

# ACCESS TO PERSONAL INFORMATION CONSENT POLICY

## Purpose and Scope

Cahoots must gain consent from each participant (or the Participant's Representative) to collect personal and sensitive information prior to sharing any information with family, support networks, other providers, government bodies or the media.

This policy applies to all participants, staff and volunteers.

The Community Engagement Manager is responsible for implementation of this policy.

## POLICY STATEMENT

Cahoots is committed to safeguarding the confidentiality of all personal and sensitive information collected from each participant, ensuring full details of each participant's information are recorded in an accurate and timely manner.

Personal information collected by Cahoots is obtained in accordance with the Australian Privacy Principles contained in the Australian Privacy Act 1988, the NDIS Practice Standards and Cahoots Privacy Policy.

Cahoots Privacy and Confidentiality Procedure together with the Access to Personal Information Consent Form will ensure the implementation of this policy.

We use personal information to effectively deliver our services and to respond to inquiries about our services. Cahoots will only use personal information for the purposes for which it was given to us, or for purposes that are directly related to one of our functions or services.

We collect and store primary personal information including health and medical information, and information relating to a participant's disability and support requirements where they have consented to provide such information.

If we do not have this primary purpose information, we may not be able to deliver supports services that safely meet a participant's needs.

### Purposes for which we collect, use, store, disclose and share personal information

Cahoots collects, uses and stores a participant's personal and sensitive information to:

- Determine a participant's eligibility for our services.
- Develop a participant's Support Plan.
- Allow service staff to understand a participant's personal needs and likes.
- Provide our services, including planning, funding, monitoring and evaluating services.
- Report to government and other funding bodies on how funding is used.
- Respond to participant queries, feedback or complaints.

Cahoots may need to collect information from and share information with other service providers used by the participant. Examples of information that might be collected are:

- Health and medical reports: This may include medication information, Seizure Management Plans, Asthma Action Plans, Mealtime Management Plans etc.
- Information from other service providers that work with the participant: This may include Behaviour Support Practitioners, Speech Pathologists, Occupational Therapists, Physiotherapist, etc.

There may be times when information is shared without a participant's consent. This is usually when the law requires it, or in an emergency.

This includes when Cahoots:

- is obligated to report incidents (or suspected incidents) to the NDIS Commission, police or other government agencies for incidents of serious injury, abuse, neglect, assault, sexual misconduct, and the unauthorised use of a restrictive practice.
- is required or authorised by or under an Australian law or a court/tribunal order to provide the information; or
  - has reason to believe the disclosure is required to lessen or prevent a serious threat to life, health, or safety of an individual or to public health and safety.
  - has reason to suspect an individual may have done something unlawful or engaged in serious misconduct that relates to Cahoots services or activities.

### **How we collect personal information**

Cahoots staff generally collect personal and sensitive information directly from the participant through the use of our standard forms, interviews, via email or through a telephone conversation.

Only with the participant's consent, will we collect personal and sensitive information from third party contractors or agents, and government instrumentalities that are involved in the provision of our services.

### **Access to personal information**

In accordance with the Cahoots Privacy Policy, a participant may request details of their personal information that we store about them. If a participant believes that any information, we store about them is inaccurate, out of date, incomplete, irrelevant, or misleading, then we strongly encourage the participant to contact us. We will take all reasonable steps to correct any information found to be inaccurate, incomplete, misleading or out of date.

### **Change or withdrawal of consent**

Cahoots will review each active participant's consent at least annually. A participant can in writing to Cahoots change or withdraw their consent to share information or their permission for a third party to act on their behalf at any time.

### **Access to Personal Information and Consent Form**

The purpose of collection, use and disclosure of a participant's personal information will be outlined in the Access to Personal Information Consent Form.

Cahoots seeks written consent for collecting and sharing personal information. The Access to Personal Information Consent Form will be used to confirm with the Participant's Representative that the participant has given permission for Cahoots to talk to and share information about them.

Where the participant (or the Participant's Representative) is unable or unwilling to provide written consent, Cahoots will explain in a way that suits each participant the contents of the Access to Personal Information Consent Policy, and the Access to Personal Information Consent Form.

Where Cahoots is satisfied that the participant (or the Participant's Representative) understands the contents and has given or declined oral consent voluntarily, Cahoots will record this on the participant's electronic record including details of date and time, the Cahoots staff member and whether oral consent was given or declined.

## Communication

This policy will be communicated in an appropriate way to:

- Participants and their support networks through Cahoots e-newsletter, website, intake process, easy to read flyers and accessible on request.
- Staff and volunteers through inductions, professional development and staff meetings.

## Policy Review

This policy will be reviewed every two years in consultation with participants and their support networks together with staff and volunteers. This policy is not intended to be a static document and Cahoots commits to its ongoing development as part of continuous quality improvements, and as policy and legislation changes dictate.

## References and Related Documents

- Privacy Act 1988
- Australian Privacy Principles
- National Disability Insurance Scheme Act 2013
- NDIS Practice Standards and Quality Indicators
- Cahoots Privacy Policy
- Cahoots Privacy and Confidentiality Procedure
- Safeguarding Children and Adults at Risk Policy
- Access to Personal Information Consent Form

## Versions

No.	Approval Date	Description of Amendment
1.0	4/5/2023	Policy created

Owner	Approver	Next Review
Community Engagement Manager	CEO	April 2025