

Privacy, Confidentiality and Release of Information Policy

This Policy sets out the level of privacy and confidentiality expected of both staff and residents.

Banyan House will ensure that it maintains the highest possible level of client privacy and confidentiality within the context of the program. On entry into the program all clients are advised that their family and significant others are crucial in their ongoing recovery and this is recognised in the Authority to Obtain or Release Information form (doc_521). This Policy is informed by the Commonwealth Privacy Act 1988, the Privacy Amendment Bill (Enhancing Privacy Protection) Bill 2012 and associated Australian Privacy Principles.

Privacy Statement

Banyan House's reputation is central to our success and this requires us to have strict guidelines on Privacy and Confidentiality. In addition, we are covered by privacy laws.

Privacy relates to personal information that is sensitive information or an opinion about an individual's:

- Racial or ethnic origin; or
- Political opinions; or
- Membership of a political association; or
- Religious beliefs or affiliations; or
- Philosophical beliefs; or
- Membership of a professional or trade association; or
- Membership of a trade union; or sexual preferences, practices or orientation; or
- Criminal record;

And how this may be collected, stored, accessed, updated, disclosed and maintained to comply with the various legal instruments (Acts).

What are my Privacy Rights?

Banyan House upholds your right to:

- Know the information we collect about you and that the information will be used only for the purposes of your employment or treatment;
- Access your personal information;
- Correct and update any information that is incorrect, incomplete or inaccurate;
- Or if we are unable to do so (e.g. it may breach another person's confidentiality, you will be given reasons for that refusal)

Is Privacy the same as Confidentiality?

While the context is similar, confidentiality relates more specifically, to how personal and/or sensitive information is used.

Confidentiality means that only persons with the proper authority will be apprised of your details/involvement on a need-to-know basis. At all times you will know who has information about you and how information will be used. Records for communication or wider reporting will not include details that may identify you, and any records that do will be properly secured, stored and destroyed. Proper adherence to the Privacy, Confidentiality and Release of Information Policy not only ensures compliance with privacy legislation, but will promote trust, loyalty, respect and confidence in clients and these in turn, enable us to provide our services more effectively.

Privacy and Confidentiality Explanation and Consent

Privacy and Confidentiality will be explained by the clinical team member conducting the initial assessment. It is conditionally of entry into the program that potential clients consent to abide by the policy and will be obliged to sign the Authority to Obtain or Release Information form (doc_521). All clients will be informed that any information provided:

- Is subject to Mandatory reporting requirements articulated in Legislation by Northern Territory Government and the Australian Government.
- Is documented in a controlled, secure electronic filing system – MIMASO.
- Will be released subject to the limits documented in Authority to Obtain or Release Information form.
- In the event of emergency will be shared to facilitate duty of care.
- Can be updated throughout the process of treatment.

Requests for Information

Information regarding any current or past clients will not be shared outside of Banyan House without documented permission.

Any agency/individual seeking information from Banyan House about a client will need:

- written evidence of permission being granted or
- verbal permission (only if the client is still in the program)

All requests (written and/or verbal) will be documented in the client file.

Where permission has been obtained, information provided should only be on a need to know basis and approved by the Chief Executive Officer or Delegate.

Legislation:

- Privacy Act 1988 (Commonwealth)
- Privacy Amendment Act (Enhancing Privacy Protection) Bill 2012 and associated Australian Privacy Principles (Commonwealth)