



Subject: Clients' Right to Privacy

NS1-1-App3

This document relates to the [Rights policy](#).

Employees may also refer to the [Privacy Regulations](#) relating to corporate information.

Cerebral Palsy Alliance respects the privacy of clients and their families, and abides by the requirements of the Australian Privacy Principles as outlined in the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), and the Privacy Amendment (Private Sector) Act 2000, and the Health Records and Information Privacy (HRIP) Act 2002 (NSW).

Collection of personal information

We will collect personal information in a lawful and fair way, and will only collect personal information which is necessary for us to perform our functions and activities, including provision of direct and indirect supports and services to clients and families.

We make every effort to ensure personal information that is collected is relevant, up-to-date and complete.

Information will be collected:

- at a time convenient for you
- by someone who identifies themselves and their connection with CPA
- in a way that respects any cultural difference.

Consent

As part of the initial Service Agreement process, clients are asked to sign a [Consent Form](#) in relation to CPA maintaining records and sharing/releasing information. This consent is valid for the period of time you receive services from us. However, you may request (in writing) to change or cancel the consent at any time.

Your Client Relationship Manager (or delegate) will review your understanding of the consent from time to time, and you are free to choose whether or not to give consent. You will be supported to get external advice on this if you wish.

If you return for service after more than 18 months of no contact, or there is a change in your circumstances (e.g. capacity to make informed decisions), the Consent Form will need to be signed again. The employee who identifies that the Consent Form is out of date will ensure it is signed again.

If you give your consent orally, or by other means such as through a language or signed interpretation or use of an AAC device, an employee will note this in your records.

By law, consent is not needed when sharing information about a child or young person's safety, welfare or wellbeing (see Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998).

Our treatment of client information

When information is being collected directly from you as a client/family/guardian, you should be aware:

- Of the purpose for which the information is sought.
- That written records will be factual, objective and respectful.
- That all information obtained will be kept confidential, and any breach of this policy by an employee will result in disciplinary action.
- That information will be shared with other CPA employees on a 'need to know' basis in order to carry out their duties. (Students receiving training and supervision from CPA staff will be considered to be part of CPA's staff. However, you may refuse to have a student participate in your service.)
- That the records/files in which this information is stored are owned by CPA.
- That you can access all CPA information that is held about you. For example, you may inspect your records/files, or request a photocopy or printout. However, any information held by CPA but originating from another source will be removed from your records before inspection if consent has not been given to share this information. You should contact the organisation originating the material regarding access and, where required, you will be assisted in doing so by CPA.
- That you can request more information about the way CPA manages the personal information it holds.
- That email correspondence sent/received between you and a CPA employee may be filed within your record/file as part of maintaining a complete and accurate client history.
- That you are entitled to change your mind and cancel consent at any time by confirming this in writing.
- That de-identified information may be used for public interest research.
- Of the consequences of giving or refusing consent. If CPA believes that refusal will cause detriment to the client, the employee should explain any implications of the refusal.
- That records are archived and will eventually be destroyed, according to CPA policy.
- Of how you can raise a concern/make a complaint about a breach of privacy by speaking with a staff member, via www.cerebralpalsy.org.au, by emailing privacy@cerebralpalsy.org.au, or by contacting the General Manager, Compliance.

Photos and videos

Employees will ensure that your consent is obtained before any photos or video footage are taken (you will be asked to sign a [Permission to Use Photographs/Video Footage](#)), or any video conference takes place. For video conferences, the employee organising the conference will inform you of who is participating and will introduce you to everyone involved. You may terminate the session at any time. The employee will make notes in your records about the video conference.

Sharing/exchanging client information

We have procedures for employees to follow when requested or required to share/exchange client information (employees should refer to [Protection of Client Records – Sharing/ Exchanging Information](#) and [Child Protection – Sharing/Exchanging Information](#)). Your information is not shared with anyone without your written consent, unless CPA has concerns for your safety or is required to by law.

Your file/records will not be released to you or your family/guardian unless written authority to release information is signed (employees should refer to [Authority to Release a Copy of the Client File](#)). To

access information about a deceased client, the [person responsible](#) or the executor of the estate must provide written consent.

By law, we are required to notify the NDIS Quality and Safeguards Commission of any reportable incident or allegation of which we become aware. In the ACT, we are required to notify the Human Services Registrar of any critical incident that involves serious risk to the life, health or safety of a client.

Deaths of clients in our services are required to be reviewed by the Coroner, ACT Human Services Registrar and/or NDIS Quality and Safeguards Commission.

Exchanging information about children and young people

By law, where there are concerns about a child's or young person's safety, welfare or wellbeing, we are authorised to share information without the consent of the child, young person or family member (Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998). (Employees should refer to the [Child Protection – Sharing/Exchanging Information procedure](#).)

The NSW Child Death Review Team has powers to obtain unrestricted access to relevant health records and to obtain copies on request (Section 45T of the Commission for Children and Young People Act 1998).

Information storage and security

Electronic records are protected by restricting computer access through individual login and password and using access restrictions for client information systems so that employees see only the information relevant to their role.

Employees will ensure that your paper records are kept secure by:

- Locking filing cabinets and unattended storage areas
- Positioning computer screens, photocopiers and faxes so that they cannot be seen or accessed by unauthorised people or visitors
- Not leaving files on desks or anywhere they may be visible to unauthorised persons.

When an employee needs to take your file out of CPA premises, the employee will store it in a bag, and in the boot of their car. The file will not be left unattended, nor left in the boot of a parked car.

Your paper records are stored at the service site for two years and then at a secure storage facility.

Adult clients' paper records (including health information) are stored for 7 years from the date of the last service provided.

Paper records relating to children under 18 years old at the date of their last service are kept until the client turns 25 years old, or would have.

Records of clients who have died are kept for at least 7 years after the date of death.

After the above time periods, records are destroyed securely by the professional storage facility.

Information checking and correction

We make every effort to ensure that we record your information correctly, and we may check your information from time to time and update it as necessary.

If you disagree with any part of your records, we will work with you to resolve the matter. If it is about factual information (e.g. address) and the correction is agreed, your record will be updated. If you do not agree with an employee's entry in your records, the service manager will discuss this with you, and your comments or an agreed amendment (if an agreement is reached) will be noted in your file along with the original record.

External support available

When there are communication difficulties or there is concern about a person's capacity to give consent, it may be appropriate to seek the help of an advocate, interpreter or guardian to help with the collection of client information. Under the HRIP Act, authorised representatives that are able to make a decision about health information are:

- Someone who has an enduring power of attorney for the client
- A guardian as defined in the Guardianship Act 1987
- A 'person responsible' under section 33A of the Guardianship Act 1987
- If the client is a child under the age of 18, a person who has parental responsibility
- Any other person who is authorised by law to act for or represent the person.

Anonymity

If it is within the law and practical, we will provide the opportunity for a client to remain anonymous when receiving our services. Using an alias should be considered.

It is impractical to support a client anonymously in the following circumstances:

- Providing assistance to a client who has been diagnosed with a disease/condition that must be recorded and notified under public health law
- The health related service is ongoing and follow-up is necessary and without the client's details their ongoing health care may be compromised
- The service provided involves a payment via credit card or cheque
- Opening a bank account for a client or providing financial services where the law requires the individual to be identified.

Breaches of privacy and complaints

Any breaches of this policy by employees will result in disciplinary action. Clients and their families are encouraged to use our complaints procedures if they have concerns about their privacy (see www.cerebralpalsy.org.au).

Enquiries

Enquiries or requests about our Privacy Policy or the Privacy Act should be directed to the General Manager, Compliance:

Telephone: 02 9975 8000

Email: privacy@cerebralpalsy.org.au

Address: PO Box 6427, Frenchs Forest NSW 2086