

COUNCIL POLICY – Community Care

Privacy and Confidentiality Policy



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POLICY TITLE:	Privacy and Confidentiality Policy
POLICY NUMBER:	172
REVISION NUMBER:	2
TRIM REFERENCE:	SF14/411 - R26/3112
RESOLUTION NUMBER:	4384
POLICY TYPE:	Statutory
APPROVING OFFICER:	Council Adoption
DATE OF ADOPTION:	26 November 2025
TIME PERIOD OF REVIEW:	3 Years
DATE OF NEXT REVIEW:	26 November 2028
RESPONSIBLE DEPARTMENT:	Community Care

1. OBJECTIVE

In order to treat a client with dignity and respect, staff must respect their privacy. Flinders Shire Council (FSC) ensures the behaviour and interactions of the workforce and others do not compromise client privacy. Staff respect each client's right to privacy in how staff collect, use and communicate the client's personal information.

Health information is one of the most sensitive types of personal information. It is essential that staff respect a client's right to privacy in how staff collect, use and communicate health information. FSC ensures all personal information is managed according to law and best practice.

FSC acknowledge that to provide quality client care, it is important to share relevant patient information between care providers (internal and external to the Community Care service). Client handover and information sharing within the Community Care service and between Community Care staff is essential to ensure quality and safe client care. In addition, with the client's consent, the Community Care service will work with other stakeholders within the client's health and support service team, to ensure that relevant information is shared to support best practice patient care.

Standard 1: The individual - Expectation statement for older people

I have the right to be treated with dignity and respect and to live free from any form of discrimination. I make decisions about my funded aged care services, with support when I want or need it. My identity, culture and diversity are valued and supported, and I have the right to live the life I choose. My provider understands who I am and what is important to me, and this determines the way my funded aged care services are delivered.

Outcome statement:

The provider must deliver funded aged care services to individuals in a way that is free from all forms of discrimination, abuse and neglect, treats individuals with dignity and respect, and respects the personal privacy of individuals.

2. SCOPE

- All staff
- Council
- Volunteers
- Students
- Contractors including consultants
- Community Care Clients

3. DEFINITIONS

Discovery • Opportunity • Lifestyle

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Audio/Visual: Using both sound and pictures.

Choice: An act of choosing between two or more possibilities

Client: A person who uses the service or advice of a professional person or organisation.

Confidentiality: A situation in which you expect somebody to keep information secret

Culture: The customs, beliefs, art, way of life and social organisation of a particular group, country etc.

Dignity: The fact of being given respect by people.

Diversity: The quality or fact of including a range of many people or things.

Identity: The characteristics, feelings or beliefs that distinguish people from others and who or what somebody is.

Legislation: A law or a set of laws passed by a parliament.

Privacy: That you don't want other people to know something

Respect: Polite behaviour towards or care for somebody

Risk: A situation that could be dangerous or have a bad result.

Workforce: All people who work for a particular company or organisation

4. ROLES AND RESPONSIBILITIES

- Councillors have responsibility to ensure the organisation complies with the legal and ethical obligations of this policy in all dealings with staff, clients, community members and other stakeholders
- Management staff must apply this policy in a practical way and incorporate its principles in all other policies and procedures. Managers must positively promote a high standard of behaviour in line with this policy.
- Community Care staff are responsible for the provision of care and support services in line with this policy, which meet the needs of clients

5. POLICY

Policy Commitment

FSC's Community Care service ensures the privacy and confidentiality of the client's personal information, including their health information. Privacy for clients may relate to physical environment, possessions, physical needs, personal relationships, and personal information.

To achieve this Community Care service will ensure:

- Information about what data is collected, why it is collected and how it is used and stored should be explained to client at the commencement of the intake process to facilitate informed consent to collect information.
- Information on how a client or their authorised representative can access the client's own personal information must be provided during intake.
- Written consent to collect and hold client information must be obtained when the client first enters the service.
- Written consent must be obtained to share any information with a designated third party. A blanket

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consent to share information without defining who information is to be shared with is not valid.

- Clients or their authorized representative may access their own files.
- All client files, held manually or electronically, must be securely stored.
- Electronic records must be password protected and restricted to those members of staff who require such information as part of their duties and on a 'need to know' basis.
- All staff must sign a confidentiality agreement at commencement of their employment with FSC, which commits them to respecting the privacy and confidentiality of each client including information relating to:
 - The provision of care
 - Discussions about a client's care and service requirements; and
 - The storage of a client's personal information whether this relates to medical, personal needs or general information

6. COUNCIL EXCEPTIONS

This policy applies only to the provision of Community Care services within the Community Services and Well-being directorate. Where this policy does not apply, reference should be made to the corporate policies and procedures that are intended to apply generically across all service areas of Council.

7. IMPLEMENTATION

Process Guidance

FSC will demonstrate its commitment to privacy and confidentiality through the following processes:

Respect privacy and confidentiality

- Will ask permission from the client before entering their home, room, or private areas.
- Will respect the client's personal property e.g. will not use it unless invited to do so or open or read clients' mail unless they request this or need assistance.
- Will provide privacy to each client during their personal care activities. This includes all activities with the client including but not limited to bathing, toileting, dressing and personal or intimate relationships as well as other personal activities such as when speaking with visitors or during phone conversations if the client or their representative chooses
- Will treat all information relating to clients confidentially and when required to share it, will do so in a way that maintains their privacy and confidentiality. This is especially so where information could be overheard by those who should not have access to this information. This will also apply to information shared with other health care professionals or representatives involved in the client's care or services. Any health care professional who requires access to the client's electronic records or personal information must provide a signed consent form from the client to release the specific information requested.

Collection and use of client information

- The client agreement includes a statement that the service will take steps to protect the confidentiality of personal information
- The client will receive a Collection Statement outlining the type of personal information to be collected, how it is collected and used, how it will be disclosed and the need for complete and accurate information.
- Staff will collect personal information only from the client, unless they consent to information being collected from someone other than them, or it is unreasonable or impractical to do so.
- Staff are not to seek more information about the client than is absolutely necessary in providing care and services.
- Staff are not to release client information to any third party without the explicit consent of the client (unless a permitted situation exists¹). Any client information that is released or is accessible can only

¹ Privacy Amendment (Enhancing Privacy Protection) Act 2012

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be provided to those individuals with a legitimate interest or need as part of their care or service role. This must be annotated in the client's care plan that there is a signed consent to release this information.

- Staff will not proceed with a client assessment, care coordination or planning process without a client's consent. If the client cannot provide such consent, staff will seek the consent from their authorised representative.

Advise client of rights to access records

- Staff will inform clients of their right to access their information in their Agreement and Collection Statement and will remind them on a regular basis through service reviews and agreement renewal.
- Clients are required to request access to their information in writing, and staff must respond within 7 days of receipt and provide a reason if access is denied.

Seek consent to use client images and audio/visual recordings

- If an image or audio/visual recording is required for any purpose, staff will seek consent from the client or representative
- Staff will keep and update a register of consents. On receipt of any written notice of withdrawal of consent, staff will check the register before using any image.
- If staff intend to use client images in communication brochures or similar activities, staff must obtain

written informed consent from the client or representative for that situation only. The image cannot be retained for some possible future use.

Advise clients of right to complain of privacy breach

- Staff will inform clients about their right to complain about a privacy breach and the process for making a complaint. This information sets out the way that staff manage the complaint.
- Alternatively, the client may complain to the Office of the Australian Privacy Commissioner within six months of the breach.

Exclusions

- If a significant threat to client or staff safety affects the client's right to privacy and confidentiality, staff safety will prevail
- Staff will provide access to client records without obtaining consent if:
 - There is a serious threat to the life, health, or safety of any individual or public health and safety; and
 - It would be an unreasonably infringement on the privacy of other individuals if the information relates to legal proceedings or is in some way illegal or unlawful.²

² See Privacy Amendment (Enhancing Privacy Protection) Act (2012) (Sect 16A;16B;16C) for information relating to 'permitted situations'

8. RELATED LEGISLATION

- Privacy Act 1988 - Part III, Division 2 Australian Privacy Principles
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Notifiable Data Breaches scheme
- Aged Care Act 2024

9. RELATED DOCUMENTS

- All Community Care Policies
- Privacy and Confidentiality Policy (Flinders Shire Council)
- Stronger Aged Care Quality Standards

10. ATTACHMENTS

- Nil

11. REVIEW TRIGGER

Community Care policies are to be renewed every three years, or earlier if significant issue or change in legislation affecting this policy occurs.

12. PRIVACY PROVISION

Council respects and protects people's privacy and collects, stores, uses and discloses personal information responsibly and transparently when delivering Council services and business.

13. APPROVAL

Adopted at the November 2025 Council Meeting – Resolution Number 4384.