

Privacy, Confidentiality and Dignity of Care V5

1 Rationale, Organisation Statement and Definitions

1.1 Rationale

Aged Care providers must uphold the principles of privacy, confidentiality, and dignity in all aspects of care. All staff and volunteers involved in collecting, managing, or storing information on care recipients must respect the inherent right of individuals to privacy and ensure that their confidentiality is always maintained. This commitment reflects the ethical principle of autonomy, which acknowledges each person's right to independence, dignity, and control over their personal information and care.

1.2 Organisation Statement

CAPAH is committed to respecting the privacy, confidentiality, and dignity of every individual. We comply with the Aged Care Act 2024, Aged Care Rules 2025, the Privacy Act 1988, and the Australian Privacy Principles in the collection, use, storage, management, sharing, and disposal of personal information.

We are committed to providing aged care services that are safe, inclusive, and respectful, in line with the Aged Care Statement of Rights. We believe every person has the right to be treated with dignity, to make their own choices, and to have their privacy protected.

All staff are expected to uphold these rights in every interaction, ensuring that care recipients always feel safe, valued, and respected.

Our organisation will protect the personal information of clients in line with privacy legislation and aged care program requirements. We will only access or share information with a person's consent and only with people or organisations directly involved in their care and support (for example, My Aged Care, health professionals, staff members who provide services or other service providers the person agrees to).

If sensitive personal information needs to be shared, we will explain why this is important, seek permission from the person first, and ensure it is managed in a way that keeps their information safe and secure.

1.2.1 Exemptions to Confidentiality

While maintaining confidentiality is a core principle, there are circumstances where information may need to be disclosed to protect the safety and wellbeing of the care recipient or others, or to

comply with legal obligations. Information may be shared with relevant persons or authorities when:

- Disclosure is required by law — e.g. mandatory reporting obligations or lawful requests from regulatory bodies.
- The interests or safety of the care recipient require disclosure to prevent harm.
- There is a duty to protect others or the wider community from harm or significant risk.
- The care recipient has provided informed consent for the information to be shared.

1.2.2 Staff Guidance

Staff must exercise caution when determining whether disclosure is appropriate and, where uncertain, must seek guidance from their supervisor before releasing any personal information. This approach ensures we balance our duty of care with the rights and choices of care recipients, maintaining compliance while upholding trust and dignity.

1.3 Definitions

The following table outlines key related definitions.

Term	Definition
Confidentiality	The obligation to protect and safeguard the personal, and sensitive information of care recipients. Maintaining confidentiality is essential to building trust, respecting privacy, and ensuring that individuals feel secure and respected in their care.
Dignity	Supporting dignity means creating an environment where individuals feel valued, safe, and empowered in all aspects of their care.
Privacy	This refers to the protection of personal information, including medical records, financial details, care preferences, and other personal information, ensuring that information is kept confidential.

2 Responsibilities

2.1 Governing body/Board

The governing body is accountable for ensuring the organisation protects the privacy, dignity, and rights of all care recipients in line with the Aged Care Act 2024, Aged Care Rules 2025, the Strengthened Quality Standards, and the Aged Care Statement of Rights.

- Approve and review policies on privacy, confidentiality, and dignity to ensure they remain current, robust, and aligned with the rights of the older person.

- Oversee risk management strategies to minimise breaches of privacy or dignity and ensure prompt and effective response when incidents occur.
- Ensure the organisation fosters a culture of respect, dignity, and person-centered care by setting clear expectations for staff conduct and modelling organisational values.
- Review reports from the Quality Care Advisory Body and/or other governance committees or management reports relating to privacy and dignity concerns, take appropriate action to address identified issues, and ensure any systemic risks are promptly and effectively managed.
- Allocate sufficient resources to ensure secure systems, staff training, and processes to safeguard client information, privacy, dignity and confidentiality.

2.2 Management

- Implement policies and procedures to protect privacy and dignity in line with legislative and organisational requirements.
- Ensure secure systems are in place for managing records, including access controls, encryption where required, and appropriate data storage.
- Monitor compliance through regular audits, supervision, and incident reviews.
- Respond promptly to privacy breaches, complaints, or concerns regarding dignity of care, and report significant issues to the governing body.
- Promote a workplace culture where client choice, dignity, and respect are always upheld.
- Ensure all staff understand privacy, confidentiality and dignity of care principles and how these apply to the services and supports they deliver.
- Provide staff with the training, resources, and support they need to understand and uphold their responsibilities around privacy, confidentiality, secure information handling, and respectful, person-centered care.
- Promptly follow up on any concerns raised by staff about the safety or wellbeing of a care recipient. All investigations should protect the privacy and confidentiality of those involved, while recognising that serious legal or safety issues may need to be escalated to the appropriate authority.

2.3 Care Partner

- Maintain the confidentiality of all personal, health, and financial information collected from care recipients, whether during care, intake, assessments, conversations, or other interactions and ensure it is handled with respect, sensitivity, and in accordance with privacy obligations.
- Promote a welcoming and inclusive environment where all care recipients feel respected, safe, and valued.

2.4 Care Team

- Treat each care recipient as a unique individual, respecting their privacy, dignity, cultural values, identity, and personal choices throughout all aspects of care.
- Follow person-centred practices by involving care recipients in decisions about their care and seeking consent before sharing information with others, including family members, unless required by law or organisational policy.
- Conduct sensitive conversations with, or regarding care recipients discreetly and in environments where privacy can be maintained.
- Respect and protect the confidentiality of personal information obtained through any interaction with care recipients, not just during care delivery.
- Use secure systems and processes when documenting, accessing, or sharing client records.
- Promptly escalate any concerns about a care recipient's safety, wellbeing, or legal risk to the [Manager], in line with organisational policy, and report any privacy breaches or concerns about dignity of care without delay.
- Refer all external or formal requests for information, including care recipient details or service issues, to the [Manager].

2.5 Approach

2.5.1 Leadership and Governance

- Review and approve policies on privacy, confidentiality, and dignity annually or when legislation changes.
- Designate a senior manager or dedicated quality and compliance role to oversee privacy and confidentiality compliance and investigate breaches.
- Ensure the governing body receives regular reports on incidents, risks, and improvement actions and considers the approach taken by staff and provides relevant feedback where required.
- Allocate sufficient resources to maintain secure systems, staff training, and monitoring processes.
- Monitor the documented risk management framework for managing privacy and dignity breaches and make amendments as required.

2.5.2 Safe and Secure Systems

- Store all client records, physical and electronic, in secure, access-controlled systems.
- Restrict access to personal information on a need-to-know basis only.
- Use password-protected systems for digital files and lockable storage for physical records.

- Implement data retention and disposal processes to securely destroy records when no longer required.
- Conduct quarterly audits to ensure compliance with data security procedures.
- Report any data breaches immediately following the organisation's escalation pathway and data breach procedures.

2.5.3 Staff Capability and Support

- Provide mandatory training at induction and annually on privacy, confidentiality, and dignity of care and how to report a potential data breach.
- Develop and maintain relevant work instructions and quick-reference guides on when and how personal information may be shared and other resources to support privacy and confidentiality.
- Conduct education sessions, toolbox talks and discuss during team meetings to reinforce expectations and discuss case scenarios.
- Ensure staff are able to access organisational policies and resources as required.

Staff must refer to the manager for advice where they are uncertain about disclosure.

2.5.4 Respectful Care Delivery

- Staff should knock/call out] and seek permission before entering a care recipients' personal space.
- Involve individuals in decisions about their care and respect, preferences and cultural practices.
- Use appropriate language and tone when discussing personal matters.
- Ensure private environments for personal care and sensitive discussions.
- Avoid discussing an individuals' details in public areas or with unauthorised persons.
- Record care information factually and respectfully in care recipient notes.

2.5.5 Gaining Informed Consent

- Explain why information is being collected, how it will be used, and who it may be shared with.
- Obtain written or verbal consent as required and record it in the care recipient file.
- Review consent regularly, especially if services or supports change.
- Share personal information only in line with the consent provided, unless legally required otherwise.
- Where a care recipient cannot provide consent, seek permission from their authorised representative.

2.5.6 Escalation and Reporting

- Report suspected or actual privacy breaches, safety risks, or dignity concerns to your supervisor immediately.
- Complete an incident report within 24 hours.
- Follow the process for 'Responding to a Data Breach'.
- Where necessary, escalate serious breaches to external authorities in line with legislation.
- Track reported issues through a central risk register and review them during quality meetings.

2.5.7 Culture of Respect

- Promote the rights of older people seeking or accessing care through visible displays and staff education and care recipient interactions.
- Include discussions about privacy and dignity in staff performance reviews.
- Recognise and reward respectful, person-centred practices during team meetings.
- Regularly seek care recipient and representative feedback on privacy and dignity through surveys or conversations.
- Use feedback and complaints to continuously improve systems, policies, and practices, noting these in the continuous improvement register.

3 Related Links and References

3.1 External Links and References

ACQSC - Statement of Aged Care Rights:

<https://www.agedcarequality.gov.au/workers/reform-changes-workers/statement-rights>

Aged Care Providers, Statement of Rights and Code of Conduct under the new Aged Care Act

Video: <https://www.youtube.com/watch?v=jwxsWYqP6XO>

Privacy and Confidentiality for aged care workers video:

<https://www.youtube.com/watch?v=fcnvS8fQwM>

4 Related Policies, Procedures and Documents

4.1 Policies and Procedures

4.2 Forms and Documents

Insert relevant forms or documents for your organisation

Include work instructions, forms and quick reference guides relevant to this policy.

5 Relevant Legislation

Aged Care Act 2024

Aged Care Rules 2025

Information Act NSW

Privacy Act 1988 (Cth)

National Disability Insurance Scheme Act 2024 (Commonwealth)

6 Relevant Care Standards

Strengthened Quality Standards, Standard 1.2, also 1.3 and 3.2

NDIS Practice Standards 1, 2 and 3

7 Document Management

7.1 Review Triggers

The organisation will review this policy at least triennially (every three years) for relevance and to maintain its effectiveness.

Applicability, continuing effect and consistency with related documents and other legislative provisions, when any of the following occurs, may also be a trigger for review, e.g.:

1. Related documents are amended or replaced.
2. Industry, legislation or regulatory changes necessitate modifications to policy and procedures.
3. Other circumstances as determined from time to time by a resolution of the Governing Body/Board.

7.2 Questions

If a workplace participant is unsure about any matter covered by this policy, they should seek the assistance of the []

7.3 Variations

Under the direction of the Governing Body/Board, the management team reserves the right to vary, replace or terminate this policy. This policy is to remain in force until it is changed.

8 Document Status

Action	Name and Title	Signature	Date
Prepared by	CDCS		
Approved by	CAPAH's committee and Manager	Erika Mancilla	12/08/2025

8.1

8.2 Version and Revision Information

Revision	Change description	Reviewed by	Approved by	Date
1	Updated to new template and changes to reflect Industry requirements, rewrite of organisation statement, responsibilities and approach	CDCS	CAPAH's committee	Sept. 2025
Review date	By Manager			Sept 2026
3	[Relevant amendment]			