



## PRIVACY POLICY

### Policy Statement

Finley Regional Care (FRC) is committed to protecting the privacy of the personal information and sensitive information which it collects and holds.

FRC must comply with the Australian Privacy Principles under the Privacy Act 1988 (Cth), and other privacy laws which govern the way in which organisations (such as FRC), hold, use and disclose personal information (including your sensitive information).

The purpose of this Privacy Policy is to explain:

- a) the kinds of information that FRC may collect about you and how that information is held;
- b) how FRC collects and holds personal information;
- c) the purposes for which FRC collects, holds, uses and discloses personal information
- d) how you can access the personal information FRC holds about you and seek to correct such information; and
- e) the way in which you can complain about a breach of your privacy and how FRC will handle that complaint.

### Definitions

In this Privacy Policy the following terms have the following meanings:

**health information is:**

- a) personal information or an opinion about:
  - (i) An individual's physical or mental health or disability (at any time);
  - (ii) An individual's express wishes about the future provision of health services for themselves; or
  - (iii) A health service provided, or to be provided, to an individual;
- b) other personal information collected to provide, or in providing, a health service;
- c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or

- d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

**personal information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- e) whether the information or opinion is true or not; and
- f) whether the information or opinion is recorded in a material form or not;

**sensitive information** means:

- a) personal information or opinion about an individual's:
  - (i) racial or ethnic origins;
  - (ii) political opinions or political associations;
  - (iii) philosophical beliefs or religious beliefs or affiliations;
  - (iv) sexual preferences or practices;
  - (v) criminal record; or
- b) health information about an individual; or
- c) genetic information about an individual that is not otherwise health information.


## **Part 1 – Consideration of Personal Information Privacy**

### ***Australian Privacy Principle 1 – open and transparent management of personal information***

Finley Regional Care is a not for profit organisation Aged and Health Care services via Berriquin Nursing Home, Ulupna Lodge Hostel, Home Care Packages and the Finley Medical Centre. We appreciate that privacy is important to you. Finley Regional Care is committed to handling your personal information (including health and other sensitive information) in accordance with applicable privacy laws, including the Australian Privacy Principles set out in the *Privacy Act 1998* (Cth).

Personal information is information or opinion that identifies a person or from which a person can reasonably be identified. It includes information such as your name, address, date of birth, contact details and emergency contacts. If you receive aged care services it may also include “sensitive information” such as your care records, medical history, treatment and advice you have been given by healthcare professionals, and other information relevant to your care or the services we provide.





## ***Australian Privacy Principle 2 – anonymity and pseudonymity***

You have the option of not identifying yourself, or using a pseudonym, when dealing with Finley Regional Care in certain circumstances, for example, when making a general enquiry about our services. However, it is generally not practicable or lawful for Finley Regional Care to deal with you anonymously or pseudonymously on an ongoing basis, for example, if you wish to make a more detailed enquiry about our services or become a client. If we do not collect personal information about you, we may be unable to provide you with the information or services you have asked us to provide.

We recognise the generosity of contributions of our supporters in our Annual Report. If you wish to remain anonymous, please contact us using the details below.

## **Part 2 – Collection of Personal Information**

### ***Australian Privacy Principle 3 – collection of solicited personal information***

We collect personal information reasonably necessary for one or more of our functions or activities as a provider of residential aged care, community care and general practitioner services.

The types of information we generally collect includes your name, date of birth, address and other contact details such as your telephone numbers and email address. Depending on the purpose of our interaction with you, we may also collect additional personal information including current drugs or treatments used by you, previous/current medical history, including, where clinically relevant, a family medical history and the name of any health service provider or medical specialist to whom you is referred, copies of any letters of referrals and copies of any reports back.

For the purpose of providing medical services patient information is shared between the medical practitioners and other health providers at the Finley Medical Centre.

Providing us with accurate and complete information is important for the safety, quality and effectiveness of the services we provide. If you do not provide accurate and complete information, or you withhold information, it may affect the safety, quality and effectiveness of the services we provide and the funding available to you or us for those services. In certain circumstances, this may mean that we are not able to provide you with services.

More detail about the personal information (including sensitive information) we collect and why is set out below. If you have any concerns about the personal information we have asked you to provide, please raise those concerns with us.



### ***Australian Privacy Principle 4 – dealing with unsolicited personal information***

Finley Regional Care does not collect unsolicited personal information from outside agencies other than information provided by our Clients in Principle 3.

### ***Australian Privacy Principle 5 – notification of the collection of personal information***

Finley Regional Care will only collect personal information from our Clients' Legal Guardians or individual who have Power of Attorney to act on behalf of another individual due to physical or mental impairment which prevents them from providing information to Finley Regional Care.

## **Part 3 – Dealing with Personal Information**

### ***Principle 6 – use or disclosure of personal information***

#### **Prospective client and clients of our residential aged care, community care services.**

In addition to the general information noted above, we may collect and hold:

- Sensitive information relating to your health and care needs, your racial/ethnic origin, your lifestyle choices and your health care preferences and wishes;
- Information about you that was provided to the Aged Care Assessment Team, the Department of Health, the Department of Social Services, Medicare Australia, Centrelink or the Department of Veterans' Affairs;
- Information about your financial status and your social security status;
- Information regarding details of your appointed attorney, guardian or other alternative decision makers;
- Contact details for your family members;
- Information that we are required to collect or hold under the Aged Care Act 1997 (Cth) which includes sensitive information relating to your health, health care services and religion;
- Records relating to your enquiries about entry into one of our services; and
- Any other information required by law or Finley Regional Care's duty of care.

We generally collect information directly from you. We may also collect personal information about you from third parties, for example:

- from a government agency including those listed above as well as independent agencies such as the Aged Care Standards and Accreditation Agency and the Office of the Aged Care Commissioner;



- from your medical practitioner or other healthcare professional;
- from other organisations that have provided you with care and/or accommodation services;
- from your authorised representative or family members.

We may collect your personal information for the following purposes:

- to provide you with appropriate ongoing accommodation or care services, including by developing care and services plans and communicating with your nominated healthcare professionals;
- to comply with the requirements of the laws that regulate our provision of residential aged care, community care or retirement living services;
- to determine your eligibility to entitlements under the *Aged Care Act 1997* (Cth) or other legislation relating to the community care services you may receive;
- to determine your eligibility to reside in an Aged Care Service;
- to liaise with your authorised representative and to contact nominated individuals (such as family members) if requested or needed;
- to comply with our obligations to give financial and asset information to the Australian Government to determine our funding entitlements and to determine the fees you pay us;
- to enter into contract arrangements for the services or accommodation we may provide;
- to meet any other regulatory, legislative or care requirement.

### **Prospective employees, volunteers and contractors**

We may collect personal information when canvassing recruitment of staff, volunteers and contractors. Generally speaking, we collect personal information that you supply to us as part of this process for the purpose of assessing your application. We will collect information about you from third parties, such as your referees, as part of your assessment of your suitability for a position. In providing contact details for your referees, you are considered to have given your permission to our collecting personal information from your referees that may assist us with assessing your application. Similarly, we may confirm details about your past positions with previous employees (eg to confirm your duration of employment). We may also collect health information directly related to your ability to perform the inherent requirements of the position, with your consent.

If we are considering offering you a position, Finley Regional Care may collect additional personal information about you such as your date of birth, tax file number, emergency contact details, ABN (if relevant), bank account and superannuation information, visa, passport and licence details (if relevant) and details relating to your police check.

With your consent, we may retain your details on file to enable us to contact you if you have been previously unsuccessful and an appropriate position becomes available.

This Privacy Policy does not apply to employee records held by Finley Regional Care relating to employees or former employees.



## **GPs, Referring doctors and other healthcare professionals**

Finley Regional Care may collect personal information about individual health professionals who interact with us and who are involved in the care of our residents and clients. This information is typically information such as an individual health professional's name, contact details and information regarding interactions and transactions with Finley Regional Care, and in particular Finley Medical Centre.

## **Other individuals**

Finley Regional Care may collect personal information about individuals whom we deal with on a commercial basis such as suppliers, contractors and individuals in organisations to which we provide goods and services or from which we acquire goods and services. We may collect personal information about you including your name, position, contact details, licence or registration number, ABN, bank detail and other information relevant to the capacity in which you are dealing with Finley Regional Care. We generally collect this information to enable us to contact and deal with you and to enable us to fulfil any obligation or undertaking relevant to your relationship with Finley Regional Care.

## **Visitors to our website**

People can generally visit our website without revealing who they are or providing any personal information. Finley Regional Care will not collect any personal information about visitors to our website, except when visitors take steps to provide personal information to us, for example, when submitting an enquiry. Information provided through our website will be collected, held, used and disclosed in accordance with this Privacy Policy.

If you provide us with personal information through our website, we may log your usage to assist us to make our website more accessible and valuable to our clients and future website visitors.

The internet is not always a secure method of transmitting information. Whilst Finley Regional Care takes reasonable steps to ensure that information it receives is maintained securely, it cannot ensure that communications conducted via the internet will be secure.


## **Will your information be disclosed to overseas recipients?**

No information collected by Finley Regional Care is disclosed to overseas recipients.

## ***Australian Privacy Principle 7 – direct marketing***

No information collected by Finley Regional Care will be disclosed for direct marketing purposes.





## ***Australian Privacy Principle 8 – cross-border disclosure of personal information***

Finley Regional Care will only disclose Clients information to an overseas entity if:

- (i) after being so informed, the individual consents to the disclosure; or
- (ii) the disclosure of the information is required or authorised by or under an Australian Law or a court/tribunal order; and
- (iii) Finley Regional Care is satisfied that the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and
- (iv) There are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme.

## ***Australian Privacy Principle 9 – adoption, use or disclosure of government related identifiers***

Finley Regional Care will not use government related identifiers unless required under an Australian law or to meet regulatory requirements.

## **Part 4 – Integrity of Personal Information**


### ***Australian Privacy Principle 10 – quality of personal information***

Finley Regional Care holds personal information in paper-based and electronic records and systems. Personal information may be collected in paper-based documents and converted to electronic form for storage (with the original paper-based documents either archived or securely destroyed).

### ***Australian Privacy Principle 11 – security of personal information***

Information held in paper-based form is generally securely stored at the Finley Regional Care service from which you receive services or in the case of archived records, at an external storage unit on site. Finley Regional Care uses physical security and other measures to protect personal information from misuse, interference and loss; and from unauthorised access, modification and disclosure.

Information held in electronic form is generally held on servers controlled by Finley Regional Care in Australia. Finley Regional Care uses physical security, password protection and other measures to protect personal information from misuse, interference and loss; and from unauthorised access, modification and disclosure.



Whilst Finley Regional Care does all it can to protect the privacy of your personal information, no data transfer over the internet is 100% secure. When you share your personal information with Finley Regional Care via an online process, it is at your own risk.

There are ways you can help maintain the privacy of your personal information, including:

- a) always closing your browser when you have finished your user session;
- b) always ensuring others cannot access your personal information and emails if you use a public computer; and
- c) never disclosing your user name and password to third parties.

Finley Regional Care may provide links to third party websites. These linked sites may not be under our control and Finley Regional Care is not responsible for the content or privacy practices employed by those websites. Before disclosing your personal information on any other website, we recommend that you carefully read the terms and conditions of use and privacy statement of the relevant website.

Finley Regional Care keeps health information for a minimum of 7 years from the date of last entry in the patient records.

## ***Part 5 – Access To, and Correction Of, Personal Information***

### ***Australian Privacy Principle 12 – access to personal information***

You (or your authorised representative) are generally entitled to access the personal information we hold about you except where access can or must be denied or limited by the *Privacy Act 1988* (Cth).


To request access to your personal information, please contact Finley Regional Care's Privacy Officer using the contact details below.

Requests for access should include:

- if the person requesting information is an authorised representative, proof that the person requesting access is lawfully authorised to do so (such as a copy of the Enduring Power of Attorney appointing the person as well as a copy of the person's drivers licence or passport);
- specific details of the information sought so that we can identify what personal information is being requested;
- the form in which the information is requested (for example, a copy of the information or a request to view the information contained in our records).

We will not charge a fee for lodging a request for access or for time and expense incurred in compiling information in response to your request.





We will generally provide access to personal information in the form requested unless this is unreasonable or impractical, in which case we may provide the information in another way. For example, if providing information may have an unreasonable impact on the privacy of other individuals we may provide only some of the information.

### ***Australian Privacy Principle 13 – correction of personal information***

If you believe the personal information we hold is inaccurate, incomplete, not up to date or misleading, you may request that the information be amended and we must take reasonable steps to correct the information.

If we decide not to grant access to personal information or we refuse to correct personal information, we will provide you with written reasons for our decision, the mechanisms available to complain and any other matters that we may be legally required to tell you.

Original documentation will not be permitted to be removed off Finley Regional Care campus unless by staff providing direct care to clients in the community such as care plans for signature by community clients.

### **Complaints**

If you are not satisfied with our handling of your personal information or you believe we have breached our privacy obligations, you can complain in writing to the Privacy Officer listed below.

If you are not satisfied with our handling of our response to your complaint you may also make a complaint to the Office of the Australian Information Commissioner by telephone 1300 363 992. Full contact details of the Australian Information Commissioner can be found online at [www.oaic.gov.au](http://www.oaic.gov.au).

### **Disclaimer**

While Finley Regional Care makes every effort to protect your privacy, we may need to disclose personal information when required by law where we have a good-faith belief that such action is necessary to comply with a current judicial proceeding, a court order or legal process served on our company or site.



## Contacting Finley Regional Care

The contact details for Finley Regional Care are:

Privacy Officer  
Finley Regional Care  
PO Box 260  
FINLEY NSW 2713

T: 03 5883 9600

F: 03 5883 1123

E: [shane.jenkins@finleyregionalcare.com.au](mailto:shane.jenkins@finleyregionalcare.com.au)

This policy was updated in March 2014. We amend this Privacy Policy from time to time and we recommend that you visit our website regularly to keep up to date with any changes.