

SWDC-POL-003 Privacy and Dignity Policy

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Revision History

Version	1.0	Summary of Changes	Approved By
1.0	July 2026	Initial Issue	Director

1. Purpose

Smart Way Disability Care Pty Ltd is committed to protecting the privacy, dignity and confidentiality of every participant, employee, contractor, volunteer and other individual whose information is collected or managed by the organisation. The organisation recognises that privacy is fundamental to human rights and person-centred service delivery. This policy establishes the requirements for collecting, using, storing, accessing, sharing, retaining and disposing of personal information while complying with the NDIS Practice Standards and applicable privacy legislation.

2. Scope

This policy applies to all directors, managers, employees, contractors, volunteers, students and any other person acting on behalf of Smart Way Disability Care. It applies to paper records, electronic records, emails, mobile devices, cloud-based systems, photographs, audio recordings, CCTV (where applicable) and all organisational information.

3. Policy

Smart Way Disability Care will:

- Collect only information necessary to safely deliver supports.
- Obtain informed consent before collecting or sharing information unless authorised by law.
- Respect privacy during personal care, communication and support delivery.
- Store information securely and restrict access to authorised personnel.
- Protect information from unauthorised access, misuse, alteration or loss.
- Ensure staff understand confidentiality obligations.
- Investigate privacy complaints and data breaches.
- Continuously review information management practices.

4. Collection of Personal Information

Information may be collected directly from participants, their nominees, health professionals, support coordinators, guardians or other authorised persons. Information collected may include personal details, contact information, NDIS details, health information, medication information, assessments, behaviour support information (where applicable), risk assessments, incident reports, financial information required for service delivery, and employment records.

5. Use and Disclosure

Personal information will only be used for the purpose for which it was collected or for another lawful purpose. Information will only be disclosed with participant consent or where required or authorised by law, including mandatory reporting obligations, emergency situations or lawful requests from government authorities.

6. Storage and Security

Paper records will be stored securely in locked cabinets with restricted access. Electronic records will be stored using secure password protected systems. Passwords must not be shared. Portable devices containing organisational information must be protected. Information must never be left unattended in public places or unsecured vehicles.

7. Electronic Systems

Where Smart Way Disability Care uses systems such as Monday.com, Outlook, Microsoft 365 or other approved software, staff must only access information required for their role, maintain secure passwords, log out of devices when unattended and immediately report any suspected cyber security incident.

8. Privacy During Support Delivery

Participants have the right to privacy during personal care, medication support, communication, financial discussions, assessments and meetings. Staff will knock before entering private spaces where appropriate, explain the support being provided, seek permission before involving others and maintain dignity at all times.

8.1 Privacy, Autonomy, Relationships, Intimacy and Sexual Expression

Smart Way Disability Care recognises that privacy and dignity extend beyond the protection of personal information. Participants have the right to autonomy, personal privacy, personal relationships, intimacy and lawful sexual expression within their home, including Specialist Disability Accommodation (SDA) dwellings where applicable.

Participants will be supported to make their own choices about friendships, personal relationships, visitors, intimacy and sexual expression without discrimination, judgement, embarrassment or unnecessary interference, subject to applicable law and genuine safeguarding requirements.

Staff, contractors, property representatives and other persons acting on behalf of Smart Way Disability Care must respect private spaces. They must knock, identify themselves and obtain permission before entering a participant's bedroom or other private area, except where there is an immediate emergency, a serious and immediate safety concern, or another lawful basis for entry, including lawful notice for property access where applicable.

Information relating to a participant's relationships, intimacy or sexual expression will be treated sensitively and confidentially and will only be shared with the participant's consent or where disclosure is required or authorised by law.

Where a genuine safety concern is identified, Smart Way Disability Care will respond through consultation, supported decision-making, dignity of risk, safeguarding and the least restrictive approach. Staff must not impose unnecessary restrictions on a participant's relationships, visitors, privacy, intimacy or sexual expression.

Any concern involving possible abuse, exploitation, coercion, harassment, lack of consent or risk of harm will be responded to in accordance with the organisation's incident management, safeguarding and reporting requirements. Where behaviour support or a restrictive practice may be relevant, staff must follow applicable behaviour support and restrictive practice requirements and must not independently introduce a restriction.

Staff and contractors must maintain professional boundaries at all times and must not engage in sexual, exploitative or otherwise inappropriate relationships with participants.

9. Photography and Recordings

Photographs, video or audio recordings will only be taken where appropriate written consent has been obtained unless otherwise authorised by law. Images will only be used for the approved purpose and stored securely.

10. Access and Correction

Participants may request access to their personal information and request corrections where information is inaccurate, incomplete or outdated. Requests will be managed in accordance with legislative requirements.

11. Privacy Breaches

Any actual or suspected privacy breach must be reported immediately to management. The organisation will investigate, assess risks, minimise harm, notify affected individuals where appropriate and implement corrective actions to prevent recurrence.

12. Responsibilities

Management is responsible for implementing this policy, monitoring compliance, providing training and reviewing information management practices. Staff are responsible for maintaining confidentiality, complying with this policy, protecting organisational information and reporting privacy concerns immediately.

13. Related Documents

- Privacy and Consent Procedure
- Participant Consent Form
- Service Agreement
- Participant Handbook
- Information Management Policy
- Complaints Management Procedure
- Incident Management Procedure
- Code of Conduct
- Records Management Procedure
- Dignity of Risk and Informed Choice Records
- SDA / Tenancy or Residential Agreement (where applicable)
- Participant Communication and Privacy Preferences Records
- Property Entry / Access Records (where applicable)

14. References

Privacy Act 1988 (Cth)
Australian Privacy Principles
NDIS Practice Standards
NDIS Code of Conduct
National Disability Insurance Scheme Act 2013