

## **1. Purpose and context**

- 1.1. Thriving Kids Occupational Therapy Pty Ltd (hereby referred to as "Thriving Kids") has developed this privacy statement in order to demonstrate our firm and continuing commitment to ensuring the privacy and confidentiality of all personal information affiliated with Thriving Kids' business undertakings.
- 1.2. Thriving Kids follows the terms and conditions of privacy and confidentiality in accordance to the Australian Privacy Principles (APPs) as per schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), forming part of the Privacy Act 1988 ('the Act').
- 1.3. The purpose of this Privacy Policy is to clearly communicate how Thriving Kids collects and manages personal information, including our safeguarding practices.
- 1.4. The point of contact regarding any queries regarding this policy is Belinda van Wel, owner and principal therapist, Thriving Kids. Phone: 0414378010; Email: [belindavanwel@thrivingkids.com.au](mailto:belindavanwel@thrivingkids.com.au)

## **2. Australian Privacy Principles – Privacy Act**

- 2.1. As a private sector health service provider and under permitted health situations, Thriving Kids is required to comply with the APPs as prescribed under the Act.
- 2.2. The APPs regulate how Thriving Kids may collect, use, disclose and store personal information and how individuals, including Thriving Kids' clients, may:
  - address breaches of the APPs by Thriving Kids;
  - access their own personal information; and,
  - correct their own personal information.
- 2.3. In order to provide clients and families with adequate health care services, Thriving Kids will need to collect and use personal information. It is important to be aware that if the client/ their representative (ie. parent or guardian) provides incomplete or inaccurate information or the client/ their representative withholds personal health information, Thriving Kids may not be able to provide the client with the services they are requesting.

2.4. In this Privacy Policy, common terms and definitions are used, as defined by the Privacy Act (1988). Please see attached glossary for full definitions of the terms “personal information”; “health information” and “sensitive information”, according to the Act. Please note: “Client’s representative” is defined as the client’s parent/guardian throughout this policy document.

### **3. Types of Personal Information**

- 3.1. Thriving Kids collects information from each individual client/ their representative that is necessary to provide the client with adequate occupational therapy services.
- 3.2. This may include collecting information about a client’s health history, family history, ethnic background or current lifestyle to assist the occupational therapist in assessing the client and providing therapy.

### **4. Collection & Retention**

4.1. This information will in most circumstances be collected directly from the client or their representative, through but not limited to the following mediums:

- Thriving Kids Client Information Form
- Thriving Kids Initial Input Form
- Thriving Kids Consent to Share information form
- Specific Assessment forms completed by the client and/ or their representative
- Funding based forms including, but not limited to, those required for Helping Children With Autism packages and GP plans
- Phone discussion
- Email correspondence
- face to face discussion

4.2. In other instances, Thriving Kids may need to collect personal information about a client from a third party source. This may include:

- Teachers
- Service coordinators
- other health service providers.

4.3. This will only be conducted if the client's representative has provided consent for Thriving Kids to collect his/her information from a third party source. Consent may be obtained via the "consent to share information" form, or at a later date may be provided or updated in writing via email request from parents or therapists.

4.4. Thriving Kids endeavours to store and retain a patient's personal & health information in an electronic record system stored in our cloud based practice management software, "Power Diary". Hard copies of some documents are also stored in a single client file, stored in a locked cabinet onsite at the Thriving Kids clinic at 137 Balgownie Road Balgownie. Some working documents containing client data are stored in password protected files on the Thriving Kids staff computers. These may include, but are not limited to, goal setting documents, session plans, actively used resources, and reports that are in the process of being completed.

4.5. In line with the requirements of the Privacy Act, the servers for "Power Diary" are located in Sydney Australia. Information is encrypted before being transferred to the "Power Diary" server to protect the security of this information and prevent it being intercepted or read during transit. "Power Diary" report the use of advanced, multilayered performance and security monitoring systems which operate at all times. Access to Thriving Kids' account may be very occasionally granted to Power Diary IT support in order to investigate specific issues where there is no alternative means of solving the issue. Parent consent will be obtained prior to contacting Power Diary for this purpose.

4.6. Thriving Kids staff undertake to further ensure the security of the information shared on Power Diary by maintaining confidentiality of login details and changing the login password for each individual user regularly.

## **5. Purpose of Collection, Use and Disclosure**

5.1. Thriving Kids only uses/discloses a patient's personal information for the purpose of ensuring effective service provision, and with the consent of the client's representative, unless one of the following applies:

- the client's representative has consented for Thriving Kids to use the client's information for an alternative or additional purpose;
- the disclosure of the client's information by Thriving Kids is reasonably necessary for the enforcement of criminal law or a law imposing a penalty or sanction, or for the protection of public revenue;

- the disclosure of the patient's information by Thriving Kids will prevent or lessen a serious and imminent threat to somebody's life or health (for example, but not limited to, in our role as mandatory reporters);
- Thriving Kids is required or authorised by law to disclose the client's information for another purpose.

#### 5.4. Other Third Parties

Thriving Kids may provide the client's personal information regarding a client's treatment or condition to additional third parties. These third parties may include:

- parent(s);
- guardians; or,
- teachers
- GPs
- Service Coordinators
- Other therapists or health professionals

Where information is relevant or reasonable to be provided to third parties, written consent from the client's representative is required.

Additionally, the client's representative may at any time wish to disclose that no third parties as stated are to access or be informed about the client's personal information or circumstances.

Use, and sharing of, personal information for the purpose of Thriving Kids receiving payment for occupational therapy services through external funding bodies will be discussed with the client's representative where required, and specific consent for this purpose will be sought.

#### 5.5. Other Uses of Personal Information

In order to provide the best possible environment to treat clients, Thriving Kids may also use personal/health information where necessary for:

- invoicing, billing and account management;
- to liaise with a patient's health fund, Medicare, NDIS or other funding bodies, as necessary; and,

- the purpose of complying with any applicable laws – i.e. in response to a subpoena or compulsory reporting to State or Federal authorities.

If at any point or for any of the aforementioned reasons Thriving Kids uses or discloses personal/ health information in accordance with the APPs, Thriving Kids will provide written notice for the client's representative to provide consent for the use and/or disclosure.

Thriving Kids may also request consent for the use of personal/ health information for the purpose of:

- activities such as quality assurance processes, accreditation, audits, risk and claims management, patient satisfaction surveys and staff education and training

The client's representative may opt out of providing consent for the use of personal/health information for these activities, and this will not influence the capacity of Thriving Kids to provide effective services to the client.

## **6. Access and Changes to Personal Information**

6.1. If an individual client reasonably requests access to their personal information for the purposes of changing the information he/she must engage with the relevant practice manager.

6.2. The point of contact for patient access to personal information is:

**Belinda van Wel**

**Occupational Therapist and Director**

**Ph: 0414378010**

**Email: [belindavanwel@thrivingkids.com.au](mailto:belindavanwel@thrivingkids.com.au)**

Requests should be made in writing.

6.3. Once an individual patient requests access to his/her personal information Thriving Kids will respond within a reasonable period of time to provide the information. We may recover from you our reasonable administrative costs of supplying you with access to the information we hold about you.

6.4. All personal information will be updated in accordance to any changes to a client's personal circumstances brought to Thriving Kids's attention. All changes to personal information will be subject to the consent of the client's representative and acknowledgement.

## **7. Complaints Handling**

- 7.1. Patients who would like to make a complaint about a perceived breach of the Australian Privacy Principles through Thriving Kids can do so by contacting the Director at Thriving Kids (see 6.1 above).
- 7.2. Thriving Kids is dedicated to ensuring your information is secure. In the event that a breach of your information is identified, affected clients will be notified by Thriving Kids and informed of our processes for handling any breaches. If at any stage a client identifies a breach of their privacy, they are requested to speak to the practice manager about lodging their concerns formally.

## **8. Personal Information and Overseas Recipients**

- 8.1. Use of Overseas Parties: Thriving Kids does engage with overseas entities, with which personal or health information would be transferred, appointed or disclosed. These overseas entities include:

- G Suite by Google cloud is used for correspondence through all “thriving kids” email addresses
- Dropbox may be used to support information and resource sharing following discussion and verbal/written consent from the client’s representative

The aforementioned entities engaged overseas are subject to the legislative requirements as stipulated by the APPs.

## **9. Disposal of Personal/Health Information**

- 9.1. If Thriving Kids receives any unsolicited personal information that is not deemed appropriate for the permitted health situation, Thriving Kids will reasonably de-identify and dispose of the information accordingly.
- 9.2. If Thriving Kids holds any personal or health information that is no longer deemed relevant or appropriate for the permitted health situation, Thriving Kids will reasonably de-identify and dispose of the information accordingly.

## **10. Access to Policy**

- 10.1. Thriving Kids provides free copies of this Privacy Policy for clients, their representatives and relevant others to access, which can be/will be located/provided:
  - [www.thrivingkids.com.au](http://www.thrivingkids.com.au)
  - Via email as requested
  - Policy and Procedure Manual located at Thriving Kids clinic and in our online staff files

- Hard Copies provided upon request

## **11. Review of Policy**

- 11.1. Thriving Kids, in accordance with any legislative change, will review the terms and conditions of this policy to ensure all content is both accurate and up to date.
- 11.2. Notification of any additional review(s) or alteration(s) to this policy will be provided to client's representatives and Thriving Kids staff/ contractors within 2 weeks' notice. If change occurs client's representatives are required by Thriving Kids to review this Privacy policy. Staff/contractors are required to sign they have reviewed the Privacy policy.

### **Glossary of Terms As Defined by The Privacy Act (1988) and used in this Privacy Policy**

- a) "personal information" as defined by the Privacy Act 1988 (Cth). Meaning "information or an opinion including information or an opinion forming part of a database, whether true or not, and whether recorded in a material format or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion"; and,
- b) "health information" as defined by the Privacy Act 1988 (Cth). This is a particular subset of "personal information" and means:
  - i. Information or opinion about the health or disability (at any time i.e. past, present or future) of an individual that can be classified as personal information;
  - ii. Information or opinion about an individual's expressed wishes about the future provision of health services that can be classified as personal information;
  - iii. Information or opinion about health service provided, or to be provided, to an individual, that can be classified as personal information;
  - iv. Other personal information collected to provide, or in providing, a health service;
  - v. 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

vi. 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.

c) Personal information also includes 'sensitive information' which is information including, but not limited to a patient's:

- a. race;
- b. religion;
- c. political opinions;
- d. sexual preferences; and/or,
- e. health information.

Information deemed 'sensitive information' attracts a higher privacy standard under the Act and is subject to additional mechanisms for the patient's protection.

## Approvals & review

Policy review date:	12 <sup>th</sup> February 2021
Policy approved by title:	Thriving Kids Occupational Therapy Pty Ltd Pty Ltd
Policy approved by signature:	