

1. Policy

At Forest View Care we will use all reasonable efforts to make sure an individual's privacy is respected and protected in accordance with the Strengthened Aged Care Quality Standards and Statement of Aged Care Rights, the Privacy Act 1988 (Privacy Act) and the Australian Privacy Principles (APPs).

We will only collect personal information by lawful and fair means and will only collect personal information that is necessary for one or more of our organisation's functions or activities.

If it is reasonable and practicable to do so, we will collect personal information about an individual only from that individual.

In meeting our obligations with respect to the privacy of our clients we acknowledge that people with vision or hearing impairments and those of culturally and linguistically diverse backgrounds may require special consideration.

2. Purpose of Policy

This policy outlines the circumstances in which we obtain personal information, how we use and disclose that information, and how we manage requests to access and/or change that information.

The purpose of this policy and procedure is to:

- i) ensure personal information is managed in an open and transparent way;
- ii) protect the privacy of personal information including Health Information of clients, residents and staff;
- iii) provide for the fair collection and handling of personal information;
- iv) ensure that personal information we collect is used and disclosed for relevant purposes only;
- v) regulate the access to and correction of personal information; and
- vi) ensure the confidentiality of personal information through appropriate storage and security.

3. Procedure

What is Personal Information and How Do We Collect It?

Personal Information is information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

We may collect personal information from the individual in their capacity as a Consumer, contractor, volunteer, stakeholder, job applicant, visitors or others that come into contact with the organisation.

In the course of providing our services we may collect and hold:

- Personal Information including names, addresses and other contact details, dates of birth, next of kin details, photographic images and financial information.
- Sensitive Information (particularly in relation to Consumer records) including government identifiers (such as TFN), religious beliefs, nationality, country of birth, professional memberships, powers of attorney, guardianship orders and criminal records.
- Health Information (particularly in relation to Consumer records) including medical records, disabilities, genetic information and psychological reports.

As part of our recruitment processes for employees, contractors and volunteers, we may collect and hold:

- Personal Information including names, addresses and other contact details, dates of birth, financial information, citizenship, employment references, training records, regulatory accreditation, salary information, superannuation details, driver's licence information.
- Sensitive Information including government identifiers (such as TFN), nationality, country of birth, professional memberships and criminal records.
- Health Information (particularly in relation to prospective workers) including medical records, disabilities, psychological reports, vaccination evidence.

Generally, we will seek consent from the individual in writing before we collect their sensitive information (including health information).

4. Collection, Use and Disclosure

We will collect and use information about you during the course of your relationship with us. We explain below when and how we may collect, use and disclose this information.

It is important that the information we hold about you is up to date. You must let us know when the information you have provided has changed.

If it is reasonable and practical to do so, we collect personal information directly from the individual.

5. Collection of personal information

Purpose of collection of Personal Information

We will only collect Personal Information about an individual by fair and lawful means and only if the information is necessary for one or more of our services and/or collection of the Personal Information is necessary to:

- comply with the provisions of state or commonwealth law;

- ii) provide data to government agencies in compliance with state or commonwealth law;
- iii) determine eligibility to entitlements provided under any state or commonwealth law;
- iv) provide appropriate services and care;
- v) enable contact with a nominated person regarding a client's health status; and
- vi) lawfully liaise with a nominated representative and to contact family if requested or needed.

Some individuals may not want to provide information to us. The information we request is relevant to providing them with the care and services they need. If the individual chooses not to provide us with some or all of the information we request, we may not be able to provide them with the care and services they require.

We will not collect your Sensitive Information (including Health Information) unless the collection of the information is reasonably necessary for or directly related to one or more of our services and:

- i) you have consented to the collection of this information; or
- ii) the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
- iii) a permitted general situation exists to the collection of the information; or
- iv) a permitted health situation exists in relation to the collection of the information; or
- v) the information relates to our functions or activities.

6. Methods of Collection

Personal Information and Sensitive Information (including Health Information), may be collected:

- i) from a client, resident or employee;
- ii) from any person or organisation that assesses health status or care requirements, for example the Aged Care Assessment Team;
- iii) from the health practitioner of a client or resident;
- iv) from other health providers or facilities;
- v) from family members or significant persons of a client or resident; and
- vi) from a legal advisor of a client or resident.

We will collect Personal Information from the client or resident unless:

- i) we have the consent of the client or resident to collect the information from someone else; or
- ii) we are required or authorised by law to collect the information from someone else; or
- iii) it is unreasonable or impractical to do so.

At admission, a client or resident should identify any parties from whom they do not wish Personal Information accessed or to whom they do not wish Personal Information provided. This should be recorded in the file of the client or resident and complied with to the extent permitted by law.

Solicited Information

At Forest View Care we will collect personal information by using our standard forms. We also receive personal information by email, phone, letters, via our website, in personal meetings, through financial transactions or through the use of CCTV security cameras or computer monitoring.

We may also collect personal information from other people (e.g. referees for prospective employees) or independent sources. However, we will only do so where it is not reasonable and practical to collect the personal information from the individual directly.

Unsolicited Information

Unsolicited Information is all personal information received from an individual that we did not actively seek to collect eg misdirected mail or emails.

Forest View Care will only hold, use and disclose unsolicited information if it is considered as personal information that could have been collected by normal means.

If we could not have obtained the information by lawful means, we will destroy or de-identify the information as soon as practicable and in accordance with the law.

Staff records

We must keep a record in respect of staff about:

- i) basic employment details such as the name of the employee and the nature of their employment (eg part-time, full-time, permanent, temporary or casual);
- ii) pay and superannuation contributions
- iii) overtime hours and leave entitlements;
- iv) termination of employment (where applicable); and
- v) individual flexibility arrangements and guarantees of annual earnings.

We may also collect Personal Information about a staff member relating to their employment as additional Employee Records .

Notification

We will at or before the time or as soon as practicable after we collect Personal Information from an individual take all reasonable steps to ensure that the individual is notified or made aware of:

- i) our identity and contact details;
- ii) the purpose for which we are collecting Personal Information;
- iii) the identity of other entities or persons to whom we usually disclose Personal Information to;
- iv) that our privacy policy contains information about how the individual may complain about a breach of the APPs and how we will deal with a complaint;
- v) whether we are likely to disclose Personal Information to overseas recipients and if so, the countries in which such recipients are likely to be located and if practicable, to specify those countries.

7. Use and Disclosure of Personal Information

Forest View Care only uses personal information that is reasonably necessary for one or more of our services or activities (the primary purpose), a related secondary purpose that would be reasonably expected by you, or for an activity or purpose to which you have consented.

Our primary uses of personal information include, but are not limited to:

- providing aged care services
- satisfying our legal obligations including our duty of care obligations
- keeping Consumers, their carers/representatives and communities informed about relevant matters through correspondence, newsletters and magazines
- marketing, promotional and fundraising activities
- supporting the activities of the Board
- supporting community-based causes and activities, charities and other causes in connection with the organisation's functions or activities
- helping us to improve our day-to-day operations including training our workers
- systems development, developing new programs and services, undertaking planning, research and statistical analysis
- administration, including for insurance purposes
- the employment of staff
- the engagement of contractors and volunteers.

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We will only use or disclose sensitive or health information for a secondary purpose if you would reasonably expect us to use or disclose the information, and the secondary purpose is directly related to the primary purpose.

We may disclose personal information to related bodies corporate, but only if necessary, for us to provide our services.

We may disclose personal information to unrelated bodies corporate such as:

- Short Term Restorative Care partners

We will only share information with unrelated bodies corporate where we either:

- have your consent;
- the disclosure is for the primary purpose for which the information was collected; or
- where the disclosure is for a permitted secondary purpose.

Mental Capacity, Privacy and Consent

Where a Consumer lacks the capacity to consent to the use of their personal information, we will seek consent from their representative or guardian in accordance with Commonwealth, state and territory guardianship laws.

Disclosure of Personal Information

Personal information is used for the purposes for which it was given to Forest View Care, or for purposes which are directly related to one or more of our services or activities.

Personal information may be disclosed to government agencies, other Consumers, other aged care providers, recipients of our publications, visitors, carers, advocates, our services providers, agents, contractors, business partners, related entities and other recipients from time to time, if the individual:

- has given consent; or
- would reasonably expect the personal information to be disclosed in that manner.

Forest View Care may disclose personal information without consent or in a manner which an individual would reasonably expect if:

- the use or disclosure is required or authorised by law
- the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual, or to public safety
- another permitted general situation applies
- disclosure is reasonably necessary for a law enforcement related activity
- another permitted health situation exists.

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Disclosure of Health Information

We may disclose Health Information about an individual to a person who is responsible for the individual if:

- i) the individual is incapable of giving consent or communicating consent;
- ii) the service manager is satisfied that either the disclosure is necessary to provide appropriate care or treatment or is made for compassionate reasons or is necessary for the purposes of undertaking a quality review of our services (and the disclosure is limited to the extent reasonable and necessary for this purpose); and
- iii) the disclosure is not contrary to any wish previously expressed by the individual of which the service manager is aware, or of which the service manager could reasonably be expected to be aware and the disclosure is limited to the extent reasonable and necessary for providing care or treatment.

A person responsible is a parent, a child or sibling, a spouse, a relative, a member of the individual's household, a guardian, an enduring power of attorney, a person who has an intimate personal relationship with the individual, or a person nominated by the individual to be contacted in case of emergency, provided they are at least 18 years of age.

Cross border disclosure

Personal information about an individual may be disclosed to an overseas organisation in the course of providing our services. For example, when storing information with a "cloud service provider" which stores data outside of Australia.

We will, however, take all reasonable steps not to disclose an individual's personal information to overseas recipients unless:

- we have the individual's express or implied consent;
- we have satisfied ourselves that the overseas recipient is compliant with the APPs, or a similar privacy regime;
- we form the opinion that the disclosure will lessen or prevent a serious threat to the life, health or safety of an individual or to public safety; or
- we are taking appropriate action in relation to suspected unlawful activity or serious misconduct.

8. Access and Correction of Personal Information

You may submit a request to us to access your personal information we hold, or request that we change your personal information.

Requesting access

Requests for access to information can be made orally or in writing and addressed to the service manager of the relevant service. We will respond to each request within a reasonable time.

Declining access

An individual's identity should be established prior to allowing access to the requested information. If unsatisfied with the individual's identity or access is requested from an unauthorised party, we can decline access to the information.

We can also decline access to information if:

- i) there is a serious threat to life or health of any individual;
- ii) the privacy of others may be affected;
- iii) the request is frivolous or vexatious;
- iv) the information relates to existing or anticipated legal proceedings; or
- v) the access would be unlawful.

We will provide in writing the reasons for declining access to the requested information.

Granting access

On request (and after determining an individual's right to access the information) we should provide access to Personal Information.

Charges

If we charge for providing access to Personal Information, those charges will not be excessive.

Correction

If an individual establishes the Personal Information held about them is inaccurate, incomplete, out-of-date, irrelevant or misleading we must take reasonable steps to correct the information.

If we refuse to correct the Personal Information as requested by the individual, we will give the individual written notice that sets out:

- i) the reasons for the refusal, except to the extent that it would be unreasonable to do so; and
- ii) the mechanisms available to complain about the refusal; and
- iii) any other matter prescribed by the regulations.

If we disagree with an individual about whether information is accurate, complete and up-to-date, and the individual asks us to associate with the information a statement claiming that the information is inaccurate, incomplete, out-of-date, irrelevant or misleading we must take reasonable steps to do so.

9. Personal Information quality & Identifiers

We aim to ensure that the Personal Information we hold is accurate, complete and up-to-date. Please contact us if any of the Personal Information you have provided to us has changed. Please also contact us if you believe that the information we have about you is not accurate, complete or up-to-date.

We will not adopt a government related identifier of an individual as our own identifier of the individual unless:

- (a) the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order; or
- (b) the use or disclosure of the identifier is reasonably necessary to verify the identity of the individual for the purposes of our activities or functions; or
- (c) the use or disclosure of the identifier is reasonably necessary for the organisation to fulfil its obligations to an agency or a State or Territory authority.

10. Direct Marketing

We will not use or disclose Personal Information about an individual for the purposes of direct marketing, unless the information is collected directly from you and:

- i) you would reasonably expect us to use or disclose your Personal Information for the purpose of direct marketing; and
- ii) we have provided you a means to 'opt-out' and you have not opted out.

Sensitive Information

We will not use or disclose Sensitive Information about an individual for the purposes of direct marketing, unless the individual has consented to the information being used for direct marketing.

An individual's rights in relation to direct marketing activities

If we use information for the purposes of direct marketing the individual may:

- i) ask us not to provide direct marketing communications to them;
- ii) ask us not to disclose or use the information;
- iii) ask us to provide the source of the information.

11. Personal Information security

We are committed to keeping secure the Personal Information you provide to us. We will take all reasonable steps to ensure the Personal Information we hold is protected from misuse, interference, loss, from unauthorised access, modification or disclosure.

At Forest View Care, personal information may be stored in a variety of formats including but not limited to:

- databases
- hard copy files
- personal devices, including laptop computers
- third party storage providers such as cloud storage facilities
- paper based files.

Our steps to secure your information include, but are not limited to:

- restricting access and user privilege of information by type of worker, depending on their role and responsibilities
- ensuring workers do not share personal passwords
- ensuring hard copy files are stored in lockable filing cabinets in lockable rooms, and workers' access is subject to user privilege
- If the records are being carried while providing care only the staff member carrying the records will have access to them.
- Only health professionals attending to the care of a client or resident are to have access to information of the client or resident. All records shall only be used for the purpose it was intended
- A client or resident, or their representatives shall be provided access to records as requested and after consultation with the service manager. At these times, a qualified staff member is to remain with a client or resident or representative to facilitate the answering of any questions raised.
- Details of a client or resident are not to be provided over the phone, unless the staff member is sure of the person making the inquiry. If in doubt, consult the service manager.
- No staff shall make any statement about the condition or treatment of a client or resident to any person not involved in the care except to the immediate family or representative of the client or resident and then only after consultation with the service manager.
- All staff must be discreet with their comments at all times, protecting and respecting the privacy, dignity and confidentiality of all clients and residents.
- Handovers shall be conducted in a private and confidential manner.
- ensuring access to Forest View Care premises are secured at all times
- implementing physical security measures around the buildings and grounds to prevent break-ins
- ensuring our IT and cyber security systems, policies and procedures, are implemented and up to date
- undertaking due diligence with respect to third party service providers who may have access to personal information, including customer identification providers and cloud service providers, to ensure as far as practicable that they are compliant with the APPs or a similar privacy regime
- the destruction, deletion or de-identification of personal information we hold that is no longer needed or required to be retained by any other laws.

Our public website may contain links to other third-party websites outside of Forest View Care. Forest View Care is not responsible for the information stored, accessed, used or disclosed on such websites and we cannot comment on their privacy policies.

Contractors working on our behalf are required to:

- (i) comply with the Australian Privacy Principles;
- (ii) have up-to-date virus protection software and firewalls installed on any device used to access documents containing Personal Information;
- (iii) notify us of any actual or potential breaches of security;
- (iv) indemnify us in relation to any loss suffered by a breach.

Responding to Data Breaches

Forest View Care will take appropriate and prompt action if we have reasonable grounds to believe that a data breach has, or is suspected to have, occurred.

Depending on the type of data breach, we will review our internal security procedures, take remedial internal action, and notify affected individuals and the Office of the Australian Information Commissioner (OAIC).

If we are unable to notify individuals, we will publish a statement on our website and take reasonable steps to publicise the contents of this statement.

12. Media

No member of staff shall make any statement to the press, radio or television station or to any reporter for the media. If a staff member is approached to make a statement or comment they must refer the person to our Service Manager.

13. How to make a complaint

If you wish to make a complaint about the way we have managed your Personal Information, please notify us in writing as soon as possible.

We will respond to the complaint within a reasonable time (usually no longer than 30 days) and we may seek further information in order to provide a full and complete response.

If you are not satisfied with our response, you may refer the complaint to the OAIC. A complaint can be made using the OAIC online <https://www.oaic.gov.au/privacy/privacy-complaints> or by mail, fax or email.

A referral to OAIC should be a last resort once all other avenues of resolution have been exhausted.

Our Contact Details:

Forest View Care can be contacted about this Privacy Policy, by:

- emailing admin@forestviewcare.com.au
- calling 07 4126 2455
- writing to Forest View Care and addressing the letter to the Service Manager.

Our address is: 4 Morgan Street, Childers QLD 4660

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Whenever lawful and practical, you have the option of not identifying yourself when entering into transactions with us. However, if you choose not to identify yourself, we may not be able to give you the information or provide the assistance you might otherwise receive if it is not practical to do so.

Changes to Our Privacy Policy

This Privacy Policy is subject to change at any time.

References

Australian Privacy Principles guidelines

Privacy Act 1988

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