



A and D In Home Care Privacy and Information Policy

Purpose of Policy

1. The purpose of this policy is to explain how A and D In Home Care respect and protect the privacy of all people connected with the National Disability Insurance Scheme (NDIS) inclusive of participants, providers, employees and contractors. In dealing with personal information, A and D In Home Care complies with obligations imposed under federal law, inclusive of the Privacy Act 1988 (Cth) and the National Disability Insurance Scheme Act 2013 (Cth).

2. The Privacy Act 1988 (Cth) authorises the collection of personal information where this is required to facilitate access to services provided under the NDIS and perform the other functions required for service provision. The National Disability Insurance Scheme Act 2013 (Cth) sets the provisions for confidentiality and secrecy which limit how A and D In Home Care collect, use and disclose participant information.

3. A and D In Home Care act in the best interests of the children and young people we work with and balance their right to privacy with their right to be safe and protected in line with National Child Safe Standards.

4. A and D In Home Care systems, processes and policy uphold The United Nations Convention on the Rights of the Child (UNCROC) Article 16:

- (1) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation
- (2) The child has the right to the protection of the law against such interference or attacks

AND the Article 12 of the Universal Declaration of Human Rights **that states** “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

Definitions

5. A record means documents, electronic or handwritten information, financial records, shift sign in sheets, activity sheets, risk management documents, critical incidents, personal learning plans and any other notes relating to a participant and service delivery.

6. Personal information means information relating to a participant that could identify an individual or make the participant’s identity discernible.



7. Information Management System refers to the Brevity data base utilised by A and D In Home Care that is secure and accessed by authorised staff.

8. Specialised substitute residential care includes:

- stays of 3 or more nights within a 7-day period in a group home, respite, hotel or Airbnb environment (days do not need to be consecutive)
- short-term accommodation through the National Disability Insurance Scheme
- overnight stay of 3 or more nights with another family in a 'host family' arrangement
- longer-term residential care
- camps of 3 or more nights that focus on respite or behaviour support
- bail assistance program.

8. The Office of the Children's Guardian is a statutory oversight body who regulates, monitors, identifies gaps and oversees organisations to uphold children and young people's right to be safe with organisations, in out of home care and under specialised substitute residential care in accordance with the [Children's Guardian Act 2019](#) and [Children's Guardian Regulation 2022](#).

Information collected and stored

9. A and D In Home Care will collect information which is considered reasonably necessary to carry out our role as service providers. The kinds of information we collect, and store includes, but is not limited to, personal information (as defined under the Privacy Act 1988 (Cth) about the participants and other users of our services, and about our employees, contractors and providers.

10. A and D In Home Care may record personal information that includes:

- identity information, such as your full name and date of birth
- contact details, such as your email and phone number
- government identifiers, such as your participant number under the National Disability Insurance Scheme (NDIS) if applicable
- the relevant NDIS Plan information when provided
- any information or documents you upload to the A and D In Home Care platform
- information you provide by phone, email, text or A and D In Home Care website
- your likes and dislikes
- your relationship to other users of A and D In Home Care
- information about you, which is held by third parties, where you have provided your separate consent to such collection, such as information held by the National Disability Insurance Agency, health professionals, counsellors or other services
- other personal information that may be required to provide support to you



11. Sensitive information is defined under the Privacy Act 1988 (Cth) as “Information or an opinion about an individual’s: racial or ethnic origin; political opinions; membership of a political association; religious beliefs or affiliations; philosophical beliefs; membership of a professional or trade association; membership of a trade union; sexual orientation or practices; criminal record; or health information”.

12. A and D In Home Care will not collect information sensitive information without the consent of participants. Sensitive information will only be collected if it is specifically required for operational purposes, required by law or when the information is necessary for the establishment, exercise or defence of a legal claim.

Consent to Share Information

13. Where an individual has provided consent, A and D In Home Care will use and disclose the personal information we collect to:

- provide and improve our services to participants and their family members
- process donations and communicate with our donors and supporters, including sending them information (which may be by phone, email or other electronic means)
- communicating with our participants and their family members, donors and supporters, and volunteers (including responding to queries and complaints) and distributing our publications, conducting events and raising awareness about our services
- our general business activities, including interacting with contractors and service providers, billing and administration including measuring and assessing the level of support we receive and the effectiveness of our fundraising activities and assessing applicants for positions with us

14. A and D In Home Care will not share any of your personal information with third parties without your consent except:

- if we are required by law or we believe in good faith that such action is necessary in order to comply with law, cooperate with law enforcement or other government agencies, or comply with a legal process served on the company (including other service providers or insurers) or court order
- an allegation of reportable conduct has been made [Refer to A and D In Home Care Reportable Conduct Policy]
- a child or young person is at risk of significant harm
- the disclosure of the information will prevent or lessen a serious and imminent threat to somebody's life or health
- to our contractors, service providers and volunteers only to the extent necessary for them to perform their duties to us.
- We are obliged to report demographic and service information to the Australian government and other bodies on the services they fund us to provide without providing sensitive information.

Processes for collecting and storing information



15. A and D In Home Care has systems and procedures in place to protect personal information from misuse and loss, as well as from unauthorised access, modification or disclosure. These steps include:

- paper-based records which are scanned and filed securely
- access to personal information is on a need-to-know basis, by authorised personnel
- storage and data systems are regularly updated and audited
- When no longer required, personal information is either archived or destroyed in accordance with federal law.

Accessing and correcting your personal information

16. A and D In Home Care aims to ensure that all personal information held about a participant, family or staff is accurate, up to date, complete and relevant before acting on it.
17. If a participant, family or staff learns that the personal information that A and D In Home Care holds about them is inaccurate, outdated, incomplete, irrelevant or misleading that person can contact A and D In Home Care through the methods detailed in so that the information can be updated accordingly.
18. Where a participant, family or staff requests A and D In Home Care to correct the personal information we hold about them, we will action this request promptly. A participant, family or staff can request that we notify this change to any other agencies or organisations that we have previously disclosed the personal information too.
19. If we do not agree to correct our records as requested, we will give written notice of the decision, setting out our reasons for refusing this request and how the person can lodge a complaint about our decision.
20. A participant can request to access their personal information held by A and D In Home Care by contacting Director Anita McEwen. A and D In Home Care will make all efforts to meet a request to view personal information within two weeks of receiving the request.

Making a complaint

21. You may make a complaint about our handling of your personal information, including if you think we have breached the Privacy Act, by contacting A and D In Home Care Director in writing, email or by telephone using the contact details at paragraph 24 below.
22. A and D In Home Care will aim to resolve your complaint within 5 days from when your request was made. If we are not able to resolve your complaint, you may wish to contact the Office of the Australian Information Commissioner at the details set out below.
23. A and D In Home Care Director will maintain a register of complaints with no sensitive or identifying information, that details:



- The date a complaint was made and responded to
- The manner in which privacy of information was not managed in accordance with a participant, family member or staff's human rights
- The steps A and D In Home Care Director took to investigate the complaint and the timeframe of this investigation
- The feedback provided to the person making the complaint
- The actions taken to prevent future complaints occurring
- The satisfaction of resolution for the person making the complaint about a privacy breach

24. A and D In Home Care Director will notify the Leadership Team at the monthly Safeguarding Meeting of new complaints, the register, A and D In Home Care investigation outcome, actions taken to reduce the risk of further breaches and the satisfaction of the person making the complaint that the issue was resolved.

Contact information

25. If you would like to leave feedback or complain about the service you have received from A and D In Home Care, or you feel that we have breached your privacy obligations, please contact us through any of the following methods:

Director: Anita McEwen

Telephone: 0472 914 094

Email: aanddinhomework@gmail.com

NDIS Commission Feedback and Complaints team

Email: contactcentre@ndiscommission.gov.au

Telephone: 1800 035 544

Post: NDIS Commission Feedback, PO Box 210, Penrith NSW 2750

26. If you want to obtain additional information on your privacy rights and how you can enforce them, you can visit:

Office of the Australian Information Commissioner <http://www.privacy.gov.au>

or <http://www.oaic.gov.au/>

NDIS Quality and Safeguards Commission

<https://www.ndiscommission.gov.au/participants/participants-make-complaint>

Telephone: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged. [National Relay Service](#) and ask for 1800 035 544.



Relevant Documents

Disability Inclusion Act 2014 (NSW)

Disability Inclusion Regulation 2014 (NSW)

Children and Young Person's (Care and Protection) Act 1998

United Nations Convention on the Rights of Persons with Disabilities

Disability Discrimination Act 1992 (Cth)

[NDIS Practice Standards and Quality Indicators](#)

[Child Safe Standards](#)

A and D In Home Care Reportable Conduct of Child Abuse Procedure

A and D In Home Care Incident and Hazard Management Procedure

NDIS Commission Reportable Incidents Procedure

A and D In Home Care Induction Procedure

A and D In Home Care Recruitment Policy

A and D In Home Care Supervision Policy

A and D In Home Care Risk Management Procedure

A and D In Home Care Recruitment and Selection Policy

A and D In Home Care Termination of Employment Policy

A and D In Home Care Register of Complaints

A and D In Home Care Code of Conduct