



PRIVACY & CONFIDENTIALITY **POLICY**

1. Purpose

TRUE POTENTIAL DISABILITY is committed to respecting and protecting the privacy and dignity of all people with disabilities. Privacy is a fundamental human right.

This policy outlines how we collect, use, store, disclose, and protect personal information in accordance with our obligations under:

- **Privacy Act 1988 (Cth)**
 - **National Disability Insurance Scheme Act 2013 (Cth)**
 - **NDIS Code of Conduct**
 - **Australian Privacy Principles (APPs)**
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2. Our Commitment

We recognise that people with disabilities have the right to privacy in relation to the collection, use, and disclosure of information about them.

Privacy is not limited to handling personal information — it also extends to how services are delivered in a way that respects dignity, autonomy, and personal space.

3. What is Personal Information?

Personal information is information or an opinion about an individual whose identity is reasonably identifiable, whether true or not.

Examples include:

- Name
- Address
- Date of birth
- Bank account details
- Email address

- Opinions about a person
- Disability information

If a person can be identified from the information, it is considered personal information — even if their name is not used.

Examples:

- A medical report is personal information.
- An email containing a participant's name, contact details, and disability summary is personal information (unless the person is deceased).
- A complaint about services may be personal information about the complainant, participant, and worker.
- Use of a pseudonym or nickname is still personal information if the person can be identified.
- A fully de-identified case study where identity cannot reasonably be determined is not personal information.

We will not collect personal information unless it is reasonably necessary to perform our work.

4. Sensitive Information

Sensitive information is a subset of personal information and includes:

- Health or medical information (including disability)
- Ethnicity
- Religious beliefs or affiliations
- Sexual preferences or practices
- Criminal record information

Sensitive information attracts a higher level of protection.

We will only collect sensitive information if:

- The participant has provided informed consent, or
- Collection is required or authorised by law.

Inappropriate handling of sensitive information may lead to discrimination, humiliation, embarrassment, or loss of dignity. Staff must never discuss or disclose sensitive information to individuals who do not have a legitimate need to know.

5. Collection of Personal Information

We will only collect personal information:

- Where it is reasonably necessary for, or directly related to, the services we provide
 - From the participant directly, unless:
 - The participant or their representative consents to collection from another source; or
 - Collection is required or authorised by law
 - With consent when collecting sensitive information, unless otherwise permitted by law
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6. Explaining Privacy to Participants

We will support participants to understand what happens to their information. We will explain:

- What personal information is collected and held (including audio/visual recordings)
- Why it is collected
- Who will have access to it
- How it is stored securely
- How it will be used and disclosed
- How they can access or correct their information
- How to make a privacy complaint

Participants have the right to informed consent regarding their personal information.

7. Use and Disclosure of Information

Personal information will only be used or disclosed for the purpose for which it was collected, unless:

- The participant has provided consent;
- Disclosure is required or authorised by law; or
- Mandatory reporting obligations apply.

Exemptions to Consent

Under the NDIS Code of Conduct, consent is not required where disclosure is necessary for:

- Mandatory child protection reporting
- Reporting incidents of violence, exploitation, neglect, abuse, or sexual misconduct
- Reporting to the NDIS Commission or Police

Where possible, participants will be informed that such reporting may occur.

8. Protecting Personal Information

TRUE POTENTIAL DISABILITY maintains systems and procedures to protect personal information from:

- Misuse
- Loss
- Unauthorised access
- Modification
- Disclosure

All staff must follow internal privacy and confidentiality procedures and immediately report any suspected data breach.

9. Respecting Privacy and Dignity in Service Delivery

Privacy extends beyond documentation and information handling.

Staff must deliver services in a way that respects the dignity and autonomy of people with disability, including:

- Seeking permission before physical contact
- Explaining procedures involving personal care or invasion of personal space
- Providing timely support to avoid embarrassment or discomfort
- Ensuring private and comfortable spaces for showering, dressing, and personal care

Maintaining privacy is central to ethical and respectful service delivery.

10. Breaches and Complaints

Participants have the right to complain if they believe their privacy has been breached.

Complaints can be made directly to TRUE POTENTIAL DISABILITY.

If a breach occurs, we will:

- Take immediate steps to contain and assess the breach
- Notify affected individuals where required
- Take corrective action to prevent recurrence

Participants may also contact the Office of the Australian Information Commissioner (OAIC) or the NDIS Commission.

11. Summary

People with disabilities have the right to have their personal information protected and not disclosed without informed consent, except where required by law.

Privacy includes both the careful handling of personal information and the respectful delivery of services that protect dignity and autonomy.

TRUE POTENTIAL DISABILITY is committed to upholding these rights at all times.