



**NEST**

Nurturing Emotional  
& Social Transformation

# **Privacy & Confidentiality Policy**

## PURPOSE

Personal information is information in any form that can identify a living person.

The Privacy Act 1988 (Cth) regulates how certain private sector organisations can collect, hold, use and disclose personal information and how the individual can access and correct that information.

The purpose of this policy is to set out how NEST Psychology & Support Services will respect and protect the personal and sensitive information of participants and their dignity and right to privacy.

This policy has been developed in accordance with the Privacy Act 1988, the Australian Privacy Principles and all applicable state or territory legislation, which outline the proper collection, use, and storage of personal information.

This policy applies to all records containing personal and/or sensitive information, whether they are in hard copy or electronic form, as well as to any interviews or discussions of a sensitive personal nature.

## SCOPE

This policy applies to:

- All NEST Psychology & Support Services staff, including permanent or casual employees, contractors, consultants, and people otherwise engaged by NEST Psychology & Support Services (e.g., volunteers).
- All participants receiving NDIS services and support, including their families and support network.

This Privacy and Confidentiality Policy details how NEST Psychology & Support Services collects, holds, uses and discloses the participant's personal information.

This Policy applies to all personal information collected by NEST Psychology & Support Services, including personal information collected through our social media websites and from other service providers.

## DEFINITIONS

Term	Definition
<b>Confidentiality</b>	It means protecting the secrecy and privacy of information collected from individuals and organisations.
<b>Data breach</b>	A data breach happens when personal information is accessed, disclosed without authorisation or is lost. For example, when: <ul style="list-style-type: none"> <li>• a USB or mobile phone that holds an individual's personal information is stolen</li> </ul>

	<ul style="list-style-type: none"> <li>• a database containing personal information is hacked</li> <li>• someone's personal information is sent to the wrong person</li> </ul> <p>A data breach can harm an individual whose personal information is affected. They can, for example, suffer distress or financial loss.</p> <p>An eligible data breach occurs when the following criteria are met:</p> <ul style="list-style-type: none"> <li>• There is unauthorised access to, or disclosure of personal information held by an organisation or agency (or information is lost in circumstances where unauthorised access or disclosure is likely to occur).</li> <li>• This is likely to result in serious harm to any of the individuals to whom the information relates.</li> <li>• The organisation or agency has been unable to prevent the likely risk of serious harm with remedial action.</li> </ul>
<p><b>Personal information</b></p>	<p>Includes a broad range of information or an opinion that could identify an individual. For example, personal information may include the following:</p> <ul style="list-style-type: none"> <li>• an individual's name, signature, address, phone number or date of birth</li> <li>• sensitive information</li> <li>• credit information</li> <li>• staff member record information</li> <li>• photographs</li> <li>• internet protocol (IP) addresses</li> <li>• voiceprint and facial recognition biometrics</li> <li>• location information from a mobile device.</li> </ul>
<p><b>Sensitive information</b></p>	<p>Sensitive information means:</p> <ul style="list-style-type: none"> <li>• information or an opinion about an individual's: <ul style="list-style-type: none"> <li>○ racial or ethnic origin; or</li> <li>○ political opinions; or</li> <li>○ membership of a political association; or</li> <li>○ religious beliefs or affiliations; or</li> <li>○ philosophical beliefs; or</li> <li>○ membership of a professional or trade association; or</li> <li>○ membership of a trade union; or</li> <li>○ sexual orientation or practices; or</li> <li>○ criminal record; or</li> </ul> </li> <li>• health information about an individual; or</li> <li>• genetic information about an individual that is not otherwise health information; or</li> </ul>

	<ul style="list-style-type: none"> <li>• biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</li> <li>• biometric templates.</li> </ul>
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## POLICY

NEST Psychology & Support Services is committed to providing high-quality support and services that respect the dignity and privacy of each participant.

To achieve this commitment, NEST Psychology & Support Services will ensure that:

- Consistent processes and practices are in place that respect and protect the personal privacy and dignity of each participant.
- Each participant is advised of confidentiality policies using the language, mode of communication and terms that the participant is most likely to understand.
- Each participant understands and agrees to what personal information will be collected and why, including recorded material in audio and/or visual format.

NEST Psychology & Support Services respects and protects each participant's dignity and right to privacy by complying with the Privacy Act 1988, the NDIS Quality and Safeguarding Framework requirements, all applicable state or territory legislation and adhering to the Australian Privacy Principles in its information management practices.

NEST Psychology & Support Services will maintain and protect the privacy and confidentiality of all participants and their family members, carers, guardians and/or advocates. This includes collecting, storing, and handling information about participants and the services provided to them in a way that respects their rights.

All staff and management are expected to comply with this policy, be consistent in collecting the participants' information, follow the procedures for handling their information and determine who has access to it.

Staff must ensure that each participant understands and agrees to the collection and handling of their personal information and the reasons for it. Before any audio or visual material can be recorded, the participant must give permission in writing using the *Participant Consent Form*.

Staff must also ensure that participants are aware of their rights regarding privacy and confidentiality and that they understand their obligations to protect their personal and sensitive information. To achieve this, participants will be advised of this *Privacy and Confidentiality Policy* using language, communication methods and terms that they can easily understand.

NEST Psychology & Support Services may disclose personal or sensitive information without client consent where this is required or authorised by law, or where disclosure is necessary to prevent or lessen a serious threat to the life, health, safety, or wellbeing of the client or another person.

All client information is managed within secure information management systems designed to protect client confidentiality and allow appropriate access in accordance with applicable privacy legislation and professional standards.

NEST Psychology & Support Services utilises secure AI-assisted tools integrated within its client record management systems for the purpose of supporting accurate documentation and high quality service delivery. AI tools do not make decisions or provide professional judgment. The use of AI is intended to support, not replace, the professional expertise, assessment, and decision-making of qualified practitioners.

This policy applies to all records, including both hard copies and electronic versions, that contain personal information about individuals, as well as to any sensitive personal meetings, interviews or discussions.

## **RELATED DOCUMENTS**

- Participant Handbook
- Participant Consent Form
- Service Agreement
- Data Breach Response Plan
- Data Breach Assessment Report
- Staff Training Plan
- Staff Handbook
- Continuous Improvement Plan
- Continuous Improvement Register
- Easy-to-read documents
- Complaint Report Form
- Feedback and Complaints Register
- OAIC's Notifiable Data Breach form

## **REFERENCES**

- Privacy Act 1988 (Cth)
- Australian Privacy Principles (APP)
- National Disability Insurance Scheme Act 2013 (Cth)
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018
- NDIS Practice Standards and Quality Indicators – November 2021



- Fair Work Ombudsman. Workplace Privacy - Best Practice Guide. January 2023
- Freedom of Information Act 1982 (Cth)
- OAIC's website - [Notifiable data breaches](#)
- Disability Services Act 2006 (Qld)
- Guardianship and Administration Act 2000 (Qld)
- Human Rights Act, 2019 (Qld)
- Disability Services Act 2006 (Qld)
- Public Guardian Act 2014 (Qld)
- Work Health and Safety Act 2011 (Qld)
- Criminal Code Act 1899 (Qld)
- Disability Services Regulation 2017 (Qld)