

Privacy, Dignity and Confidentiality Procedures

Responsibilities

The Board of Project Independence is responsible for developing, adopting, and reviewing this policy. PI's CEO is responsible for the implementation of this policy, for monitoring changes in Privacy legislation, and for advising on the need to review or revise this policy as and when the need arises.

Processes

The processes that Project Independence will adhere to, and those that they expect Residents of Project Independence and Family/Carers of Residents to adhere to are listed below:

PROJECT INDEPENDENCE RESPONSIBILITIES

Maintaining Confidentiality Information Collection

PI will:

- Only collect information that is necessary for the performance and primary function of PI.
- Collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- Notify stakeholders about why PI collects the information and how it is administered.
- Notify stakeholders that this information is accessible to them.
- Collect personal information from the person themselves wherever possible.
- Only use personal information such as photos and videos with written consent from the individual.
- If collecting personal information from a third party, be able to advise the person whom the information concerns, from whom their personal information has been collected.
- Collect sensitive information only with the person's consent or if required by law. (Sensitive information includes health information and information about religious beliefs, race, gender and others).
- PI will also collect sensitive information about an individual if such collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
 - is physically or legally incapable of giving consent to the collection; or
 - physically cannot communicate consent to the collection; or
- If PI collects information during the activities of a non-profit organisation—the following



conditions must be satisfied:

- the information relates solely to the members of the organisation or to individuals who have regular contact with it in connection with its activities;
 - at or before the time of collecting the information, PI inform the individual whom the information concerns that it will not disclose the information without the individual's consent; and
 - the collection must be necessary for the establishment, exercise or defence of a legal or equitable claim.
- PI will collect health information about an individual if:
 - the information is necessary to provide a health service to the individual; and
 - the information is collected as required or authorised by or under law and in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.
 - Determine, where unsolicited information is received, whether the personal information could have collected it in the usual way, and then if it could have, it will be treated normally. (If it could not have been, it must be destroyed, and the person whose personal information has been destroyed will be notified about the receipt and destruction of their personal information).

Use and Disclosure

PI will:

- Only use or disclose information for the primary purpose for which it was collected or a directly related secondary purpose.
- For other uses, PI will obtain consent from the affected person.
- In relation to a secondary purpose, use or disclose the personal information only where:
 - a secondary purpose is related to the primary purpose and the individual would reasonably have expected us to use it for purposes; or
 - the person has consented; or
 - certain other legal reasons exist, or disclosure is required to prevent serious and imminent threat to life, health or safety.
- Provide all individuals access to personal information except where it is a threat to life or health or it is authorized by law to refuse and, if a person is able to establish that the personal information is not accurate, then PI must take steps to correct it. PI may allow a person to attach a statement to their information if PI disagrees it is inaccurate.
- Where for a legal or other reason PI is not required to provide a person with access to the information, consider whether a mutually agreed intermediary would allow sufficient access to meet the needs of both parties.
- Make no charge for making a request for personal information, correcting the information or associating a statement regarding accuracy with the personal information.
- If the disclosure of sensitive information is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety and it is impracticable for PI to seek the individual's consent before the use or disclosure and the use or disclosure is conducted in accordance with guidelines approved by the Commissioner under section 95A, the organisation may make such a disclosure.



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- If PI has sufficient reasons to believe that an unlawful activity has been, is being or may be engaged in, and the disclosure of personal information becomes a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, the organisation may make such disclosures.
- PI may further disclose personal information if its disclosure is mandated by an enforcement body or is required for the following:
 - the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;
 - the enforcement of laws relating to the confiscation of the proceeds of crime
 - the protection of the public revenue;
 - the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;
 - the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal. For the purpose of this Clause, PI must make a written note of the use or disclosure.
- Project Independence may request a resident's video/audio surveillance data and/or photographs if they support an internal Incident Investigation. This data will not be publicly available but will be available to relevant PI staff and Board members for internal investigative purposes.

Storage

PI will:

- Implement and maintain steps to ensure that personal information is protected from misuse and loss, unauthorized access, interference, unauthorized modification or disclosure.
- Ensure that PI's data is up to date, accurate and complete.

Destruction and De-identification

PI will:

- Destroy personal information once is not required to be kept for the purpose for which it was collected, including from decommissioned laptops and mobile phones.
- Ensure that surveillance video installed at PI properties for security reasons will be automatically recorded over every 7 days and will only be accessed if required to support an investigation into a complaint or incident.
- Change information to a pseudonym or treat it anonymously if required by the person whose information PI holds and will not use any government related identifiers unless they are reasonably necessary for our functions.

Data Quality

PI will take reasonable steps to ensure the information it collects is accurate, complete, up to date, and relevant to the functions we perform.

Data Security and Retention

PI will only destroy records in accordance with the organisation's Records Management Policy.

Openness

PI will:

- Ensure stakeholders are aware of the Privacy, Dignity and Confidentiality Policy and its purposes.
- Make this information freely available in relevant publications and on the organisation's website.
- On request by a person, take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

Access and Correction

PI will:

- Ensure individuals have a right to seek access to information held about them and to correct it if it is inaccurate, incomplete, misleading or not up to date.
- If the individual and PI disagree about whether the information is accurate, complete and up to date, and the individual asks PI to associate with the information a statement claiming that the information is not accurate, complete or up to date, the PI will take reasonable steps to do so.
- Provide to the individual its reasons for denial of access or a refusal to correct personal information.
- Withhold the access of an individual to his/her information if:
 - providing access would pose a serious and imminent threat to the life or health of any individual; or
 - providing access would have an unreasonable impact upon the privacy of other individuals; or
 - the request for access is frivolous or vexatious; or
 - the information relates to existing or anticipated legal proceedings between the organisation and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
 - providing access would reveal the intentions of the organisation in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - providing access would be unlawful; or
 - providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - an enforcement body performing a lawful security function asks PI not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.

Identifiers

PI will:

- Not adopt as its own identifier of an individual an identifier that has been assigned by any third party. It may however adopt a prescribed identifier by a prescribed organisation in



prescribed circumstances.

- Not use or disclose the identifier assigned to an individual by a third party unless:
 - the use or disclosure is necessary for the organisation to fulfil its obligations to the agency; or
 - the use or disclosure is by a prescribed organisation of a prescribed identifier in prescribed circumstances.

Anonymity

PI will allow people from whom the personal information is being collected to not identify themselves or use a pseudonym unless it is impracticable to deal with them on this basis.

Making information available to other organisations

PI may release information to third parties where it is requested by the person concerned.

Respecting Dignity and Privacy

PI will:

- Support residents to make choices about their daily lives, using the Supported Decision-Making Model.
- Always encourage a resident to build skills associated with independence.
- Be respectful, thoughtful and caring when engaging with residents.
- Respect the resident's right to confidentiality.
- Keep residents informed of matters that impact them.
- Respect an individual's private space and possessions by:
 - only entering a resident's unit or courtyard when asked to do so by the resident, or
 - In case of an emergency that may cause harm to the resident and/or their property.

RESIDENT PROCESSES/RESPONSIBILITIES

Residents of PI will:

- **Engage respectfully with other residents.** Treat each other with respect and address each other in a cordial manner.
 - Respect other residents request for privacy.
- **Respect the Resident's Private Premises**
 - Not enter another resident's unit or courtyard without that person being present.
 - Only enter another resident's unit or courtyard when invited by that resident.
 - Leave immediately they are asked to do so by the resident.
- **Respect Personal Possessions and PI Communal Property**



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- Always show respect for other resident's belongings by not handling, moving or altering any items within the resident's unit or courtyard, or in shared PI spaces, unless asked by the resident to do so.
- Always show respect for PI communal property by not handling, moving or altering any items unless asked by the LIRC to do so.

- **Follow Video and Audio Surveillance Information Collection Rules**
 - Only collect information where there is a justifiable reason to do so.
 - Only install equipment that records images/audio within their own unit and courtyard. Equipment cannot record images/ audio of any other resident's unit or courtyard, or any of the PI common areas.
 - Not hide equipment from view and always alert visitors to their property of the presence of recording equipment via signage.
 - Fill in an Application for Modification to Resident's Unit and have Board approval before the installation of surveillance equipment.
 - Allow regular review of the placement of surveillance equipment by PI staff and remove the equipment if the original reason for installation is no longer justified.

- **Follow processes for the Use, Disclosure, Storage and Destruction of Video/Audio Recordings**
 - Not misuse, modify or inappropriately disclose information obtained from the recording device/s installed in their unit or courtyard.
 - Implement and maintain steps to ensure that all video images/ recordings are protected from misuse and loss, unauthorized access, interference, unauthorized modification or disclosure. This is important because recordings may also capture other PI residents, PI staff and visitors who have entered the resident's property with permission but have the right to have their privacy protected.
 - Destroy information once is not required to be kept for the purpose for which it was collected.

FAMILY/CARER RESPONSIBILITIES

Family/Carers of PI residents will:

- **Engage respectfully with all Residents**
 - Treat all residents with respect and address them in a cordial manner.
 - Respect any resident's request for privacy, including the person they care for.

- **Respect Residents' Private Premises**
 - Only enter another resident's premises and/or courtyard when invited by that resident.
 - Only enter the premises of the resident they care for with permission from that



resident.

- Leave immediately they are asked to do so by the resident.

- **Respect Residents' Personal Possessions and PI Communal Property**

- Always show respect for other resident's belongings by not handling, altering or moving any items within the resident's unit or courtyard, or in shared PI spaces, unless asked by the resident to do so.
- Only alter or move any items within the unit or courtyard of the resident they care with permission from that resident.
- Always show respect for PI Communal property by not handling, altering or moving any items without permission from the LIRC.

- **Follow Video and Audio Surveillance Information Collection Rules**

- Only request to install surveillance equipment in a resident's unit or courtyard where the resident is unable to do so themselves, the resident agrees with the request, and there is a justifiable reason for it.
- If installing equipment on behalf of the resident, ensure equipment does not record images/ audio of any other resident's unit or courtyard, or any of the PI common areas.
- Not hide equipment from view and ensure signage alerting visitors to the presence of recording equipment is highly visible.

- **Follow processes for the Use, Disclosure, Storage and Destruction of Video/Audio Recordings**

- Not misuse, modify or inappropriately disclose information obtained from the recording device/s installed in the unit and/or courtyard of the resident they care for.
- Implement and maintain steps to ensure that all video images/ recordings are protected from misuse and loss, unauthorized access, interference, unauthorized modification, or disclosure. This is important because recordings may also capture other PI residents, PI staff and visitors who have entered the resident's property with permission but have the right to have their privacy protected.
- Ensure that the information is destroyed once is not required to be kept for the purpose for which it was collected.

Related Documents

- Surveillance Equipment Procedures
- Parents Code of Conduct
- Conflict Resolution Policy
- Photo Consent Form

