



NORTHERN COALFIELDS COMMUNITY CARE ASSOCIATION LIMITED

Document Title:	Privacy Policy		
Application	Organisation	Approved Date:	25 March 2024
Approved By:	Chief Executive Officer	Version Number:	4

1 Policy Context

Northern Coalfields Community Care Association Limited (NCCCA) was established in Cessnock over 30 years ago with altruistic motives to serve the elderly in our community in a professional and caring way. Our services start with you at the heart of everything we do. By choosing NCCCA you can be confident that you have chosen an experienced provider who has your best interests at heart.

As an aged care provider and with a duty to provide a high standard of care to our clients certain legislative and regulatory requirements surrounding your personal information we need to collect, retain and safeguard.

Privacy in Aged Care can mean our residents/consumers are afforded the autonomy to live their own lives as free from interference as proves possible and authorised by the individual. It also requires strict adherence to regulations and legislation, meaning the information that we do collect is only used for the reason for which it was collected.

At NCCCA, and in line with the Aged Care Quality Standards, residents/consumers are owed dignity, respect and to maintain their identity. A key aspect of dignity and respect is ensuring that resident's/consumer's privacy is respected. This Policy supports processes and systems in place to ensure privacy is respected and personal information is kept confidential as per the Aged Care Quality Standards.

2 Purpose

This policy sets out how NCCCA handles your personal information.

3 Scope

This policy applies to all residents/consumers, directors of the Board, employees, contractors, consultants, students and volunteers.

4 Policy

4.1 Personal & Sensitive Information

Personal Information

'Personal information' means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Sensitive Information

In certain circumstances, NCCCA may collect 'sensitive information' about a person, which can include personal information about a person's:

- a) racial or ethnic origin;
- b) political opinions or political association membership status;
- c) religious beliefs or affiliations;
- d) trade union member status;
- e) sexual preferences or practices;
- f) criminal record;
- g) bankruptcy;

- h) records of care at our facility; or
- i) health.

NCCCA will only collect sensitive information in the circumstances set out in the Australian Privacy Principles (APPs). For example, if the individual consents to the collection of the sensitive information or if the sensitive information is reasonably necessary for one or more of NCCCA's functions or activities.

Sensitive information will be used by us only:

- (a) for the primary purpose for which it was obtained;
- (b) for a secondary purpose that is directly related to the primary purpose;
- (c) with your consent; or
- (d) where required or authorised by law.

Sensitive information will only be released where required by law or so authorised under the Freedom of Information Act.

4.2 Applicability

This policy applies to your personal information if you:

- (a) are a future, current, or past resident of our care home, or are a relative or authorised representative of such a resident/consumer;
- (b) have contacted us enquiring as to our services and have supplied personal information in the process;
- (c) have applied for a job, or are an employee of NCCCA;
- (d) have applied to or do volunteer for NCCCA; or
- (e) we hold your personal information for any other reason.

Our privacy policy is compliant with the Privacy Act 1988 (Cth), the Privacy and Personal Information Act 1998 (NSW), the Australian Privacy Principles (APPs) the Aged Care Act 1997 (Cth), the Aged Care Quality Standards and the Freedom of Information Act 1982 (Cth). These laws, regulations and guidelines govern how we collect, hold, use, disclose, and safeguard every individual's personal information.

4.3 Collecting Your Information

NCCCA collects information that is reasonably necessary to support its function as an aged care provider. The information is collected to enable NCCCA to provide you with the most appropriate service and care as possible. The information collected will also differ depending on the relationship that NCCCA has with the person whose information is being collected. Information collected for residents will differ to information collected of relatives and representatives.

4.3.1 Information We Collect

Residents/Consumers

The types of information we are likely to collect for **residents/consumers** includes:

- (a) their name and date of birth;
- (b) contact details for you and your identified emergency contact (including address, phone numbers and emails);
- (c) information about your spouse;
- (d) health information (examples included below at 4.4);
- (e) appointments of representatives, relatives, next of kin, powers of attorney, guardians or friends;
- (f) billing details;
- (g) health and family history;
- (h) ethnic background;
- (i) signature;
- (j) records of interaction with you (including emails, letters, notes and voice recordings of telephone conversations where permitted);
- (k) pension or DVA details;
- (l) personal preference (in relation to activities, events, food, etc); and

(m) feedback provided by you to us regarding our services.

Please note: the above list is not absolute and we may require other types of information from residents/consumers to provide our services.

Prospective Residents/Consumers

The types of information we are likely to collect for **prospective residents/consumers** includes:

- (a) their name;
- (b) contact details (including phone number and email address);
- (c) health information that has been provided with the enquiry or during a tour of the home (including ACAT approval details);
- (d) type of placement requested/ required; and
- (e) general information in relation to the enquiry (including date and source of the enquiry, follow-up calls, tours, and waitlist information).

Non-Residents/Consumers

Non-residents may include visitors, friends, families and nominated representatives. The types of information we are likely to collect for **non- residents** includes:

- (b) their name;
- (c) their contact details (including address, phone numbers and emails);
- (d) their relation to a resident;
- (e) records of their interactions with us (including correspondence like letters and emails); and
- (f) records of their attendance.

Employees and Volunteers

The types of information we are likely to collect for **employees and volunteers** includes:

- (a) their name;
- (b) their contact details (including address, phone numbers and emails);
- (c) their qualifications and experience; and
- (d) police checks; and
- (e) contact information of referees and former employees.

However, this policy does not apply to 'employee records' where such records are dealt with for a purpose that is directly related to a current or former employment relationship between NCCCA and an individual.

Employee records are an employer's records of personal information relating to the employment of an employee and do not include information about individuals who have not yet been successful in securing employment with NCCCA. Examples of this kind of personal information may include:

- (a) terms and condition of employment;
- (b) personal and emergency contact details;
- (c) recruitment, engagement or training records;
- (d) performance, conduct or disciplinary records, including staff performance conversations;
- (e) remuneration details;
- (f) resignation or termination of employment;
- (g) Police Check information;
- (h) immunisation details;
- (i) trade union or professional association membership status;
- (j) leave records;
- (k) taxation, banking or superannuation affairs; and
- (l) any other information provided by the employee.

Suppliers

If you are one of our **suppliers** or provide services to NCCCA, we collect information about you that we consider is necessary to manage the service arrangements, such as:

- (a) HACCP Approval;

- (b) the nature of the products and services that you provide;
- (c) quotes that you provide and your payment details; and
- (d) bank account details.

Website Users

Users of the website <http://www.nccca.com.au> may be subject to collection of personal information. This occurs when you use the website, register on the website, subscribe to our newsletter, respond to a survey, or fill out a form. The types of personal information we may collect include your name and contact details. NCCCA will use the information you provide to deal with your enquiry or request.

NCCCA may also collect non-personal information during use of the website, including technical information like the browser name, the type of computer and information about the means you use to connect to our website. This information is used to understand how users engage with the website and assist us to improve our services and resources on the website.

Our website uses Secure Socket Layer (SSL) encryption to keep your transactions and information secure and private. SSL is the industry standard for data encryption. It provides a secure link between your browser and our server and scrambles your personal information to ensure it is kept private during transmission over the internet.

4.3.2 Why We Collect Personal Information

NCCCA collects and holds Personal Information with the overarching intention of achieving its normal business functions. Specific purposes include:

- (a) employee training;
- (b) visitor records;
- (c) provision of care and support services;
- (d) distributing NCCCA publications;
- (e) government and/or agency reporting;
- (f) audit compliance; and
- (g) employment and payroll activities.

NCCCA will only collect and use personal information:

- (a) in accordance with the APPs;
- (b) that is reasonably necessary for its functions and activities; and
- (c) where it sufficiently relates to the purpose for which the information was collected, unless one of the exemptions in the APPs applies (e.g. where disclosure is required by a Court or tribunal).

4.3.3 Nominated Representatives

To provide care and services, persons nominated by the resident/consumer, or their legal representative often receive information and accounts, and may be contacted for instructions regarding the wellbeing of the resident.

Nominated representatives may be entitled to request information from NCCCA about a resident/consumer but this information will only be released in strict, prescribed circumstances in line with the Privacy Act and the Freedom of Information Act.

4.3.4 Health Information

Health information is a specific type of personal information relating to an individual's medical records. This type of information is only collected if:

- (a) we are providing a health service to you;
- (b) it is reasonably necessary for our functions or activities; or
- (c) you have given consent.

Health information includes the following:

- (a) care needs;
- (b) medications;
- (c) records of care assessments;
- (d) clinical records about care or treatment;
- (e) medical history;
- (f) general practitioner and other health professionals details;
- (g) pathology results;
- (h) photographs taken for identification and clinical purposes;
- (i) diagnoses (including mental health or disability);
- (j) observations and reported symptoms;
- (k) test results; and
- (l) allergies.

4.3.5 Protected Information and Records of Service

NCCCA will collate and create records of service which are explicitly collected to enable NCCCA to provide you with the most appropriate service and care possible. This information includes:

- (a) logs of service provided to you;
- (b) logs of treatment provided to you;
- (c) records of interactions with you;
- (d) disputes and complaints; and
- (e) associated health and personal information.

This information is the property of NCCCA and will only be released when authorised or required by law or under the Privacy Act or Freedom of Information Act.

4.3.6 Pseudonyms

The Privacy Act enables individuals to identify themselves by way of a pseudonym in certain circumstances. However, an exception to this is where it would be impracticable for NCCCA to deal with an unidentified individual. This is likely to be the case for you when receiving the services, we provide.

If you are a potential resident/consumer and choose to remain anonymous, we are not able to receive Government funding for the services provided for you. Therefore, you will be an unfunded resident and a contract will be drawn up with you that will include the full costs for services.

4.3.7 How We Collect Your Information

We endeavor to collect all information directly from you and afford you full transparency when doing so. We also seek to ensure that all information is accurate and kept up to date. Our key goal associated with collecting your information is safeguarding it and only collecting it and using it when directly required to provide a service or fulfill an obligation.

In an emergency, or if it is not possible to collect information directly from you, we may need to collect information by other means available to us. This includes contacting your designated person responsible, health professionals who have treated you, or guardians and attorneys.

The collection of this information is always so that we can provide you with the most suitable care to your individual circumstances.

Other ways that NCCCA may collect your personal information includes:

- (a) if you initiate contact with us by email, phone, post or online, we will keep record of the correspondence;
- (b) upon receiving your application to become a resident at NCCCA your application and resident agreement will be retained;
- (c) subscription to our publications;
- (d) surveys and questionnaires;
- (e) public records e.g. telephone directories;
- (f) current or potential customer referrals;
- (g) contractors and sub-contractors;

- (h) professional registration bodies;
- (i) government agencies, including:
 - i. Department of Immigration;
 - ii. Department of Human Services; and
 - iii. Australian Taxation Office.
- (j) current or former employees; and
- (k) other individuals or organisations with whom the person have had dealings with.

4.3.8 If You Do Not Provide Us With All of the Information We Have Requested

If you do not provide all the information that we have reasonably requested, then that may not enable us to provide you with the services you have requested from us.

4.3.9 Collection of Unsolicited Personal Information

If NCCCA receives unsolicited personal information about a person, it will assess whether it could have otherwise collected the information in accordance with the APPs. It may be necessary for NCCA to use or disclose the information to make this assessment.

If NCCA decides that it could not have collected the information under the APPs, it will either destroy or de-identify the information as soon as practicable, if it is lawful and reasonable to do so.

If NCCCA could have collected the information under the APPs, it would otherwise comply with its obligations under the APPs and this policy.

4.3.10 De-identification of Data and Information

De-identification of personal and sensitive information can enable information to be shared without jeopardizing personal privacy. Personal information is de-identified if the information is no longer about an identifiable individual or an individual who is reasonably identifiable.

Ways to de-identify include removing, redacting (blacking out) or altering information that identifies an individual or is reasonably likely to do so. The following steps should be taken when de-identifying:

- (a) removing personal identifiers, such as individual's names, address, date of birth or other identifying information; and
- (b) removing or altering other information that may allow an individual to be identified or which may be sensitive.

Personal information does not need to be de-identified if it is required for the purpose permitted under the APPs. De-identification must be considered if:

- (a) particular persons or sections of the organisation do not require access to the full information, but could make use of a de-identified version;
- (b) the information is being shared with another entity;
- (c) the information is being shared by electronic means; which if intercepted by an unintended recipient could identify an individual; or
- (d) the information is being published.

Before releasing de-identified information, individuals should confirm whether de-identification has been successful, and if necessary, take further steps to minimise risk.

4.4 Use and Disclosure

4.4.1 Use

NCCCA will use your personal information to provide, manage and administer our services and to operate an efficient and sustainable business model. As such, we may use your information for the following non-exhaustive list of reasons:

- (a) provide our residents with appropriate residential care and services;

- (b) provide clinical services (for example, services by nurses, doctors or other healthcare professionals) to our residents;
- (c) to contact residents or their relatives or representatives about matters relating to our residents, their care or the products and services we provide to you;
- (d) schedule and book activities and services;
- (e) process payments;
- (f) answer queries and resolve complaints;
- (g) undertake quality assurance and service improvement;
- (h) carry out internal functions like administration, finance, information technology, training and audit;
- (i) undertake customer surveys, customer and market research and analysis;
- (j) monitor, price and evaluate our services and products;
- (k) conduct market research and promotional activities;
- (l) practice effective risk management; and
- (m) comply with relevant laws and regulations.

4.4.2 Disclosure

Who and Why we May Disclose

NCCCA will disclose your personal information where required to provide you with our services. In some circumstances, we may disclose personal information to third parties, including to:

- (a) anyone engaged on our behalf to provide products and services, such as contractors or service providers. We require all service providers that we engage to protect the privacy of all personal information and to comply with any relevant privacy laws;
- (b) healthcare providers who are involved in your care, such as doctors, hospitals, allied health professionals and specialists;
- (c) government and regulatory bodies including the Department of Human Services, State or Territory health departments, the Aged Care Complaints Commissioner and the Aged Care Quality Agency;
- (d) on a confidential basis with our related companies;
- (e) any persons acting on our behalf, including professional advisers; and
- (f) where disclosure is permitted or required by law.

How and Why We May Disclose

NCCCA staff will only disclose your personal information for:

- (a) the primary purpose for which you have provided the information;
- (b) a secondary purpose related (and in the case of health information, directly related) to the primary purpose of collection;
- (c) a purpose you have consented to;
- (d) a purpose otherwise permitted or required by law;
- (e) sharing information with your Nominated Representative, your Medical Practitioner or other health services involved in your case, unless you request otherwise;
- (f) billing or other purposes required for the operation of NCCCA including safety and quality improvement initiatives (may include Medicare, health funds and government bodies);
- (g) contacting you regarding client satisfaction surveys that help us to evaluate and improve our services; and
- (h) in an emergency and your life is at risk.

Do We Use Your Information For Direct Marketing?

From time to time we may use your personal information to provide you with current information about our services, offers you may find of interest, changes to organisation, or new services being offered by us or any company with whom we are associated.

If you do not wish to receive marketing information, you may at any time decline to receive such information by contacting us on 02 4993 3100, or by writing to us at mail@nccca.com.au or PO Box 183 Cessnock NSW 2325.

Disclosure Outside Australia

NCCCA will not disclose personal information outside of Australia.

Where NCCCA uses third party services to store personal data, we will require the service provider to store that personal information in Australia.

4.5 Storing, Disposing Of & Correcting Personal Information

4.5.1 Storage

Personal information will be maintained by NCCCA's secure storage systems as follows:

- (a) hard copy files stored securely on site;
- (b) electronic systems, backed up offsite by a secure service provider, or in the cloud;
- (c) NCCCA has security measures designed to protect its hardcopy, electronic and web accessible information against the loss, misuse and/or alteration of information. Controls include but are not limited to firewalls, encryption, and restricted access; and
- (d) any person responsible for the maintenance or use of personal information on NCCCA systems must ensure that the information is adequately protected against:
 - i. misuse;
 - ii. interference;
 - iii. loss; and
 - iv. unauthorised access, modification or disclosure.

We keep information for as long as it is required to be able to provide the intended service(s) or to meet legal and regulatory requirements. If we no longer require personal information for any purpose, we will take steps to permanently de-identify or securely destroy it in line with organisational procedures.

4.5.2 Disposal

NCCCA will take reasonable steps to destroy or de-identify any personal information it holds if:

- (a) the information is no longer needed for any purpose;
- (b) the information is not contained in a Commonwealth record; and
- (c) NCCCA is not required by Australian law or a court or tribunal to retain the information.

All personal information will be disposed of in a manner that is designed to protect the privacy of the individual to whom it relates. This may include by means of shredding, burning or secure disposal by a registered waste contractor. Electronic records will be permanently erased and overwritten in a way that is designed to prevent the effective use of data recovery tools.

Generally, most of the Personal Information is or will be stored in client files which will be kept by NCCCA for a minimum of 7 years.

4.5.3 Correcting

To enable NCCCA to provide residents with the best possible service, it is important that the information we hold about you is accurate. We will take reasonable steps to ensure your personal information is accurate, complete and up-to-date at the time of collecting, using or disclosing it. In addition, if your information changes you should contact us to let us know.

If you believe any information we hold about you is inaccurate, incomplete or out-of-date, you should contact us.

4.6 Accessing Your Personal Information

You have a right to reasonable requests of access to your own personal information held by NCCCA about you. However, there are limitations and conditions that surround this.

We reserve the right to require you to submit your request in writing and provide proof that you are legally entitled to obtain access to the information you are requesting (for example, if you are making a request on behalf of someone else).

We reserve the right to charge for providing access to certain information, as permitted by law and you will be informed of this at the time of your request. We will always endeavour to meet your request for access within a reasonable timeframe and in the manner requested by you if it is reasonable to do so.

We reserve the right to decline a request for access to information such as where we no longer hold the information, or where denying access is permitted or required by law. This includes scenarios where your medical practitioner or NCCCA agrees that access would prejudice your physical or mental health or put another person at harm.

Access may be refused in alignment with applicable legislation in circumstances where we have been unable to successfully identify the requestor, where the requisite authority or approval is lacking, and in scenarios where confidentiality or professional privilege exist.

A person wishing to access such personal information should contact the NCCCA Privacy Officer (Chief Executive Officer) on 02 4993 3100.

4.7 Aged Care Quality Standards

The Aged Care Quality Standards (ACQS) set and apply a code of conduct for providers' compliance. Compliance is overseen by the Aged Care Quality and Safety Commission (ACQSC) who review complaints and enable parties to communicate with a mediatory body in between them. The ACQSC evaluates documents and correspondence in connection with audit and accreditation processes, notifications under the Serious Incident Response Scheme (SIRS) and complaints from a resident/consumer or their representative, and provides their position regarding whether the provider acted in a reasonable manner considering the circumstances of the complaint.

The ACQSC requests information from parties and gathers briefs of evidence pursuant to their findings as to the providers' service standards. The ACQSC is bound by the Freedom of Information Act (FOI) when it comes to releasing evidence that was submitted to the commission in connection with a complaint.

NCCCA equally applies the standards set by the ACQSC in relation to standards of service and release of requested information, documents, and evidence.

Where we have rejected your access to information that you believe is owed to you, you can submit a complaint with the ACQSC under their FOI provisions.

4.8 Freedom of Information Act

The Freedom of Information Act limits what information we are able to give, and you are able to request from us. Information that is not your personal information or that relates to the affairs of an approved provider may be exempt from release unless the consent of the third party or the approved provider is obtained.

Exemptions under the FOI Act include where legal professional privilege applies, or where the material has been collected in confidence.

4.9 Australian Privacy Principles

The APPs apply the Privacy Act's 13 principles which govern standards, rights and obligations pertaining to the collection, use and disclosure of personal information among other things. As they are principles, they do not apply as strict laws but enable organisations to tailor their personal information handling practices to their business model.

The APPs are also applicable to the ACQSC. The principles assign rights and obligations surrounding requests to collect information including:

- (a) being told generally what kind of information we are collecting and how we collect it;
- (b) being told generally why your personal information is being collected;
- (c) your personal information only being collected for a lawful purpose;
- (d) finding out what information we hold about you and having it corrected in certain circumstances; and
- (e) having your personal information stored securely and protected from interference or misuse.

Personal Information we collect must be directly related to, or reasonably necessary for, one or more of our functions or activities. Your personal information will only be disclosed to anybody by us if it is authorised or required by law, or it meets one of the other exceptions in the APPs.

4.10 Privacy and Personal Information Protection Act

The Privacy and Personal Information Protection Act (PPIP) is the state-based legislation relating to the Privacy Act and how it functions in relation to NSW-based agencies or organisations. It protects individuals rights by codifying how personal information is properly collected, stored, used or released by NSW agencies via the Information Protection Principles (IPPs).

The Act allows individuals to make a complaint to the NSW Privacy Commissioner if you believe a NSW agency has misused your personal information or breached one of the IPPs.

Collecting information must be:

- (a) for a lawful purpose that is directly related to a function or activity of the agency; and
- (b) the collection is reasonably necessary for that purpose.

The agency must hold the information:

- (a) for no longer than is necessary for the purpose;
- (b) the information is disposed of securely and in accordance with any requirements for the retention;
- (c) the information is protected and safeguarded while stored; and
- (d) if the agency is required to supply or disclose the information, that it is done so in conjunction with everything reasonably in the power of the agency to prevent misuse.

4.11 Aged Care Act

The Aged Care Act is the core legislation relating to government-funded aged care. It deals with standards, quality of care, rights of people receiving care and non-compliance, among other things like funding, regulation and approval of providers.

This Act deals with what records a provider is meant to retain, conditions as to their accuracy, and for how long. It also sets the Aged Care Quality Standards and further deals with how providers are expected to protect certain forms of information.

Protected Information is defined in the Act as either:

- (a) personal information; or
- (b) relating to affairs of an approved provider; or
- (c) relates to the affairs of an applicant for a grant under chapter 5.

It is an offence for any officer to improperly disclose or not sufficiently protect such information and carries with it a maximum penalty of 2 years imprisonment under the Act.

4.12 Complaints

NCCCA is required to comply with its obligations under the Privacy Act 1988 (Cth), the Australian Privacy Principles (APPs) the Aged Care Act 1997 (Cth), and the Aged Care Quality Standards.

All NCCCA employees must comply with this policy, although it does not form part of their contract of employment. Failure to comply with this policy may result in disciplinary action up to and including the termination of employment.

Any person that knows about or suspects a breach of this policy must immediately:

- (a) report the matter to the Chief Executive Officer or the Human Resources Manager; or
- (b) email the details to mail@nccca.com.au.

NCCCA will review and investigate any reports of breaches accordingly.

NCCCA has an Employee Grievance Policy to manage privacy risks and issues. Employees may raise concerns about privacy in accordance with the Employee Grievance Policy.

Completing a *Compliments, Concerns, Complaints and Suggestions* survey via the below QR Code or in person at one of our sites using a pink form are other avenues to raise complaints. Individuals can remain anonymous with their complaints.



Please scan the QR code to submit your feedback form.

If we are unable to resolve your dispute/complaint to your satisfaction, then you are at liberty to escalate the complaint to the Aged Care Quality and Safety Commission.

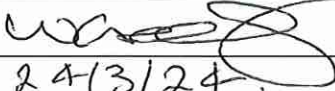
6 Accountabilities

<i>Role</i>	<i>Accountability</i>
Chief Executive Officer	<ul style="list-style-type: none"> • Approve policy and any variations. • Privacy Officer. • Ensure the confidentiality of personal information which is collected, used, disposed, or stored in their area.
Managers	<ul style="list-style-type: none"> • Ensure the confidentiality of personal information which is collected, used, disposed, or stored in their area.
Human Resources Manager	<ul style="list-style-type: none"> • Provide advice on the application of this policy.
Employees	<ul style="list-style-type: none"> • Comply with policy. • Maintain privacy. • Report any breaches of policy.

7 Issue

<i>Issue Number</i>	<i>Policy Change Description</i>
1	A new policy created.
2	Policy review, including a statement that NCCCA from time to time may provide direct marketing.
3	Policy review, update policy format, resident/consumer outcome, link to Standards.
4	Policy review.

8 Approval

Approved By:	<i>The Chief Executive Officer</i>
Signature:	
Date:	<i>24/3/24.</i>