

POLICY STATEMENT

Melba Support Services collects and administers a range of personal and health related information for the purposes of providing high quality services to people with disabilities. The organisation is committed to protecting the privacy of personal and health related information it collects, holds and administers.

Melba Support Services recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand and made accessible to them on the other. These privacy values are reflected in and supported by our core values and Code of Conduct, and are also reflected in our Privacy Policy, which is compliant with the following Australian and Victorian legislation:

- *Privacy Act 1988* (Cth)
- *Privacy Amendment Act 2017* (Cth)
- *Privacy and Data Protection Act 2014* (Vic)
- *Health Records Act 2001* (Vic)
- *National Disability Insurance Scheme Act 2013* (Cth)

Melba Support Services is bound by these laws which impose specific obligations when it comes to handling information. In delivering its services under a Service Agreement with the Victorian Government, and as a registered provider under the NDIS, Melba Support Services complies with the principles set out in the above legislation as minimum standards in relation to handling personal information.

In summary, Melba Support Services will:

- only collect information if it is needed for the performance of one or more of our functions or activities and with the authority of the person or authorised representative
- ensure that individuals know why their information is being collected and how it will be handled
- use and disclose information only for our primary functions or a directly related purpose, or for another purpose with the person’s consent
- ensure people supported and/or their representative understand their right to withdraw their consent at any time and how to do so
- store information securely and protect it from misuse, loss and unauthorised access, modification or disclosure
- retain information for the period required by applicable legislation
- provide individuals and/or their authorised representative with access to their information and the ability to correct incorrect information
- report all eligible data breaches in accordance with the *Privacy Amendment (Notifiable Data Breaches) Act 2017* and the Privacy and Data Breach Response Plan Procedure.

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| <i>Title: Privacy, Data Breach and Confidentiality Policy</i> | <i>Date Last Reviewed: 1 March 2024</i> |
| <i>Position Responsible: General Manager Practice, Quality & Safeguards</i> | <i>Date to be Next Reviewed: 1 March 2027</i> |
| <i>Accountable: Board</i> | <i>Page 1 of 3</i> |

SCOPE

This policy applies to all Melba stakeholders, including permanent and temporary staff, agency staff, casuals, contractors, students and persons working in a voluntary capacity (for the purpose of this policy referred to as staff), and to all people supported.

DEFINITIONS

| Term | Definition |
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| Unauthorised access | when personal information is accessed by someone who is not permitted to have access. |
| Unauthorised Disclosure | when an entity makes personal information available or visible to others outside the entity and releases that information from its control. |
| Loss | the accidental or inadvertent loss of personal information held by an entity, where it is likely to result in authorised access or disclosure. |
| Personal Information | is “information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion” (Privacy Act). Personal information also includes sensitive information, such as health information. |
| Sensitive Information | <p>If personal information concerns particular matters, it is regarded as sensitive information. Sensitive information can be information or an opinion about an individual’s:</p> <ul style="list-style-type: none"> • racial or ethnic origin; or • political opinions; or • membership of a political association; or • religious beliefs or affiliations; or • philosophical beliefs; or • membership of a professional or trade association; or • membership of a trade union; or • sexual orientation or practices; or • criminal record; <p>that is also personal information; or</p> <ul style="list-style-type: none"> • health information about an individual; or • genetic information about an individual that is not otherwise health information; or • biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or • biometric templates. |





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PURPOSE

Melba Support Services is committed to protecting the privacy of personal and health information that the organisation collects, holds and administers. Personal information (including health information) is information which directly or indirectly identifies a person.

REFERENCES

- *Privacy Act 1988* (Cth)
- *Privacy Amendment Act 2012* (Cth) and the Australian Privacy Principles contained in Schedule 1 of the Act
- *Privacy Amendment (Notifiable Data Breaches) Act 2017* (Cth)
- *Privacy and Data Protection Act 2014* (Vic) and the Information Privacy Principles contained in Schedule 1 of the Act)
- *Health Records Act 2001* (Vic) and the Health Privacy Principles contained in Schedule 1 of the Act
- Data breach preparation and response OAIC, July 2019
- OAIC website - <https://www.oaic.gov.au>
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018
- National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018

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|  Related Policies | <ul style="list-style-type: none"> • Records Management Policy • Code of Conduct Policy |
|  Related Procedures | <ul style="list-style-type: none"> • Privacy and Confidentiality Procedure • Records Management Procedure • Privacy and Data Breach Response Plan Procedure |
|  Related Supporting Documents or Tools | <ul style="list-style-type: none"> • Privacy and Data Breach Form • Privacy and Data Breach Register • Consent Form |
|  Relevant Legislation/Standard(s) | <ul style="list-style-type: none"> • <i>National Disability Insurance Scheme Act 2013</i> • NDIS National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 • National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018 |

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