



My Voice Privacy and Confidentiality Policy and Guidelines

Version: 2 Policy date: 12 July 2023 Next review date: 12 July 2025

Authorised by: My Voice CEO: D. Frith

PURPOSE AND SCOPE

The Privacy Act 1988 (Privacy Act) is the principal piece of Australian legislation protecting the handling of personal information about individuals. This includes the collection, use, storage, and disclosure of personal information in the federal public sector and in the private sector.

Privacy and private information handling legislation that applies in the context of this Policy in NSW and the NT includes NSW Privacy and Personal Information Protection Act 1998 (PPIP Act):and the Northern Territory NT Information Act 2002.

Common privacy principles in the legislation cover:

- When and why information is collected
- How it is used
- How it is managed
- What to do if a person thinks there has been a breach of their privacy.

My Voice is committed to upholding the privacy and confidentiality of its clients and staff. This policy demonstrates how My Voice upholds the legislative objects and principles of privacy across all states and territories where services are provided.

DEFINITIONS

Client or NDIS Participant is the term used interchangeably in this document to refer to those who are provided with services from My Voice.

Confidentiality refers to personal information shared with My Voice that cannot be divulged to others without the consent of the client.

Privacy is a fundamental human right. It includes the right to be free from interference and intrusion, to associate freely with whoever the client wishes, and to be able to control who sees or uses information about the client.

Privacy is both physical privacy and the handling of private information shared by the client or that chosen to be retained by the client.

Personal information is information (or an opinion), that could identify an individual. For My Voice clients, this includes:

- Name, address, date of birth and contact details.
- Photographic records and audio or video recordings.
- Sensitive information including health information, criminal justice information (where relevant), government related identifiers (those assigned by a government authority) or information about the person's family background.

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- Information about My Voice service delivery, including client's information received from other agencies.

Consent - My Voice adopts the principle of 'express consent' where the client gives consent openly and obviously, either verbally, in writing, or in any other form where the consent is clearly communicated. Consent should be sought in writing where practicable.

POLICY

In each state and territory where My Voice provides services, My Voice undertakes to protect the privacy of the NDIS participant by:

- Respecting their right to freedom from interference and intrusion.
- Conducting all interactions with clients using methods that maximise the client's privacy.
- Giving preference to, and actively encouraging, the client's voice, opinion, and decision-making.
- Ensuring that those who work with and interact with the client, do not unduly influence, interfere, or intrude upon the client's voice, opinion, and decision-making.
- Respecting the NDIS participant's right to associate freely with whomever they wish.
- Recognising the participant's right to make a choice to continue with My Voice supported accommodation services.

Managing Private Information

- Information that is collected and stored by My Voice complies with the requirements of the Commonwealth Privacy Act 1988 (Privacy Act), NDIS rules, the NSW Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Northern Territory NT Information Act 2002.
- All information, processes and arrangements provided to the client will be transparent and provided to them in both hard copy and e-copy formats.
- The name, address, and contact details of the My Voice representative will be provided to the client whenever required. These details are contained in the My Voice Service Agreement.
- My Voice only collects information about the client to inform their service needs.
- Personal information provided by the client to My Voice will be stored securely and only accessed by authorised staff.
- Information is collected and stored in a secure electronic filing system with restricted access. Paper information is kept to a minimum and stored in locked file drawers.
- Sharing client information with external agencies is only undertaken with the written permission of the client. Under no circumstances will client information ever be sold or sent overseas.
- My Voice clients can access, examine, and correct their information at any time.
- My Voice will keep historical client information in e-files for a minimum of seven years. Client information will be securely archived electronically, and paper files will be shredded or incinerated when service delivery ends.

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Making a complaint

Where a client feels there has been a breach of their privacy, they are able to make a complaint at any time. When a complaint about a privacy breach has been made My Voice will:

1. Record the complaint in writing.
2. Investigate and record the facts including interviewing those involved.
3. Determine how the situation will be addressed and prepare a response to the complainant.
4. Notify or seek advice from the NDIS commission where required.
5. If required, request an internal practice review that may change any actions that might have led to the breach.
6. Write to the client with their findings, detail how the situation was addressed and where required, provide an apology.
7. Support the client to complain to the NDIS and/or lodge a privacy complaint through the Office of [Australian Information Commissioner](#) or phone enquiries: 1300 363992

Where there is a change to the way My Voice manages personal information, or if there are significant changes to the Privacy policy, all My Voice NDIS participants will be informed.

See: *My Voice Feedback and Complaints Management Policy*

My Voice Privacy Guidelines

When communicating about a client, My Voice staff should:

- Conduct any meetings with, or about, the client in a private space
- Use only the initials of the client when emailing or when discussing the client's service delivery.
- Ensure telecommunications maximise privacy by:
 - ↳ Keeping their voice down and not using a speaker phone when conducting telephone calls in an open plan office space or in front of others.
 - ↳ Texting with a password protected mobile.
 - ↳ Never using the "Bcc" function in client email correspondence.
 - ↳ Not recording any session without the client's express consent.
- Give preference to the client's voice, opinion and decision making in all interactions with them. This includes:
 - ↳ Not interrupting.
 - ↳ Actively seeking thoughts and opinions.
 - ↳ Maximising decision-making opportunity.
 - ↳ Waiting respectfully for responses.
- Ensuring that all others who interact with the client, do not unduly interfere, or intrude upon the client's voice, opinion, and decision-making.
- Model best practice and call out poor practice. Wherever possible maximise the client's privacy and dignity.
- Ensure a client can associate freely with whoever they wish.

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Protecting the Client's Choice and Control

My Voice staff should:

Ensure that the client is made aware of the working relationship between My Voice and other service providers (e.g., Claireleigh).

Before any service agreement is signed, explain to the client that they have free choice without any detrimental consequences to:

- Accept or refuse My Voice services without fear of any detrimental consequence.
- Choose another My Voice staff member to work with them should they have concerns about their relationship.
- Make sure all Service Agreement documentation and accompanying information is provided and a meeting held with the participant where required to discuss the content, clarify any issues, and answer any questions.

Managing the My Voice client's information

My Voice staff will not share any of a client's personal information with others external to My Voice without the client's express consent. Sharing information without client consent will be treated as a breach of confidentiality.

My Voice staff will ensure that all personal client information not in active use is held on My Voice/My Voice secure computer drive. This includes ensuring that:

- Any personal client information that is being worked on is contained on a password protected My Voice/My Voice laptop computer.
- All personal client information is saved to the secure company 'M' drive and not kept on the individual computer used by staff.
- All paper files are kept under lock and key, with the exception of those used during working hours.
- That all paper folders have client ID and initials, not their full name visible on the cover.

Responsibility

All My Voice staff who interact with clients in any way have responsibility for the implementation of the Privacy and Confidentiality Policy

My Voice proprietors and managers are responsible for ensuring all staff are trained in this Privacy and Confidentiality Policy. They must:

- a. Ensure adherence to the Privacy and Confidentiality Policy by all My Voice staff.
- b. Ensure that all relevant client consent forms contain information that reflects this Privacy and Confidentiality Policy.
- c. Respond to client complaints about privacy handling.
- d. Review this policy by the recommended review date, in accordance with any new evidence, legislative changes, and standards reviews.

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Related My Voice documents

My Voice Service Agreement

Feedback and Complaints Management Policy and Procedure

Relevant legislation/standards compliance

Commonwealth legislation

Privacy Act 1988 No. 119

New South Wales legislation

Privacy And Personal Information Protection Act 1998 (As of 20 January 2023 - Act 133 of 1998)

Northern Territory legislation

Information Act 2002

Standards compliance

[Australian Government Office of the Australian Information Commissioner](#)

Phone enquiries: 1300 363992

International conventions

[United Nations Convention on the Rights of Persons with Disabilities](#)

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