



I Can Do It! Kids Clinic's Privacy Policy

Policy that Guides Practice

I Can Do It! Kids Clinic believes that privacy is a human right and should be respected for all people. People with a disability have a right to privacy, including in relation to the collection, use and disclosure of information concerning them and the services they receive.

As such, I Can Do It! Kids Clinic will comply with:

- ***The Privacy Act (1988) and the Privacy Amendment Act (2012)*** to protect the privacy of an individual's personal information. This policy requires I Can Do It! Kids Clinic to explicitly state how it adheres to the Australian Privacy Principles (APP) and inform all clients on how their privacy will be protected. The APP cover the collection, use, storage and disclosure of personal information, and access to, and correction of that information.
- ***The Health Records and Information Privacy Act (2002) NSW*** to promote:
 - The fair and responsible handling of an individual's health information
 - Enabling individuals to gain access to their health information
 - Providing an accessible framework for the resolution of complaints regarding the handling of health information.

Definitions:

I Can Do It! Kids Clinic defines the following:

- **'Personal Information'** as information (including opinions) that are gathered (whether written or not) from which a person's identity is clear, or can be reasonably determined.
- **'Sensitive Information'** as a type of personal information, such as health, race, sexual orientation or religious information.
- **'Clients'** as both former and current clients, as well as people who make inquiries about our products and services (i.e. potential clients).

Types of Personal Information Collected and Stored:

To provide evidence-based therapy 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);
- Disabilities and impairments;
- 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; and
- Details related to the NDIS, including details of negotiations, assessments, plans and packages.

For any additional sensitive information, I Can Do It! Kids Clinic will seek additional consent from clients.

How Personal Information is Collected:

I Can Do It! Kids Clinic connects personal information via the following methods:

- By telephone (e.g. when you first call to book an appointment)
- Via the I Can Do It! Kids Clinic website
- Via pages on our social media sites (e.g. on I Can Do It! Kids Clinic Facebook or Instagram Pages)
- Through our client questionnaires (e.g. Intake Form, Client Information Form, Service Agreement Forms etc).
- Through written letters, reports and other documents provided by other professionals, including allied health services, medical services (e.g. GP's or Paediatricians), school staff (e.g. teachers) etc.
- Through emails, SMS and other forms of electronic communications
- In interviews and other interactions in our clinic (e.g. face to face interviews, and interviews conducted via telehealth)
- By taking notes and making recordings of our interactions with you (including audio and visual recordings).

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 have the ability to withdraw consent by contacting us to tell us that you are withdrawing your consent.

Who Personal Information is Collected From:

I Can Do It! Kids Clinic collects personal information from clients or someone authorised to act on a client's behalf (e.g. their parents, carers or guardians). Wherever practicable, we will ask for the information directly. If it is necessary to obtain additional information from third parties related to the client (e.g. other allied health or medical professionals etc), we will ensure that we have your consent prior to the fact, and will inform you that we have collected this information and the circumstances of the collection.

Why Personal Information is Collected:

I Can Do It! Kids Clinic collects personal information to deliver, review and improve the products and services that are provided. Generally, these services and products relate to Occupational Therapy. 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, and the Occupational Therapy Board Code of Conduct. 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, I Can Do It! Kids Clinic needs personal information (including health information) to provide clients with assessment, diagnosis and management services related to their self-regulation skills (including sensory and emotional regulation); self-care skills (including self-feeding, grooming, dressing, toileting, sleeping etc); connections (i.e. play, communication and social skills); productivity skills (i.e. cognitive and writing skills that support completion of school work); and foundation skills (i.e. the underlying visual, fine and gross motor skills that support participation).

I Can Do It! Kids Clinic also needs this information:

- For administrative purposes of managing our business;
- When necessary, to fulfil our obligations under law, regulation, the NDIS Code and/or our professional ethics rules;
- For billing management (either directly or through insurers or other compensation agencies);
- Discussions between workers of I Can Do It! Kids Clinic related to the care of clients;
- Discussions and other communications with your doctors, other health professionals and education professionals in relation to your care;

- Discussions with insurers (including the NDIS and its agents); and
- Any insurance or compensation or other claims or litigation (including threatened litigation).

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. 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.

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

Anonymity:

Due to the nature of I Can Do It! Kids Clinic 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.

This is because clients need to identify themselves appropriately to receive appropriate care (e.g. tailored intervention) and to be able to claim rebates from third party funders (e.g. private health funds, Medicare, DVA, NDIS etc). It will also generally be necessary for clients to properly identify themselves to ensure appropriate records are kept and for continuity of care to be provided.

Parties with Access to Personal Information:

Client information may be seen or used by people working for, or on behalf of I Can Do It! Kids Clinic and other service providers including (without limitation):

- All staff at I Can Do It! Kids Clinic, including the clinic director, therapists, administrative staff, allied health assistants or students (employed or contracted).
 - Note – students on clinical placement at I Can Do It! Kids Clinic will only be provided with access to the minimum necessary personal information if you have consented to their involvement in your care. Information is provided as needed, stored securely (e.g. password protected computer or kept on premises) and is bound by confidentiality. At the conclusion of the student's clinical placement, all access to information is rescinded and any documentation that contained personal information (e.g. client name, age, diagnoses etc) will be deidentified and checked by a member of staff at I Can Do It! Kids Clinic.

- 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; and
- the National Disability Insurance Agency and its agents.

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 (Cth) (e.g. mandatory reporting for the welfare and protection of children), or if we reasonably believe disclosure is necessary for enforcement-related activities.

Important note: To promote the safety, welfare and wellbeing of vulnerable children in NSW, the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* requires registered health professionals (e.g. Occupational Therapists) to take reasonable steps to proactively exchange information, and co-ordinate the delivery of services, with NSW Health, schools, non-government organisations, the Family and Federal Courts, the police and other prescribed bodies in NSW. These obligations generally override confidentiality and privacy rights. You can read more about these requirements via: <https://www.health.nsw.gov.au/parvan/childprotect/Factsheets/svf-info-exchange.pdf>

Security and Storage of Personal Information:

I Can Do It! Kids Clinic will use reasonable endeavours to prevent unauthorised access to, modification of, disclosure, misuse, or loss of personal health 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).

I Can Do It! Kids Clinic will keep any client information in an individual casefile. I Can Do It! Kids Clinic has data protection measures in place including password-protected computers when we store personal information electronically. Our chosen practice software, Cliniko, stores all information on an Australian server, which complies with Australian Privacy Laws. Data is also stored with end-to-end encryption.

If we no longer need 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,

for example, paper copies are shredded and electronic files are deleted from the computer and all databases. This obligation is subject to an important exception – under the Health Records and Information Privacy Act 2002 (NSW), I Can Do It! Kids Clinic are obligated to retain health information for seven years post the date of last discharge; unless the participant is under 18 years of age, in which instance the information is kept until their 25th birthday and 7 years post discharge, whichever is later.

Accuracy and Access to Personal Information:

I Can Do It! Kids Clinic takes reasonable steps to ensure that personal information that is collected is accurate, complete, up-to-date and relevant whenever it is used, collected or disclosed. Client information will be updated periodically (e.g. every 12-24 months), and as necessary when the client informs a member of staff of any changes. As outlined in I Can Do It! Kids Clinic documentation (e.g. consent form and NDIS Service Agreement) clients have a responsibility to update staff at I Can Do It! Kids Clinic should their circumstances or information changes (e.g. change of address).

Subject to the recognised exemptions to access for organisations contained in the Australian Privacy Principles (APP12.3), clients have a right to access their information if they wish (subject to any privilege or legal restrictions); and, if it is reasonable and practicable to do so, we will give you access to the information in the manner requested by you.

If you believe personal information that we hold about you is inaccurate, out-of-date, incomplete or misleading, we will, on receipt of your request, take steps that are reasonable in the circumstances to correct the information.

Notifiable Data Breaches:

If any information stored by I Can Do It! Kids Clinic is breached, we have an obligation to notify the affected individual(s) and the Office of the Australian Information Commissioner (OAIC) with the following information:

- Identity and contact details of I Can Do It! Kids Clinic
- Description of the data breach
- Type of information involved in the data breach
- Recommendations about the steps that the individual(s) should take in response to the data breach

Data breaches that are notifiable and would require the above response include:

- If there is unauthorised access, disclosure or loss of personal information that I Can Do It! Kids Clinic is storing;
- The unauthorised access, disclosure or loss is likely to result in serious harm to one or more individuals;
- If I Can Do It! Kids Clinic has been unable to prevent the likely risk of serious harm with remedial action.
- If a system, data, document, material or a device containing personal information that is from I Can Do It! Kids Clinic is lost or stolen, or is accessed by someone without authority.
- If records or systems containing personal information are hacked by an external person or entity.
- If a member of I Can Do It! Kids Clinic staff provides or discloses personal information to a person who should not have received it– for example, a file, email or letter containing personal information is sent to the wrong recipient. Note – this would be a notifiable breach if the result of this would cause serious harm to the individual(s) affected.

Social Media Plug Ins:

To improve the quality of our services to clients, our website includes social media plug-ins of the large social media networks, including Facebook and Instagram. Upon opening a website on which a social media plug-in is embedded, the social network provider will collect and process information on your visit to our website for its own 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.

Complaints and Asserting Privacy Rights:

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

If you make a complaint to us, the Clinic Director, Lauren Mills, will treat it very seriously and apply the Relationship Repair resolution process. The Clinic Director can be contacted via: 0498 770 414 and lauren@icandoitkidsclinic.com.au.

A breach of your privacy may constitute a breach of the NDIS Code. In this situation, you or anyone can make a complaint to us, or to the NDIS. As suggested in the NDIS Code, we encourage you to contact us first, to see if we can resolve the matter directly. If you wish to escalate the complaint, the NDIS Safeguard Commission can be reached through:

- Contact the NDIS Safeguards Commission – 1800 035 544
- Fill in an online complaint form - <https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=PRD00-OCF>
- Visit one of the NDIA offices in person - <https://www.ndis.gov.au/contact/locations>

You also have the right to lodge a complaint with the Office of the Australian Information Commissioner, who is the competent supervisory authority: <https://www.oaic.gov.au/privacy/privacy-complaints/>

A breach of privacy by a professional who works for us (e.g. occupational therapist) may also be a breach of their professional code of conduct or code of ethics. For Occupational Therapists, you can provide a complaint to the Australian Health Practitioner Regulation Agency (AHPRA), with various options provided on: <https://www.ahpra.gov.au/About-Ahpra/Complaints.aspx>

As noted above, you have several statutory rights under privacy laws, including rights to information, access, rectification and the withdrawal of your consent to the collection and use of personal information. If you wish to assert any of these rights, please contact our Clinic Director using the contact details included above.

Further 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 contact us at lauren@icandoitkidsclinic.com.au.

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