

Document:

Policy – Privacy, Dignity & Confidentiality

Outcome / Purpose:	<p>The purpose of this policy is to identify and address the following:</p> <ul style="list-style-type: none"> What personal information Magical Speech Pathology collects and holds regarding to its clients; How Magical Speech Pathology collects the required information; Who does Magical Speech Pathology collect the information from; Why does Magical Speech Pathology collect, hold & use this information; How Magical Speech Pathology manages personal information in accordance with relevant legislation and disposal guidelines; How you can access and amend information held about you; How to make a complaint if you feel we have breached our privacy obligations to you. <p>Magical Speech Pathology is bound by the Australian Privacy Act 1988. This Policy is intended to reflect our obligations under the Privacy Laws.</p> <p>When we refer to “clients” or “you” below, we mean both former and current clients, as well as people who make inquiries about our products and services (i.e., potential clients).</p>
Scope:	All Magical Speech Pathology’s staff and sub-contractors must adhere to this policy to achieve the outlined outcome / purpose.

Document control			
Revision	Updated Date	Next Review Date	Approved By
A	01/03/2023	01/03/2028	M. White (Clinical Director)
This document is UNCONTROLLED once printed			

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The information Magical Speech Pathology collects

What personal information Magical Speech Pathology (MSP) collects and holds regarding its clients

In this policy, “personal information” means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained. To provide evidence-based speech pathology services to our clients, we need to know personal information about them and others, including:

- Names, ages, genders, and other identifying information;
- Medicare and health fund details (including Medicare numbers and health fund insurers and the extent of their coverage);
- Developmental, medical, ethnic, language, cultural and social histories (including medications, diagnoses, surgeries, and allergies);
- Details about disabilities, impairments, challenges, barriers and facilitators;
- Family histories, to the extent they may be relevant to our assessment, diagnosis and/or treatment of clients;
- Work and education histories;
- Hobbies, motivations, interests, and activities in which clients and their families participate;
- Financial information concerning the ability of clients to pay for our products and services;
- Details related to the NDIS, including details of negotiations, assessments, plans and packages; and
- Call records, wireless locations and unique web browser details (when you use our products, devices and services, including online services).

For sensitive information – such as information about your health that is reasonably necessary for us to provide you with services or products – we will seek your consent.

Can our services and products be accessed anonymously;

It is your right to be dealt with anonymously, provided that it is lawful and practicable. We will try to accommodate a request for anonymity wherever possible. However due to the nature of our services and products, we cannot offer them to people who wish to be anonymous, wish to use a pseudonym or who do not provide us with enough information to properly identify them for the purposes of providing services and products.

How Magical Speech Pathology (MSP) collects the required information

Magical Speech Pathology collects personal information by the following:

- By telephone (e.g. when you or an authorised party call us);
- Via our website when you use our networks, products and services, including our online services;
- Via our social media sites (e.g. on our Facebook, Pinterest, Twitter, and LinkedIn sites);
- Through our client questionnaires (which are usually filled in by a client or carer as part of our assessment process),;
- By written letters, reports and other documents (e.g. through doctors' reports you provide to us);
- Through electronic communication methods (e.g. emails, SMS);
- Interviews and other interactions in our sessions (including face-to-face interviews and interviews conducted electronically, such as by way of Skype / zoom).
- By taking notes and recordings of our interactions with you (including audio and visual recordings).

We may also electronically collect your personal and/or sensitive information from third parties in the following ways:

- From service providers, when they assist Magical Speech Pathology with the provision of services, for example, bank information from your financial institution;
- Families, carers or advocacy groups;
- Health providers; and
- Government and non-government entities (such as the National Disability Insurance Agency; Australian Hearing and others).

When we ask for your consent to use your personal information, we will ensure that consent is opt-in, affirmative and freely given. At any time, you can withdraw consent by contacting us to tell us that you are withdrawing your consent.

Who does Magical Speech Pathology (MSP) collect the information from.

We collect personal information directly from our clients or someone authorised to act on the behalf of clients (e.g. their parents, carers or guardians). Wherever practicable, we will ask for the information directly. However, we may need to contact others when relevant to a client's circumstances (e.g. when working with clients who cannot communicate their needs without the assistance of others). In these cases, we will, where practicable, make you aware of the fact that we have collected this information and the circumstances of the collection.

When you give us information about other people, we rely on you to have obtained their prior consent and on you to tell them of the types of third parties we may provide the information to and why.

Why does Magical Speech Pathology (MSP) collect, hold & use this information

We collect personal information to deliver, review and improve the products and services that we provide. Generally, these services and products are related to speech and language pathology. If we didn't collect this information, we wouldn't be able to carry out our business or provide our products and services to you in accordance with the standards required by law, the NDIS Code, or our professional ethics requirements. If you do not provide the personal information that we request, we would not be able to carry out our business and provide our products or services to you.

More specifically, we need personal information (including health information) to provide clients with assessment, diagnosis and management services and products related to their speech, language, voice, fluency, swallowing/feeding, and/or literacy-related issues and/or multi-modal communication. We also need this information:

- For administrative purposes of managing our business;
- When necessary, to fulfil our obligations under the law, regulation, the NDIS Code and/or Speech Pathology Australia's Code of Ethics;
- For billing management (either directly or through insurers or other compensation agencies);
- For discussions between workers related to the care of clients;
- For discussions and other communications, e.g., with your doctors, other health professionals, and others related to your care;
- For discussions with insurers (including the NDIS and its agents);
- For any insurance or compensation or other claims or litigation (including threatened litigation);
- For security and workplace safety purposes, e.g., to monitor the safety of participants, workers and others.

From time to time, we may use personal information (but not sensitive health information) to provide you with news or offers about our products or services that may be of interest to you. We will ensure that your consent to receive this type of communication from us is opt-in, affirmative and freely given. These products and services will be related to our services described above and will be products and services that we believe will be relevant to you.

You have a right, at any time, to tell us that you don't want to receive this type of material.

How Magical Speech Pathology (MSP) manages personal information in accordance with relevant legislation and disposal guidelines;

Who will see or have access to your personal information?

Your information may be seen or used by people working for or on behalf of us and other service providers including (without limitation):

- our Speech Pathologists (employed or contracted);
- our administrative staff (employed or contracted);
- Doctors, other health professionals, and education professionals;
- our third-party professional advisors and service providers, including (without limitation) our lawyers, book-keepers,
- accountants, auditors, tax consultants, actuaries, management consultants and IT service providers (including software-as-a-service providers);
- Medicare, private health insurance providers, our insurers and reinsurers.

We will not rent, sell, trade or otherwise disclose to any other third parties any personal information about you without your consent, or unless we are required to by law (including pursuant to a court or tribunal order), or where a permitted general situation (including a permitted health situation) exists within the meaning of the Privacy Act 1988, or if we reasonably believe disclosure is necessary for enforcement-related activities.

With consent Magical Speech Pathology may disclose personal information, including sensitive information, held about an individual to:

- The client's school;
- Government departments;
- Other Medical practitioners related to the client's treatment;
- People providing services to the Magical Speech Pathology that assist in the client's treatments;
- anyone you authorise Magical Speech Pathology to disclose information to; and
- anyone to whom we are required to disclose the information to by law.

If you do not want your personal and/or sensitive information disclosed to another organisation, then please let us know, either at the time we collect the information, or any later time, and we will ensure that the disclosure either ceases or does not occur. We take reasonable steps to ensure that all third party recipients of the information which you provide to us are bound by confidentiality and privacy obligations when handling your personal and/or sensitive information.

What happens if personal information is disclosed outside Australia?

Given the increasing globalisation of electronic information systems and the businesses of service providers, it is likely that personal information may be disclosed to a person or entity outside Australia (e.g. to a third-party technology-related service provider managed outside Australia). For the same reason, it is not practicable to specify the countries in which such recipients may be located.

If your personal information is disclosed by us to an overseas recipient (e.g. to an insurer or IT-service provider), we will take reasonable steps in the circumstances to ensure the overseas recipient does not breach the Australian Privacy Principles in relation to the information.

Security of your personal information and data retention

We understand you are concerned about your personal information – especially your health information. We will use reasonable endeavours to prevent unauthorised access to, modification of, disclosure, misuse, or loss of that information, except as required by law (e.g. under mandatory reporting laws, and our obligations to report incidences of violence, exploitation, neglect and abuse, and sexual misconduct to the NDIS Quality and Safeguards Commission and the police).

Our directors and staff have reviewed the requirements of the Privacy Laws and our third-party service providers are aware that they are required to comply with the requirements of the Privacy Act 1988.

We have data protection measures in place, including password-locked computers when we store personal information electronically. Hard copies are stored in a locked filing cabinet onsite only and are destroyed when scanned and on the discharge of the client.

If we no longer require the personal information about you for any purpose described above, then we will take reasonable steps to destroy the information or to ensure that such information is de-identified. This obligation is subject to an important exception – for NSW practitioners, the Health Records and Information Policy Act 2002 (NSW), we are obliged to retain health information:

- Adults: for seven years from the last time we provided them with a service or product; and
- Children: until the individual has attained 25 years of age.

Information about social media plug-ins

To improve the quality of our services to clients, our website includes social media plug-ins for large social media networks, including Instagram and Facebook. Upon opening a website on which a social media plug-in is embedded, the social network provider will collect and process the information on your visit to our website for business purposes. This is not initiated or controlled by us, but is a built-in feature of most social media plug-ins. For further information about these plug-ins and privacy, refer to the social media platform's privacy policy.

Information about our Website

When you visit the Magical Speech Pathology website at <https://www.magicalspeech.com.au> or <https://www.magicalspeech.com>, a record of your visit may be logged. The following data may be supplied by your browser:

- Your IP address and/or domain name;
- Your operating system (type of browser and platform);
- The date, time and length of your visit to the website; and
- The resources you accessed and the documents you downloaded.

Magical Speech uses cookies to analyse website traffic and optimize your website experience. By accepting our use of cookies, your data will be aggregated with all other user data. It is not used for any other purpose. If you do not want 'cookies' to be used, then please adjust your browser settings to disable them. Although we may collect information through our website, and through 'cookies', generally you can visit the Magical Speech Pathology website without revealing your name and without providing us with any information about yourself.

Access and correction of personal information

Under the Commonwealth Privacy Act, an individual has the right to obtain access to any personal information that Magical Speech Pathology holds about them and to advise Magical Speech Pathology of any perceived inaccuracy. Clients and students will generally be able to access and update their personal information through their Parents, but older students and adults may seek access and correction themselves. There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or update any personal information Magical Speech Pathology holds about you or your child, please get in touch with us at contact@magicalspeech.com.au or in writing via PO BOX 111, Warners Bay NSW 2282.

We may require you to verify your identity and specify what information you require. We may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, We will advise the likely cost in advance. If we cannot provide you with access to that information, we will provide you with written notice explaining the reasons for refusal.

Complaints Process

If you believe your privacy has been prejudiced by something we have done or failed to do, you have a legal right to lodge a complaint.

Please get in touch with us at contact@magicalspeech.com.au or in writing via PO BOX 111, Warners Bay NSW 2282.

In any event, we will respond to you in writing within 15 days of receiving your complaint.

Mandatory notification of eligible data breach

The Privacy Act sets out obligations for notifying affected individuals, and the Office of the Australian Information Commissioner (OAIC), in the event of an eligible data breach that is likely to result in serious harm.

An eligible data breach occurs where:

- There is unauthorised access to, or unauthorised disclosure of personal information, or a loss of personal information, that an entity holds;
- This is likely to result in serious harm to one or more individuals; and
- The entity has not been able to prevent the likely risk of serious harm with remedial action.

If an eligible data breach is confirmed or Magical Speech Pathology is otherwise directed to do so by the Commissioner, each affected individual will be provided with a statement including:

- details of the breach; and
- recommendations of the steps individuals should take.

A copy of the statement will also be provided to the OAIC.

Want more information?

If you have any questions about this Policy or this Notice, or have any concerns about the personal information you or others have given us about you, please get in touch with us at mSP@magicalspeech.com.au or in writing via PO BOX 111 Warners Bay NSW 2282.

More information on the Privacy Act 1988 can be found on the website of the Office of the Australian Information Commissioner: <https://www.oaic.gov.au/>

This Policy and Notice are in addition to, and do not relieve, remove or replace our rights and responsibilities under applicable laws. If there is a conflict between this Policy and this Notice, on the one hand, and an applicable law, on the other hand, the law shall prevail to the extent of any conflict.

References

Refer to the following external documents for further information:

- NDIS Practice Standards & Quality indicators – Version 4
- National Disability Insurance Scheme Act 2013
- Australian Human Rights Commission Act 1986
- Australian Privacy Act 1988
- Disability Discrimination Act 1992
- Child Protection (Working with Children) Act 2012
- NSW Health Code of Conduct 2012
- Work Health and Safety Act 2011
- IAHA Cultural Responsiveness 2019
- Speech Pathology Australia – Code of Ethics 2020
- Speech Pathology Australia - Scope of Practice in Australia
- Speech Pathology Australia – Professional Standards for Speech Pathologists in Australia
- Speech Pathology Australia – Evidence-Based Practice for Speech Pathology in Australia
- Speech Pathology Australia – Telepractice in Speech Pathology
- Speech Pathology Australia – Working in a culturally and Linguistically Diverse Society
- Speech Pathology Australia - Professional support, supervision and mentoring

Related Documents

Refer to the following internal documents for further information:

- MSP-00004 - STATEMENT - Information Collection
- MSP-00005 - POLICY - Code of Conduct
- MSP-00006 - POLICY - Internet & Email
- MSP-00009 - POLICY - Anti-discrimination & Harassment
- MSP-00012 - POLICY - MSP responsibilities
- MSP-00013 - POLICY - Employee requirements
- MSP-00014 - POLICY - Service Agreement
- MSP-00015 - POLICY - Compliance review
- MSP-00017 - POLICY - Complaint Management & Resolution
- MSP-00018 - POLICY - Risk Management