

Privacy, Dignity & Confidentiality Policy

Document History

Version	Summary of Changes	Date approved	Approved by	Date of next review
3	<ul style="list-style-type: none">• Rewrite of existing document• Refences updated to reflect changes in legislative requirements & NDIS Practice Standards• Privacy issues for Staff included		Board	October 2025

Purpose

To ensure that the rights of disAbility Living's (DLi) Staff and Clients to be treated with respect and dignity, and to have their Personal and Sensitive information managed in an open, safe, and transparent way, in line with regulatory requirements, is understood and upheld by Staff of DLi.

Scope

This policy applies to all Staff and all Personal and Sensitive information about DLi Clients, DLi Staff, or anyone who is, or has been, in receipt of DLi services and supports.

This policy operates in conjunction with any mandatory reporting requirements and all relevant legislation, policies, guidelines, and standards. This Policy is supported by a Procedure of the same name and must also be read in conjunction with this.

Policy

DLi acknowledges and respects the Privacy, Dignity and Confidentiality of any person with whom the organisation deals with, and will maintain confidentiality unless specifically given permission to disclose information to nominated parties or as otherwise required by law.

DLi is bound to act in accordance with the Privacy Amendment (Enhancing Privacy Protection) Act 2012, which amends the Privacy Act 1988, the Privacy Amendment (Notifiable Data Breaches) Act 2017 and the 13 Australian Privacy Principles that govern how organisations should handle information.

As such, DLi will maintain and uphold the privacy of individuals in line with the above legislation, and the NDIS Practice Standards and the rights of individuals to be treated with dignity and respect at all times.

This policy continues to apply to Staff even when their relationship with DLi is concluded. For example, a former Staff member must not disclose Personal or Sensitive information they have acquired about Clients or Staff or DLi business during their engagement once their employment with DLi has ended.

Staff must comply with this Policy and must act to protect the Confidentiality, Dignity, and Privacy of any individual that it collects information about.

It is the responsibility of the relevant Manager and Team Leader to monitor this and act to report and assist to address issues of non-compliance.

Any breach or suspected breach of this Policy must be reported and will be promptly investigated (in line with legislative requirements, and DLi Policies on Incident & Complaints Reporting) with resultant action taken to remediate the issue, including disciplinary action up to and including termination of Staff employment, contract, or placement.

Policy Principles

The following principles guide this Policy and must be complied with by all DLi Staff;

- DLI Clients and Staff have the right to know:
 - what information DLI collects about them
 - how DLI collects the information
 - why DLI collects the information
 - where and how the information is stored
 - who has access to the information
 - to whom the information may be disclosed
- Clients (and their guardians)/Staff have the right to information and support to raise complaints about a suspected breach of their privacy including their Personal or Sensitive information
- The collection, use and disclosure of Client Information must be based on the best interests of the Client and with respect to their dignity
- Only relevant and appropriate Client, Personal and Sensitive Information is to be collected or disclosed
- Conditions regarding disclosure or release of Client, Personal and Sensitive Information must be communicated before these actions occur
- There must be no unnecessary personal intrusion when collecting Client, Personal and Sensitive Information
- Files and Client, Personal and Sensitive Information collected must be protected and stored securely. Staff must lock away an individual's hard copy information when not in use. Computers must have lock screen/screensavers applied when the person is not using the computer.
- Only Authorised DLI Staff may access Staff or Client, Personal and Sensitive information collected or stored by DLI, this includes information maintained on any data system such as Lumary CRM and SAGE HR systems.
- Where lawful and appropriate, information provided to third parties will be de-identified
- Informed consent from Clients (and their guardians if applicable)/Staff is required to release or disclose Personal or Sensitive information - unless DLI is lawfully or contractually allowed or required to do so. The following exceptions apply with respect to obtaining written authority to release information:
 - Where disclosure is required or authorised by any law or when there is an over-riding public interest or professional responsibility.
 - Where the information or file is the subject of a subpoena or is to be disclosed before a duly constituted court or tribunal.
 - Where another Staff member needs the information to provide training/support for the individual, or who may need to make decisions regarding a situation.
 - Where releasing the information is necessary to avert, minimise or eliminate a serious and immediate danger to the health of a person or others. If the situation is 'serious' only, permission must be requested from the individual concerned. If permission is denied, no information can be released until there is 'immediate danger'.
 - When it is believed that a person or group of people are at risk of harm from others or as a result of their own actions, and adverse outcomes might reasonably be expected unless appropriate services are provided with the relevant information.
 - Where the information is required by government for the purposes of establishing a person's entitlements to Commonwealth benefits.
 - Insurance Liability Cover requires that matters which give rise to, or may give rise to a claim, must be notified to the insurer. This also means that the insurers would require access to relevant information if an action is brought against DLI by an aggrieved service user.
 - Due to DLI's duty of care responsibilities, the CEO, and relevant General Manager are to be advised of any allegations of impending or actual situations involving breaches of the law, Court appearances or bail conditions.
 - Government (State and Federal) contractual requirements require certain information to be provided to the Government e.g., census, data collection exercises etc. DLI will comply with

relevant Government guidelines, including required privacy/confidentiality protocols and ensure that privacy is maintained.

- Client, Personal and Sensitive Information will be collected by DLI primarily for the following purposes:
 - to ensure accurate records of Client supports and progress are maintained
 - to enable assessment and support of Clients within DLI
 - to understand the needs of the individual
 - to gain historical experiences and background as relevant to DLI support
 - to assist DLI Staff, and each Client's health/allied health team to develop, monitor and evaluate treatment interventions
- DLI will, with the individual's consent, only collect Sensitive information about them if required by law, or in other special circumstances.
- Reasonable steps must be taken to correct Personal information if it is found to be inaccurate, incomplete, misleading, or not up to date. Clients & Staff have the right to update information recorded about them; DLI staff authorised to alter such records must respect this right and assist them with this process.
- However, if collectors of the Client/Staff information strongly believe that the details the Client/Staff wishes to alter are accurate and relevant, they should insert a notation in the record that the Client/Staff '...wishes it recorded that (insert the Client/Staff's alteration within quotation marks)'. The entry should be made next to the information the client/Staff wishes to alter. Alternatively, a note directing the reader to the section where the alteration is recorded must be made.
- Release of Client/Staff Personal information to external agencies or individuals must be done so with the oversight and approval of the relevant Manager.
- Requests for information to be provided to external parties via applications on mobile phones or handheld computer devices must only occur with the approval and oversight of the relevant Manager – regardless of whether informed consent has been obtained.
- Information on Client files may be accessed without consent by an authorised external assessor, for the purposes of conducting a NDIS compliance audit – Clients whose files are to be accessed will be notified by DLI and may request to "opt out" of the audit process, at the time of the audit.

Definitions

Authorised DLI Staff	Staff whose position has been approved by a member of the DLI Management team to access to Client, Personal or Sensitive Information
Client	A person with disability, receiving services or supports from DLI. through the National Disability Insurance Scheme (NDIS) or the Disability Support for Older Australians Scheme (DSOA).
Client Information	All information about a Client and in connection to their service provision by DLI.
Confidentiality	An obligation which restricts DLI from using or disclosing any information in a way that is contrary to the interests of the person to whom it relates. Confidentiality also refers to the management of private information through the restriction of access or de-identification of private information.
Confidential Information	Information that is by its nature confidential, is marked as confidential, is known to be confidential, or which has been known as confidential; including but not limited to personal, sensitive and health information and information contained in client or personnel files and databases, employment contract and records, commercial and legal agreements.
Consent/Informed Consent	<p>The act of agreeing to or giving permission for certain actions affecting one or more aspects of one's life (e.g., legal, financial, health, lifestyle and social).</p> <ul style="list-style-type: none">• To be informed a person must be given information about the proposed activity relevant to the individual situation; including potential for an adverse outcome, other options and the possible results of alternative action or no action• To be effective, the person should be able to communicate an understanding of the proposed activity <p>An individual can refuse or withdraw Consent at any time</p>
Contractor	A person or firm who conducts a service or task on behalf of DLI for an agreed fee, but who is not employed directly by the organisation.

Dignity	Being worthy, honoured, or esteemed. DLI believes that everyone must be treated with dignity and have their right to dignity protected.
Duty of Care	The legal requirement of exercising a reasonable standard of care while performing any acts (including acts of omission) that could foreseeably harm others.
Health Information	Any Personal Information about a person's health or disability.
Management/Manager	At DLI the term "Management" or "Manager" is used to describe any Staff employed to oversee direct line Staff (Staff who directly support Clients). Management can include Staff who are in roles such as Team Leaders, Program Managers, Managers, General Managers and Executive
Mandated Reporter	A member of staff who has legislative responsibilities to report suspicions of abuse. This can include staff of particular qualifications such as a Registered Nurse or Psychologist and those who have specific roles such as Recruitment Officers, People and Culture staff, Community Support Workers and their Managers.
NDIS	National Disability Insurance Scheme.
Personal Information	Data about an identified individual, or an individual who is reasonably identifiable.
Privacy	Broadly speaking, privacy is the right to be let alone, or freedom from unnecessary interference or intrusion.
Sensitive Information	Information or opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation or criminal record and Health Information
Services	Means any disability support service provided by DLI to a DLI Client and the DLI Business Unit that provides this service.
Staff	Staff are defined as any persons engaged by DLI to provide funded services or support the provision of such services, whether they be paid or unpaid workers, including Board Members, volunteers, contractors, relief staff, labour hire workers and mainstream student placements

Student/Mainstream Student	A person who is participating in training whose placement is not funded by the NDIS. For example, a school student conducting a work experience placement arranged through a local High School, a TAFE student on a study commitment placement, a university student conducting a research placement etc.
Subpoena	Is a court-ordered demand (also called a writ or summons) that a person appear in court or other legal proceeding, or that specific documents be produced and presented at a specified date, time, and location. If a person refuses, or fails to comply with a subpoena, they are subject to civil or criminal penalties.
Volunteer	A person engaged by DLI to undertake work on a voluntary (unpaid) basis.

Associated documents.

Document	Document link
Privacy, Dignity & Confidentiality Procedure	Refer to SharePoint for latest version
Client Quality, Safety & Wellbeing Policy	Refer to SharePoint for latest version
Client Incident Management Policy & Procedure	Refer to SharePoint for latest version
Client Complaint Management Policy	Refer to SharePoint for latest version
Grievance Policy	Refer to SharePoint for latest version
Discipline and Underperformance Management Policy	Refer to SharePoint for latest version
Consent to Share & Obtain Forms	Refer to SharePoint for latest version
Lumary access and authorisation processes	In Lumary system

Relevant legislation and policy.

Document

National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

Freedom of Information Act SA (1991)

Privacy Amendment Act (2000)

Privacy Amendment (Enhancing Privacy Protection) Act, 2012

13 Australian Privacy Principles

Australian Privacy Principles - Guidelines

Return to Work SA Act (2015)

Document owner

For questions about how to implement this policy, please direct all enquiries to the General Manager – People & Culture, or the Specialist Investigator, Regulatory & Compliance