



# *Access and Privacy - Participants*

## **Programs and Participants**

### **Policy:**

- 1.1 Sharing Places adheres to the National Privacy Principles 2001 (attached) and Privacy Act 1988.
- 1.2 The right to confidentiality and privacy is the inherent right of all participants accessing Sharing Places Inc.
- 1.3 Sharing Places collects information about individuals for the purpose of providing a service tailored to a participant's individual needs. Information collected is used to develop Individual Plans and Programs, offer appropriate medical support and facilitate communication between Sharing Places and relevant stakeholders. All information is available at the written request of parents/guardians/participants who are required to complete and sign off consent forms.
- 1.4 Sharing Places has a Privacy Officer (Service Managers) who can be contacted for information regarding the Privacy Policy. Details of this person are available from Sharing Places' reception.

### **Procedure:**

- 2.1 All participant records are stored in locked cabinets and/or archived under a coded system for seven (7) years.
- 2.2 Participant records include a personal file/data collection/progress reports, which are maintained by direct care staff.
- 2.3 All information on the personal files remains the property of Sharing Places. Information which is stored in these files includes all relevant correspondence, a personal profile, authorisations and individual plans. Information kept on the personal files is only to be released by the Executive Director and/or the President of the Association following a written application to appropriately authorized recipients, in accordance with the following guidelines:



- when the request is within the parameters of the ACT Privacy and Access Legislation 1997, and
- the Legislation requires that access to information in records can be made by a participant or the participant's representative which may include a person authorised by the participant to have access and/or a legal guardian.

In the event that neither the Executive Director nor President is available to release information in an emergency, the Sharing Places Privacy Office (Service Managers) will control the release of any information.

- 2.4 Participants' files are the responsibility of the Group Program Officer and are made available on a "need to know" basis to Support staff who are directly involved with the participant and, on request, to Management. Staff members discussing cases must always be aware of the potential risk of a breach of the participants' right to confidentiality.
- 2.5 An application form to request access to records can be obtained from the Administrative Officer or a request in writing can be sent to the Executive Director of Sharing Places Inc.
- 2.6 The written application must specify whether the request is to view the record, obtain a copy of the file or to discuss the file with Sharing Places' staff.
- 2.7 A response to the application will be given within five working days and access will be provided within 15 days of approval.
- 2.8 Access may be denied for the following reasons:
  - providing access could pose a serious and imminent threat to the individual's life;
  - access would have an unreasonable impact upon the privacy of others;
  - the request for access is frivolous or vexatious;
  - the information relates to existing or anticipated legal proceedings between the organisation and the individual and the information would not be accessible by the process of discovery in those proceedings; and
  - providing access may be unlawful.
- 2.9 If a request for access is denied and the applicant wishes to take the matter further, the procedures to follow are outlined in the Sharing Places' Complaints Policy. This policy is based on the principles of natural justice. A complaints form can be obtained from the Administrative Staff.
- 2.10 If the complaint can not be resolved at the organisational level, either party has the option to have the matter dealt with by the Commissioner of the Community and Health Services Complaints Unit or the Privacy Commissioner. Phone numbers and addresses for these services are available from Sharing Places reception.



2.11 If an individual or their representative believes that the information kept at Sharing Places is incorrect, a request for correction can be made at any time. These corrections will be facilitated by Sharing Places' Privacy Officer.

**Responsibility:**

Executive Director  
Service Manager

**Relevant Forms:**

N/A

**Related Policies:**

- Rights and responsibilities
- Grievances and disputes
- Records and Information

Date Endorsed:  August 1998	Review Date: (Should be reviewed within 3 to 5 years of endorsement)  26 February 2007	Approval Signature:  .....
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