

MAR-S1-002

PRIVACY AND CONFIDENTIALITY

POLICY

Document Control

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This policy is an integral component of the Maroochy Home Assist Quality and Compliance Framework and must be read in conjunction with the full policy suite to ensure a holistic understanding of our operational standards. Our framework is designed to strictly adhere to the Aged Care Act 2024, the Strengthened Aged Care Quality Standards, the Commonwealth Home Support Programme (CHSP), the State Home Assist Secure Program, and the National Disability Insurance Scheme (NDIS) Practice Standards, alongside all other applicable Commonwealth and State legislation.

Maroochy Home Assist operates as an Associate Provider under the Support at Home program and a funded provider under Commonwealth Home Support Program (CHSP), State Home Assist Secure Program (HAS) and the National Disability Insurance Scheme (NDIS). The organisation delivers services within its approved scope, including Home Maintenance, Home Modifications, and Occupational Therapy services, and also undertakes assessment, coordination, and brokerage of services delivered by appropriately qualified contractors where required. This includes the provision of approved services within scope, and the coordination or brokerage of services through appropriately qualified third-party providers.

This policy suite establishes a consistent, organisation-wide approach to embedding dignity, respect, and privacy into every interaction. These core principles govern all organisational activities, including client assessments, service coordination, the engagement of external service providers, and all stakeholder interactions. To maintain the highest level of service integrity, these policies are subject to regular review and updates in alignment with legislative changes and industry best practices.

Adherence to these policies is mandatory for all employees, contractors, and representatives of Maroochy Home Assist to ensure the safety, rights, and wellbeing of the community we serve. Failure to comply with these standards may result in disciplinary action or termination of service agreements.

PRIVACY AND CONFIDENTIALITY

PURPOSE:

Maroochy Home Assist operates across multiple government programs, including the Commonwealth Home Support Programme (CHSP), the State Home Assist Secure Program (HAS), and the Support at Home (SaH) program. Under SaH, Maroochy Home Assist operates as an Associate Provider, coordinating and brokering services on behalf of Registered Providers. The organisation does not deliver personal care services. Clinical involvement is limited to Occupational Therapy assessment, recommendation, documentation, and related home modification advice within scope. Responsibility for funded aged care service delivery, statutory reporting, and regulatory accountability under SaH remains with the relevant Registered Provider. Maroochy Home Assist manages personal information for the purposes of assessment, coordination, brokerage, referral, and oversight support in accordance with this policy.

Maroochy Home Assist is committed to protecting the privacy, confidentiality, integrity, and security of all personal and sensitive information collected, held, and managed in the course of its operations.

As an organisation that coordinates and brokers services rather than delivering direct care, Maroochy Home Assist ensures that all information handling practices:

- Uphold the rights, dignity, and autonomy of individuals;
- Support informed decision-making and choice and control; and
- Are aligned with legislative, regulatory, and ethical obligations.

This policy ensures that personal information is:

- Collected only where necessary and lawful;
- Used and disclosed in a controlled and transparent manner;
- Protected from unauthorised access, misuse, or loss; and
- Accessible to individuals in accordance with their rights under legislation.

SCOPE:

This policy applies to:

- All services coordinated under:
 - Commonwealth Home Support Programme (CHSP)
 - State Home Assist Secure Program
 - Support at Home (as an Associate Provider)
 - Department of Veterans' Affairs (DVA) programs, where Maroochy Home Assist coordinates or brokers services within scope
 - National Disability Insurance Scheme (NDIS)
- All forms of information, including:
 - Personal, sensitive, and health information
 - Paper-based, electronic, verbal, visual, and audio records

- All organisational representatives, including:
 - Board and Governing Body
 - Management and administrative staff
 - Assessors and coordinators
 - Occupational Therapists
 - Contractors and third-party service providers

This policy applies to information collected, used, or disclosed in the course of assessment, service coordination, referral, and provider engagement activities.

POLICY PRINCIPLES:

The organisation is committed to the following principles:

- Individuals have the right to privacy, confidentiality, and control over their personal information
- Information is collected only where necessary for lawful and operational purposes
- Individuals have the right to access and request correction of their information
- Personal information is disclosed only with consent or lawful authority
- Privacy protections apply equally across digital and physical environments
- Information is managed in a secure, transparent, and accountable manner

Privacy and confidentiality obligations apply at all times, including after employment or engagement ceases.

RELATED OUTCOMES:

- Aged Care Standards Outcome 1.2: Dignity, respect and privacy
- Aged Care Standards Outcome 1.3: Choice, independence and control
- Aged Care Standards Outcome 2.1: Governance and accountability
- Aged Care Standards Outcome 2.6b: Complaints and feedback management for individuals
- Aged Care Standards Outcome 2.7: Information management
- Aged Care Act 2024 – Statement of Rights
- Privacy Act 1988 (Cth)

KEY DEFINITIONS

- **Personal Information:** Information or an opinion about an identified individual or an individual who is reasonably identifiable.
- **Sensitive Information:** Health information, cultural background, religious beliefs, sexual orientation, or other information afforded higher protection under privacy law.
- **Confidential Information:** Information disclosed in trust and not intended for public disclosure.
- **Breach:** Unauthorised access, disclosure, alteration, loss or destruction of personal information.

- **Statement of Rights:** Under the new Aged Care Act 2024, outlines legal, person-centred rights for Australians receiving government funded services.
- **Associate Provider:** An organisation that coordinates, brokers, or delivers agreed services on behalf of a Support at Home Registered Provider under a formal arrangement.
- **Registered Provider:** An entity registered under the Aged Care Act 2024 with statutory responsibility for funded aged care service delivery and regulatory reporting.
- **Third-Party Provider:** An external contractor or provider engaged by Maroochy Home Assist to deliver services within approved scope.
- **Authorised Representative:** A person legally authorised or nominated to act on behalf of an individual in relation to information, consent, or decision-making.

INDIVIDUAL OUTCOMES:

"I am confident that my personal information is handled securely and respectfully. I understand how my information is used and have control over who can access it."

INFORMATION MANAGEMENT FRAMEWORK

Collection of Information

The organisation will:

- Collect only information that is directly relevant to assessment, service coordination, and referral functions;
- Obtain informed and voluntary consent prior to the collection of personal or sensitive information, unless otherwise authorised by law;
- Ensure individuals are provided with clear and accessible privacy notices outlining:
 - the purpose of collection
 - how information will be used and disclosed
 - any third parties who may receive the information
 - how the information will be stored and protected
 - how individuals may access or correct their information
- Collect information directly from the individual wherever practicable, or from authorised representatives where required; and
- Avoid the collection of excessive or unnecessary information.

USE AND DISCLOSURE OF INFORMATION

The organisation will ensure that personal information is:

- Used solely for the primary purpose for which it was collected, being assessment, coordination, and referral of services;
- Disclosed only where:
 - the individual has provided informed consent;
 - the disclosure is reasonably necessary for service coordination;

- the disclosure is required or authorised by law; or
 - there is a serious threat to life, health, or safety;
- When disclosing information to third-party providers, the organisation will:
 - Limit disclosure to the minimum information necessary to deliver the required service;
 - Ensure the receiving provider understands and complies with confidentiality obligations; and
 - Maintain records of disclosures where required.

Where personal information relates to services coordinated or brokered on behalf of a Support at Home Registered Provider, Maroochy Home Assist uses and discloses information in accordance with this policy and relevant service agreements, and shares information with the Registered Provider as required to support service delivery, quality oversight, and regulatory compliance.

Where personal information relates to services delivered under the Home Assist Secure (HAS) program, information may be provided to the Department of Housing and Public Works, in accordance with the Service Agreement, to enable the Department to verify that services are being delivered to the required standard of quality.

ACCESS AND CORRECTION

The organisation will:

- Provide individuals with access to their personal information upon request;
- Respond to access requests within legislated timeframes;
- Require requests to be submitted in writing where appropriate;
- Allow individuals to request correction of inaccurate, incomplete, or outdated information;
- Document all access and correction requests and outcomes; and
- Provide reasons where access is denied in accordance with legislative requirements.

INFORMATION AND CYBER SECURITY FRAMEWORK

The organisation will maintain a comprehensive Information and Cyber Security Framework to safeguard all information assets from unauthorised access, misuse, loss, or disclosure.

This framework will include:

- Defined security governance structures and accountabilities;
- Risk-based controls aligned with recognised standards (e.g., ISO 27001 or equivalent);
- Protection mechanisms for systems, networks, and data, including encryption, access controls, and monitoring;
- Incident detection, response, and recovery processes; and
- Regular review and testing of security controls to ensure ongoing effectiveness.

THIRD-PARTY PROVIDERS

The organisation will ensure that all third-party providers understand and comply with applicable privacy, confidentiality, and information-handling obligations, including those under the Aged Care Act 2024 and the Australian Privacy Principles.

This includes:

- Incorporating specific privacy, confidentiality, and data protection clauses within all service agreements;
- Requiring providers to comply with the Privacy Act 1988 (Cth) and the Australian Privacy Principles;
- Defining responsibilities for data handling, storage, access, and breach notification;
- Undertaking due diligence prior to engagement and periodic reviews of provider compliance; and
- Taking corrective action, including suspension or termination of agreements, where non-compliance is identified.

INFORMATION SHARING PROTOCOL

The organisation will establish and maintain a formal Information Sharing Protocol to govern the disclosure of personal and sensitive information to third-party providers and other authorised parties.

This protocol will:

- Define the categories and minimum necessary information to be shared for the purposes of assessment, service coordination, and referral;
- Ensure that information is disclosed strictly on a need-to-know basis and in accordance with the principle of data minimisation;
- Establish clear processes for obtaining, recording, and managing informed consent from individuals or their authorised representatives;
- Outline circumstances where information may be disclosed without consent, in accordance with legislative requirements; and
- Provide guidance to workforce members to ensure consistent, lawful, and appropriate information-sharing practices.

PRIVACY BREACH MANAGEMENT

The organisation will:

- Require all workforce members to immediately report suspected or actual breaches
- Implement immediate containment actions to prevent further impact
- Assess the nature and severity of the breach, including risk of harm, within 30 days of becoming aware of a suspected breach, to determine whether it is likely to result in serious harm to any individual (an eligible data breach)

- Where a breach is assessed as an eligible data breach, notify affected individuals as soon as practicable, including a description of the breach, the kinds of information involved, and the steps individuals should take in response
- Report notifiable breaches to the Office of the Australian Information Commissioner (OAIC) in accordance with the Notifiable Data Breaches Scheme
- Maintain an internal record of all suspected and actual breaches, including the assessment outcome, notifications made, and corrective actions taken
- Record, investigate, and implement corrective actions to prevent recurrence
- Where a privacy breach relates to information handled on behalf of, or shared with, a Support at Home Registered Provider, notify the Registered Provider without delay and cooperate in breach assessment, response, and regulatory reporting as required.

The General Manager is responsible for overseeing breach assessment, notification decisions, and record-keeping under this section.

PHOTOGRAPHY AND RECORDING

The organisation will:

- Obtain informed consent prior to capturing images or recordings;
- Obtain explicit written consent for any external or public use;
- Maintain records of consent and withdrawal; and
- Ensure that recordings are stored securely and used only for authorised purposes.

FEEDBACK AND COMPLAINTS MANAGEMENT

The organisation will:

- Provide individuals with clear and accessible information on how to make a privacy complaint;
- Ensure complaints are managed in accordance with the Feedback and Complaints Policy;
- Investigate all complaints in a timely and impartial manner;
- Provide outcomes and reasons to the complainant; and
- Inform individuals of their right to escalate complaints to external bodies, including the OAIC.

ROLES AND RESPONSIBILITIES

- Board and Governing Body
 - Ensure systems support compliance with privacy obligations.
 - Oversee risk management relating to information governance.
- General Manager
 - Ensure adequate resources and systems are in place.
- Managers
 - Monitor staff compliance and address breaches.
- Workforce Members

- Maintain confidentiality at all times.
- Access only information necessary for their role.
- Report suspected breaches immediately.

TRAINING

The organisation will ensure that:

- All workforce members complete mandatory privacy and confidentiality training at induction;
- Training includes legislative requirements, organisational procedures, and breach reporting;
- Training is refreshed at least annually; and
- Training completion is monitored and recorded.

MONITORING AND CONTINUOUS IMPROVEMENT

The Organisation will:

- Conduct regular audits of privacy and information management practices
- Monitor system access logs and user activity
- Analyse complaints, incidents, and breaches
- Review third-party provider compliance
- Report findings to management and the Board
- Implement corrective and improvement actions as required

BREACH OF POLICY

Failure to comply with this policy may result in disciplinary action, termination of employment, reporting to regulatory bodies, and/or legal proceedings.

RELATED DOCUMENTS

- Statement of Aged Care Rights Policy
- Aged Care Code of Conduct
- Information Sharing and Consent Policy
- Information Management Systems Policy
- Feedback and Complaints Policy

REFERENCES:

- Privacy Act 1988 (Cth)
- Information Privacy Act 2009 (Qld) — applicable to information handled in connection with the Home Assist Secure (HAS) program
- Australian Privacy Principles
- Aged Care Act 2024 (Cth).
- Strengthened Aged Care Quality Standards

- Disability Services and Inclusion Act 2023 (Cth).
- Freedom of Information Act 1982 (Cth).
- My Health Records Act 2012 (Cth).

This policy is uncontrolled once printed, and may be superseded by a newer version, please check our electronic policy suite for the most recent version.

AMENDMENT / REVISION HISTORY

Version	Date	Description	Approved By
v1.0	15/07/2026	Initial version - first approved	Governing Body