



Privacy & Confidentiality Policy

Now We're Talking Speech Pathology and Psychology is committed to safeguarding the confidentiality of any personal or health information of individuals by:

- Creating procedures that protect privacy with regard to the collection, storage and disclosure of Personal Information; and
- Complying with the Australian Privacy Principles and the *Privacy Act 1988* (Cth).

Collection of Personal and Sensitive Information

Now We're Talking Speech Pathology and Psychology collects Personal Information on individuals only with their consent. Generally, we collect your Personal Information and Sensitive Information directly from you. We will not collect information unless it is necessary and Now We're Talking Speech Pathology and Psychology would not do so without your permission or cooperation.

There are situations where we may also obtain Personal Information about you from a third-party source (for example a GP). If we collect information about you in this way, we will take reasonable steps to contact you and ensure that you are aware of the purpose for which we are collecting your Personal Information and the organisations to which we may disclose your information, subject to any exceptions under the *Privacy Act*.

Use and disclosure of Personal and Sensitive Information

We only use Personal Information for the purposes for which it is given to us, or for the purposes which are related to one of our functions or activities. Identifying personal information will not be disclosed for marketing purposes.

The Personal Information we collect from you will be used primarily to render services related to Now We're Talking Speech Pathology and Psychology services and business. We may also disclose your Personal Information to other external organisations including:

- Government departments/agencies who provide funding for Now We're Talking Speech Pathology and Psychology services;
- Doctors and Health care professionals, who assist us to deliver our services; and

- our professional advisors, including our accountants, auditors and lawyers.

Except as set out above, Now We're Talking Speech Pathology and Psychology will not disclose an individual's Personal Information to a third party unless one of the following applies:

- the individual has consented;
- the individual would reasonably expect us to use that information for another purpose related to the purpose for which it was collected (or in the case of sensitive information – directly related to the purpose for which it was collected);
- it is otherwise required or authorised by law;
- it will prevent or lessen a serious threat to somebody's life, health or safety or to the public health or safety;
- it is reasonably necessary for us to take appropriate action in relation to suspected unlawful activity, or misconduct of a serious nature that relates to our functions or activities;
- it is reasonably necessary to assist in locating a missing person;
- it is reasonably necessary to establish, exercise or defend a claim at law;
- it is reasonably necessary for a confidential dispute resolution process;
- it is necessary to provide health services;
- it is necessary for the management, funding or monitoring of a health service relevant to public health or public safety;
- it is necessary for research or the compilation or analysis of statistics relevant to public health or public safety;
- it is reasonably necessary for the enforcement of a law conducted by an enforcement body, in this case language for life will make a written note of the disclosure;
- a permitted general situation exists, as defined in s16A of the *Privacy Amendment (Enhancing Personal Privacy) Act 2012*; or
- a permitted health situation exists as outlined by s16B of the *Privacy Amendment (Enhancing Personal Privacy) Act 2012*.

From time to time our therapists may use email as a communication method to provide clients with items such as: newsletters, invoices, general business updates, progress notes and clinical reports etc. These items may contain your personal or sensitive information. Whilst your information will only be provided to you and other approved (by you) parties in this manner, clients need to be aware that there is a risk that this information may be accessed by other parties without authorisation (for example, if our email system is 'hacked' or a virus is received).

Now We're Talking Speech Pathology and Psychology will take all reasonable steps to mitigate this risk, including regularly changing software passwords, not accessing software/emails from unauthorised computers, following a strict Information Technology policy etc.

Security of Personal and Sensitive Information

Now We're Talking Speech Pathology and Psychology takes reasonable steps to protect the Personal Information and Sensitive Information we hold against misuse, interference, loss, unauthorised access, modification and disclosure.

These steps include password protection for accessing our electronic IT systems, securing paper files in locked cabinets and applying physical access restrictions. Only authorised personnel are permitted to access our systems and controlled premises,

When Personal Information is no longer required, it is destroyed in a secure manner, or will be de-identified.

Now We're Talking Speech Pathology and Psychology uses cloud-based technology (such as iCloud and Dropbox), which may be located offshore, to store client records such as photos, reports, file notes, and videos, and will take all reasonable measures to protect your Personal Information by:

- gaining your consent to the disclosure; or
- ensuring that the country of destination has similar protections in relation to privacy, and does not breach the Australian Privacy Principles; or
- entering into contractual arrangements with the recipient of your Personal Information that safeguards your privacy.

Alternatively, if the information is required under Australian law, or if the information is required or authorised under international agreement to which Australia is a party to, or if is reasonably necessary by an enforcement body it may be shared.

Note: All staff are bound by confidentiality and privacy policies, procedures and agreements, which apply both during and following employment with Now We're Talking Speech Pathology and Psychology. This includes the provision that if any staff come into contact with a client of Now We're Talking Speech Pathology and Psychology outside of the clinic they will not acknowledge or approach the client – in order to safeguard the clients' confidentiality rights.

Access to and correction of Personal Information

If an individual requests access to the Personal Information we hold about them, or seeks to change that Personal Information, upon this request we will give the individual access, unless:

- the request does not relate to the Personal Information of the person making the request;
- the request would have an unreasonable impact on the privacy of other individuals;
- providing access would pose a serious threat to the life, health or safety of a person or to public health or public safety;
- providing access would create an unreasonable impact on the privacy of others;
- the request is frivolous and vexatious;
- the request relates to existing or anticipated legal proceedings;
- providing access would prejudice negotiations with the individuals making the request;
- access would be unlawful;
- denial of access is authorised or required by law;
- access would prejudice an action in relation to suspected unlawful activity, or misconduct of a serious nature relating to the functions or activities of Now We're Talking Speech Pathology and Psychology;
- access discloses a 'commercially sensitive' decision making process or information; or
- any other reason that is provided for in the APPs or in the *Privacy Act*.

Requests for access and/or correction should be made to the Practice Director. For security reasons, any request must be made in writing with proof of identity. This is necessary to ensure that Personal Information is provided only to the correct individuals and that the privacy of other persons is preserved.

In the first instance, Now We're Talking Speech Pathology and Psychology will assume (unless otherwise informed) that any request relates to current records. These current records will include Personal Information which is included in Now We're Talking Speech Pathology and Psychology's databases and in paper files which may be used on a day-to-day basis.

If we deny access to information, we will set out our reasons for denying access in writing. Where there is a dispute about the right to access information or forms of access, this will be dealt with in accordance with our complaint's procedure.

If an individual is able to establish that Personal Information language for life holds about her/him/their child is not accurate, complete or up to date, Now We're

Talking Speech Pathology and Psychology will take reasonable steps to correct our records unless it is impracticable or unlawful to do so. In the event a request for change is refused language for life will set out, in writing, the reasons for refusal and the mechanism by which you can complain. We will not charge an individual for making the request or correcting the information.