



EDUCATIONAL CASE MANAGEMENT
CLINICAL ALLIED HEALTH SERVICES

SERVICING NEWCASTLE AND THE HUNTER VALLEY

Privacy and Dignity

Outcome: Each participant accesses supports that respect and protect their dignity and right to privacy.

To achieve this outcome, the following indicators should be demonstrated:

- Consistent processes and practices are in place that respect and protect the personal privacy and dignity of each participant.
- Each participant is advised of confidentiality policies using the language, mode of communication and terms that the participant is most likely to understand.
- Each participant understands and agrees to what personal information will be collected and why, including recorded material in audio and/or visual format.

Introduction

From time to time-to-time Educational Case Management Pty Ltd (ECM) is required to collect, hold, use and/or disclose personal information relating to individuals (including, but not limited to its clients and their families, contractors, suppliers and employees) in the performance of its business activities. The information collected by ECM will, from time to time, be accessible to certain individuals employed or engaged by ECM who may be required to use the information in the course of their duties. This document sets out the ECM's policy in relation to the protection of personal information, as defined, under the *Privacy Act 1988 (Cth)*, which includes the *Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)* and the Australian Privacy Principles. The APPs regulate the handling of personal information. This policy outlines ECM's requirements and expectations in relation to the handling of personal information.

Client's Personal Information

“Personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion”.

Client's personal information including contact details, Date of Birth, Medicare number, credit card details, referral letters, session notes, assessment results, reports, correspondence and other personal information collected as part of providing the service is stored by Zanda HealthCare System which meets the global security standard for practice management software- **ISO 27001 certification**. Zanda is compliant with Australia's health data security standards and adheres to the Australian Privacy Act. Zanda has implemented strict security measures to prevent unauthorized access, theft, and corruption of sensitive information. Like all client data, client files are encrypted during transmission to the server. Educational Case Management Administration personnel and Allied Health Professionals accessing Zanda require Two-Factor Authentication (2FA), offering additional protection to our clients against potential patient data privacy breaches. If you provide ECM with your credit card information, the information is encrypted using secure socket layer technology (SSL) and stored with an AES-256 encryption. Although no method of transmission over the Internet or electronic storage is 100% secure, we follow all PCI-DSS requirements and implement industry standards.

Please Note: ECM clinician and administration staff must enter their unique username and password details into the login page to gain access to Zanda and will also require Two-Factor Authentication to access client information. User activity within Zanda is recorded.

What is Not considered Personal Information

This policy does not relate to the collection, holding, use or disclosure of information that is an employee record as they're exempt from the APPs. Management who has access to employee records must ensure that the information is handled confidentially and for a proper purpose only. Employee records are only permitted to be collected, used and disclosed where the act of doing so is directly related to a current or former employment relationship. Employees who have access to employee records and who may have questions about the use or disclosure of employee records should contact the General Manager

Consequence of not providing personal information

ECM clients who do not wish to have their personal information collected in a way described by ECM's Privacy Policy may not be able to receive a service from ECM. Clients may request to be anonymous or to use a pseudonym unless it is impracticable for Educational Case Management Pty.

Clients Consultation Information

Every consultation at ECM will inevitably contain confidential and/or sensitive information. Confidential case notes, diagnoses and case formulations, detailed descriptions of assessments and interventions applied, clinical reports, Behavioural Support Plans, consents, referrals, specialist reports, and verbatim client and relevant-other comments, statements and observation are stored in Zanda HealthCare System which meets the global security standard for practice management software- **ISO 27001 certification** . Highly sensitive information is documented on Microsoft 365 which is safeguarded by two-factor (2FA) and multi-factor (MFA) authentication. ECM **Microsoft 365** allows for 1) sensitive information restricted to professional and clinical staff directly involved in the provision of care to the client, 2) Advanced cybersecurity protection, and 3) best security practices and procedures. All ECM client's data stored in Microsoft SharePoint is encrypted with one or more AES 256-bit keys and distributed across the datacentre. Every step of the encryption process is **FIPS 140-2 Compliance**.

Please note: Highly sensitive information at ECM may consist of materials (e.g., legal reports, complaints, risk assessments and management, incidences, Child Protection-mandatory reports, NDIS reports) that require clinical expertise for interpretation hence accessible only to Allied Health Professionals.

Complaints

ECM clients have a right to complain about ECM's handling of personal information if the client believes ECM has breached the APPs. If ECM becomes aware of a client wanting to make such a complaint, the client needs to be encouraged to complete a Feedback and Complaints Form and also contact the General Manager in writing. Complaints will be dealt with in accordance with the ECM's complaints procedure which will involve a response within a reasonable period. Clients who are dissatisfied with ECM's response to a complaint, may refer the complaint to the Office of the Australian Information Commissioner.

How is Personal Information Collected?

Client's personal information is collected via

- 1) **Referral Forms** completed prior to consultation and uploaded to Zanda securely.
- 2) **Administration Phone Interview** prior to consultation sourcing information in preparation for your initial consultation.
- 3) **Online Assessments** in preparation for report writing to book your appointments
- 4) **Clinical Interaction** in which clinician provides information directly to clinician and/or administration staff.
- 5) **Email Correspondence**
- 6) **Exchange of Information** -when other professionals or stakeholders provide your personal information.

Why is Personal Information collected?

Personal information is gathered and used for the sole purpose of providing a quality and well-informed service. Clients may change their contact details at any time. Clients can unsubscribe from the Newsletter at any time. Clients can opt-out of any service being provided by ECM at any time by contacting ECM administration staff.

When is Personal Information disclosed?

Your personal information will ONLY be disclosed when:

1. Client's file is subpoenaed by a court; or
2. Failure to disclose the information would, place you or another person at serious risk to life, health or safety; or
3. You have approval from the Client to: (1) provide a letter or report to another professional or agency (e.g. GP, Paediatrician, Lawyer); or (2) discuss or share the information with another person (e.g. parent, carer, education staff, NDIS); or (3) disclose the information in another way (e.g. via email); or
4. You would reasonably expect your personal information at times may be disclosed to another health practitioner and /or third party /stakeholder or
5. Disclosure is otherwise required by law.

Is personal information protected when clinical supervision is occurring?

At times your personal information may be provided during external supervision for the sole purpose of clinical analysis and to increase the quality of service being provided. When this occurs, the personal information will be deidentified.

Can Clients have access to their records and request changes to documentation?

Clients can request to view their personal information. This is best actioned by the client as a written request to the Clinician. It will be up to the clinical discretion of the clinician to provide or not provide client access to this information, subject to the exceptions in the *Privacy Act*. Where access is granted, the clinician will require you to attend an appointment to view your personal information. Standard service fees apply to these appointments. If you wish to correct personal information on your file that is agreed to be inaccurate, out-of-date or incomplete, this can also be achieved by a written request to the clinician or, where appropriate, to the administration staff (e.g. updating contact details).

Can the clinician release client records on request?

ECM's policy in releasing information to clients, guardians, stakeholders, third parties, education staff, legal representative requires a written request. This request does not pertain to subpoenas. Clinicians will have regard for legal and ethical exceptions in considering this request. Clinicians will require you to attend an appointment to review the information requested to be released. Information requested cannot be released unless there is an Informed Consent form sign and dated specific to this release of information only.

Please note signing a generic informed consent form for the year is generally insufficient.

Clinicians may provide a summary of the information requested or a report addressing the purpose that the information being requested is being sought for, in accordance with ECM policy on the disclosure of client information. There is a cost for the Summary Report and a time frame of 2 weeks.

Please note: ECM cannot be responsible for preserving the confidentiality of information that has left ECM's control.

Archiving and Disposal of Client Files

ECM is required to hold adult clients' files for 7 years and to hold child clients' files until the child has turned 25 years old. ECM stores all files electronically on Zanda Health Care Management system, which holds an **ISO 27001 certification**. All paper duplicates are managed by The Mobile Shredding Company who are certified by The National Association for Information Destruction (NAID). NAID is recognized globally as the secure data destruction industry's standards setting and oversight body. The rigorous NAID AAA Certification confirms the security processes, procedures, systems, equipment and training meet the standards of care required by all known data protection regulations worldwide. Any information unable to be stored electronically or shredded such as completed assessment are archived in a secure (locked) filing cabinet. Once your record is due to be disposed of, your electronic file will be permanently deleted, and any archived paper file will be shred onsite.

Privacy Breach

It is ECM's policy to notify clients immediately when they have become aware of a privacy breach where the security of client's personal information may have been violated. If you have a concern about the management of your personal information at ECM, please inform

ECM in writing to info@ecmonhudson.com. You can access the *Australian Privacy Principles*, which describe your rights and how your personal information should be handled, via www.privacy.gov.au. If you ultimately wish to lodge a formal complaint about the use of, disclosure of, or access to, your personal information, you may do so with the Office of the Australian Information Commissioner (OAIC) by phone (1300 363 992), by post (GPO Box 5218, Sydney NSW 2001) or online at <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>.

Data Breach

A "**Data Breach**" occurs where personal information held by ECM is accessed by, or is disclosed to, an unauthorized person, or is lost. A Data Breach may include lost or stolen laptops or tablets, Lost or stolen mobile phone device; and Lost or stolen USB data storage devices. If you are aware of or reasonably suspect a Data Breach, you must report the actual or suspected Data Breach to General Manager as soon as reasonably practicable and not later than 24 hours after becoming aware of the actual or suspected Data

Changes to ECM Privacy Policy.

ECM's Privacy Policy is subject to change from time to time in response to new laws or technologies, or changes to our practice operations. We will notify clients of any substantive changes to this policy as they occur. We reserve the right to modify ECM privacy policy at any time, so please review it frequently. Changes and clarifications will take effect immediately upon their posting on the website.

Client Consent

By engaging in the services provided by ECM, you agree to your personal information being managed in accordance with their Privacy Policy. If we ask for your personal information for a secondary reason, like marketing, we will either ask you directly for your expressed consent, or provide you with an opportunity to say no. If you have any questions about ECM Privacy Policy, please speak with your clinician as soon as possible. Feedback and suggestions for improving our policies are always welcomed.

| Policy reviews and version tracking | | | |
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| Approved by | Date Created | Date Updated | Review Date |
| ECM Management Standards 2019 https://ecmonhudsoncom.sharepoint.com/sites/DocumentControl/Shared | 14/02/2018 | 05/09/2019 | 05/02/2021 |
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