

# guidance occupational therapy services

## **Privacy and Records Management Policy and Procedures**

**Purpose** This policy relates to Elena Carbone, Occupational Therapist, trading as Guidance Occupational Therapy Services and the collection, use, and disclosure of information about the people Guidance Occupational Therapy Services supports and the people who work with Guidance Occupational Therapy Services. Elena Carbone, Sole Trader, is responsible for this policy and is committed to protecting the privacy of personal information we collect and hold about individuals.

Guidance Occupational Therapy Services collects and stores information so it can provide a safe working environment, high-quality services, and meet its legal requirements.

Guidance Occupational Therapy Services will need to use and collect personal and sensitive information. Guidance Occupational Therapy Services relies on participant/clients to provide accurate information. Should participant/clients decide to withhold or provide inaccurate personal or sensitive information, this could impact the ability to provide the service they request or require.

Guidance Occupational Therapy Services manages personal information in accordance with relevant legislation and disposal guidelines as stated in the Privacy Act 1988, other privacy laws that govern how private sector health service providers handle your personal information (including your health information), and Occupational Therapy Australia's Code of Ethics.

**Definitions Personal information:** Information that identifies a person, e.g., name, address, contact details, photographs. What constitutes personal information will vary, depending on whether an individual can be identified or is reasonably identifiable in the particular circumstances. It may include information such as a person's first name, mailing address, telephone number, or email. Health information includes any information collected in the course of providing a health service. This may include information such as the health or disability of an individual, their express wishes about their future health treatment, and information about health services provided or to be provided.

**Sensitive information:** Is also personal information, however, special protection applies to this type of information, e.g., racial or ethnic origin, medical history, disability or injury, supports and services being received, and criminal records.

## **Principles**

Personal information is collected with consent and is used where the information is needed to provide services and meet compliance requirements.

- Information is protected from misuse, loss, and unauthorized access.
- Information not needed by Guidance Occupational Therapy Services is destroyed as soon as practicable in a way that complies with all legal and compliance requirements.
- Reasonable steps are taken to ensure information is complete, current, and accurate.
- Personal information is only ever released if required by law, agreed to through the informed consent of the individual, or if a person requests to see their own personal file. ▪ Personal information will not be disclosed to other parties or used for direct marketing without permission.
- Personal and sensitive information is usually collected directly from the client/participant or their representative; however, sometimes this information is collected from a third party (such as a relative or another health service provider).

When is your personal information collected?

Guidance Occupational Therapy Services will collect personal information when a participant/client, parent, guardian, or representative books a service, during the course of providing services, or when an online form is used and submitted through [www.guidanceots.com.au](http://www.guidanceots.com.au). Guidance Occupational Therapy Services collects personal information from its website through receiving online forms and emails. It also uses third parties to analyze traffic on that website, which may involve the use of cookies.

Guidance Occupational Therapy Services may create links to third-party websites and is not responsible for the content or privacy practices employed by websites that are linked from its website.

Who might your personal information be disclosed to? Guidance Occupational Therapy Services may disclose your personal information when required by law, to legal practitioners, courts,

tribunals, regulatory authorities, and anyone else to whom you authorize us to disclose it as per the Privacy section on the service agreement.

Prior to the commencement of services with Guidance Occupational Therapy Services, a participant/client or representative is required to complete a service agreement, which contains a privacy and consent statement for the participant/client. By signing the service agreement, participants/clients and/or their guardians, parents, or legal representatives are giving their expressed consent for Guidance Occupational Therapy Services to contact the following people to discuss relevant information in relation to services provided as a part of the agreement. It is the responsibility of the participant/client or their representative to inform the provider of any changes to the details of the persons listed below. The people who may be contacted are:

- The treating doctor and other medical practitioners (this may be required in relation to Medicare-required discharge summaries or to collect or provide information related to your care and services with Guidance Occupational Therapy Services).
- The treating allied health professionals (your care may be provided by a number of health professionals, such as a speech pathologist, occupational therapist, and/or psychologist, working or consulting together. We may disclose your information to these health professionals as part of the process of providing your care and to other health professionals involved in your care).
- The support coordinator (where relevant).
- The plan manager (where relevant).
- Any other person nominated (people nominated by the participant/client including their name, contact details, and relationship to the participant). This may include, but is not limited to, a house manager, support worker, teacher/school, or family member.
- Where there is a legal guardian, advocate, or representative in place, Guidance Occupational Therapy Services may provide personal and sensitive information to this person within the context of your care and support.

Guidance Occupational Therapy Services may also collect personal information from these organizations and individuals and will deal with that information in accordance with this Policy.

Access to information Participants/clients may request access to their personal information held by Guidance Occupational Therapy Services by contacting the sole trader, Elena Carbone,

by emailing [admin@guidanceots.com.au](mailto:admin@guidanceots.com.au). Guidance Occupational Therapy Services will require you to verify your identity and specify what information you require. All requests must be made in writing.

In some circumstances, access to personal information may be denied. If access is denied, you will be provided with a formal response in writing explaining why.

Complaints about privacy breaches will be handled under the Complaints Handling and Reportable Incident Policy.

Data breaches Guidance Occupational Therapy Services will take reasonable steps to protect your personal information from misuse, interference, loss, unauthorized access, modification, or disclosure. As per the Privacy Act 1988, Guidance Occupational Therapy Services has an obligation to report privacy breaches.

### **Storage and Protection**

- Storage – Records of individuals' information are kept in electronic form using Splose practice software, emails (Outlook 365), and OneDrive. No physical copies are kept.
- Retention – Records are retained for a minimum period of seven years or as required by law.
- Protection – Electronic information is password protected and accessible only to Elena Carbone.
- Disposal – Information no longer required is securely archived or permanently deleted.

### **Related policies and plans**

- Code of Conduct Policy
- Complaints Handling and Reportable Incident Policy

### **Related legislation and standards**

- Australian Privacy Act 1988 (APPs)
- NDIS Act 2013 ▪ NDIS Quality and Safeguarding Practice Standards 2018
- National Standards for Disability Services
- Fair Work Act 2009 ▪ Occupational Therapy Australia's Code of Ethics

