actions;
- (h) result from human error or technical failures; and

Approved By: National General Manager	Version 2
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- (i) apply to information in any form, whether electronic or hard copy.

3.12 Incident reporting

It is vital all privacy incidents are reported as soon as possible so that their impact may be minimised. Employees should be aware of the Data Breach Plan for SDA Living Australia which includes:

- (a) how to identify potential privacy incidents
- (b) the reason for reporting incidents is so their impact can be minimised
- (c) the need to report all incidents to their manager as soon as they become aware of them.

SDA Living Australia must report all client related privacy incidents to the:

- (a) Department of Health;
- (b) NDIS Quality and Safeguarding Commission
- (c) Office of the Australian Information Commissioner,

as applicable, within 24 hours of becoming aware of, or being notified of a possible privacy incident, or within 24 hours of an allegation being made of a potential breach.

A breach of client privacy may have a major impact, a non-major impact, or be a near miss or an incident with no apparent impact on a client. In each case, the incident has to be reported and managed in accordance with the Incident Management and Reporting Policy.

3.13 Access and Correction

Clients have a legal right to request access or correction of their personal information held by SDA Living Australia.

Clients may ask individuals to verify their identity before processing any access or correction requests, to ensure that the personal information SDA Living Australia holds is properly protected.

3.14 Complaints

If a client has a complaint about how SDA Living Australia has collected or handled their personal information, it will be managed in accordance with the SDA Living Australia Feedback and Complaints Management System.

4. General

4.1 Relevant Legislation, Regulations, Rules and Guidelines

Legislation, Rules, Guidelines and Policies apply to this policy and supporting documentation as set out in the Legislation Register.

4.2 Inconsistency

If and to the extent that the terms of this Policy are or would be inconsistent with the requirements of any applicable law, this Policy is deemed to be amended but only to the extent required to comply with the applicable law.

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