

Privacy and Confidentiality

POLICY STATEMENT

SwanCare respects the privacy and confidentiality of consumer, worker and organisation information in line with privacy legislation and regulations.

DOCUMENT INFORMATION

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Owner**	Chief Executive Officer
Reviewer	Chief Governance and Strategy Officer
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**The person responsible for ensuring this document is appropriate, followed, maintained and up to date.

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1 PURPOSE

To provide organisational guidance in ensuring privacy and confidentiality is upheld for all stakeholders, including in the use of information for care, quality improvement and research purposes.

2 SCOPE

Residential Care and Home Care

3 PRINCIPLES FOR THE COLLECTION OF CONSUMER INFORMATION

SwanCare is committed to the principles outlined in the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012¹. We have in place procedures that ensure compliance with the legislation including the protection of sensitive information including health information. We use the Office of the Australian Information Commissioner (OAIC) documents - Protecting Customer's Personal Information² and the Guide to Health Privacy³, as guides to our privacy policy and processes.

We recognise that consumer information may also be used for purposes beyond direct care, including quality improvement, service evaluation and research activities. In all such circumstances, the collection, use and disclosure of information will be limited to what is necessary, lawful and proportionate, and subject to appropriate consent and ethical oversight where required.

Where information is used in de-identified form controls are applied to manage the risk of re-identification. (See Use of de-identified Data below)

4 PRIVACY POLICY

The way we ensure the privacy and confidentiality of consumers is detailed in our Privacy Policy below. The elements of our Privacy Policy include:

4.1 ACCOUNTABILITY

- We have clear lines of accountability for privacy management. The Board has approved the Privacy Policy and has delegated day-to-day responsibility to the Chief Executive Officer (CEO). The CEO is directly responsible for privacy and for reporting to the Board on any issues including breaches. Senior Management are responsible for ensuring our policies and procedures are implemented and followed and report any issues to the CEO. SwanCare workers with any privacy issues or queries can approach their immediate Supervisor or the relevant Manager.
- The CEO is responsible for ensuring that any research involving consumers or their information is conducted in accordance with ethical, legal and organisational requirements, including approval processes, consent requirements and data governance controls.

4.2 TRAINING

- Management, workers and volunteers are provided with annual training and information as required, on the rights of residents and consumers to privacy and confidentiality and the processes to support this. Training is provided to workers and volunteers as needed and orientation. The OAIC Guide to

¹ Australian Government Privacy Act 1988 and Privacy Amendment (Enhancing Privacy Protection) Act 2012

² Australian Government Office of the Australian Information Commissioner [Protecting Customers Personal Information](#) Accessed August 2025

³ Australian Government Office of the Australian Information Commissioner [Guide to Health Privacy](#) May 2025, Accessed August 2025

Health Privacy is available to all workers and Board members and is utilised as a reference for Senior Management in the management of privacy.⁴

- Training includes awareness of responsibilities regarding research participation, use of de-identified data, consent requirements and risks of re-identification.

4.3 INFORMATION COLLECTION

- We only collect information about residents and consumers that is relevant to the provision of their support, and we explain why we collect the information and what we use it for. Information collected can include personal details, contact details, family/ supporter⁵ details, medical history, health care provider details, financial information, assessments, clinical notes, medications, Medicare/healthcare fund details, specialist reports, test results and referral information
- We also ensure a three-point identification check is conducted for residents and consumers when contacting them by telephone (Home Care) or when providing care and services.
- We take steps to correct information where appropriate and regularly review resident and consumer information with the resident or consumer or their registered supporters/ substitute decision maker to ensure it is accurate and up to date
- Residents and consumers can ask to see the information that we keep about them and are supported to access this information (See below Consumers Right to Access Information) subject to the Grounds for Refusing Access⁶ specified in the Privacy Act 1988.

4.4 INFORMATION PROVISION

- The Consumer Handbook outlines our approach to maintaining privacy and confidentiality of consumer information. Consumers are provided with a copy of the Consumer Handbook on commencing with SwanCare, and whenever the information substantially changes. The information in the Consumer Handbook including our Privacy Policy is explained to consumers during service commencement and when seeking consent
- Residents and Consumers are supported by us should they have a complaint or dispute regarding our Privacy Policy or the management of their personal information.

4.5 INFORMATION SHARING

- All information relating to residents and consumers is confidential and is not disclosed to any other person or organisation without the resident or consumer's consent except in cases of serious threat to the resident or consumer where they are not able to consent⁷
- Except with the written consent of the person, personal information is not disclosed to any other person other than:
 - for a purpose connected with the provision of aged care to the resident or consumer by us or
 - for a purpose connected with the provision of aged care to the resident or consumer by another provider or

⁴ Ibid

⁵ Supporters is used inclusively to refer to registered supporters, substitute decision-makers, advocates and other persons supporting the consumer. See [Consent, Substitute Decision Makers and Advance Care Planning](#) and [Communicating for Safety and Quality](#) regarding the roles of supporters in care planning

⁶ Australian Government Office of the Australian Information Commissioner [Chapter 12: APP 12 Access to personal information](#) 12.33 Accessed August 2025

⁷ See Australian Government Office of the Australian Information Commissioner [Chapter 6: APP 6 Use or disclosure of personal information](#) and [Chapter C: Permitted general situations](#) Accessed August 2025. See also [Aged Care Rules 2025](#) 165-15(l)

- for a purpose for which the personal information was given by or on behalf of the resident or consumer or
- for the purpose of complying with an obligation under the Aged Care Act 2024, the Aged Care (Consequential and Transitional Provisions) Act 2024 or any of the Aged Care Principles⁸
- The provision of information to people outside the service is authorised by the relevant Manager
- We do not discuss consumers or their support with people not directly involved in supporting them.

4.5.1 RESEARCH AND SECONDARY USE OF INFORMATION

The use or disclosure of consumer information for research or other secondary purposes beyond routine organisational functions⁹ is subject to additional controls:

- Information will only be used for research purposes where:
 - the consumer has provided informed consent; or
 - the information has been appropriately de-identified; or
 - the use is otherwise permitted under relevant legislation.
- Where required, research activities must have approval from a recognised Human Research Ethics Committee (HREC) or equivalent ethical review body.
- The organisation will ensure that participation in research is voluntary and that consumers are not disadvantaged if they choose not to participate or withdraw.
- Consumers will be provided with clear information about:
 - the purpose of the research
 - what participation involves
 - how their information will be handled
 - any risks and benefits
 - their right to withdraw consent at any time, noting that once information has been de-identified and incorporated into aggregated datasets, it may not be possible to remove it.

4.5.2 USE OF DE-IDENTIFIED DATA

Where de-identified data is used:

- Reasonable steps are taken to remove or alter personal identifiers so individuals cannot be readily identified¹⁰
- The organisation acknowledges that de-identified data may still carry a risk of re-identification, particularly:
 - in small sample sizes or unique populations; or
 - when datasets are combined or analysed using advanced technologies, including artificial intelligence
- Controls are applied proportionate to the risk of re-identification, including where appropriate:
 - minimisation of data fields

⁸ Australian Government Federal Register of Legislation [Aged Care Act 2024](#) Part 3—Aged care rights and principles Division 2- Aged care principles 25 Statement of Principles p 53

⁹ Note: The use and disclosure of information for mandatory government is undertaken in accordance with legislative obligations and does not constitute research.

¹⁰ See Office of the Australian Information Commissioner (OAIC) [De-identification and the Privacy Act](#), and CSIRO [De-Identification Decision-Making Framework](#), which provide guidance on assessing and managing re-identification risk.

- aggregation of results
- application of access controls where data is not fully aggregated or where re-identification risk is higher and
- data sharing agreements specifying permitted use
- de-identified data may be shared more broadly where it has been aggregated and the risk of re-identification is low
- de-identified data is not used in a manner that could reasonably result in the re-identification of an individual.

4.6 ENSURING PRIVATE ENVIRONMENTS

- Reviews are always conducted in private with the resident or consumer and the relevant team member unless the resident or consumer consents to a supporter being present.
- During resident or consumer assessments and reviews the relevant team member asks the resident or consumer about any privacy requirements they have. These are noted on their assessment form and on the support plan.
- Any discussions between workers about residents or consumers are held in a private space.

4.7 RECORDS MANAGEMENT

- Resident and Consumer files are stored in secured filing cabinets and securely archived. Electronic information is securely stored and securely backed up daily (See Information Management)
- We confidentially archive then destroy any personal information held about our resident or consumers when it is no longer necessary to provide support (See Information Management/ Archiving Consumer Records)
- We have a comprehensive data breach response plan to be implemented in the event of a data breach
- Our Privacy Policy, processes and procedures are reviewed and updated through our regulatory compliance and continuous improvement processes including the review of Policies and Procedures over a maximum three-year period (and when requirements change) and ongoing audits of all processes
- Records relating to research participation, including consent forms and ethics approvals (where applicable), are securely stored and managed in accordance with this policy. Access to research data is restricted to authorised personnel and retained only for the required period.

5 CONFIDENTIALITY OF COMPLAINTS AND DISPUTES

As far as possible, the fact that a resident or consumer has lodged a complaint and the details of that complaint, are kept confidential amongst workers directly concerned with its resolution. Similarly, information on disputes between a resident or consumer and a worker or a consumer and a carer is kept confidential.

Information provided in a complaint or feedback is otherwise only disclosed if required by law or if the disclosure is otherwise appropriate in the circumstances¹¹. The residents or consumer's permission is obtained prior to any information being given to other parties whom it may be desirable to involve in the resolution of the complaint or dispute.

¹¹ Australian Government Federal Register of Legislation [Aged Care Rules 2025](#) 165-15(l). See also Australian Government Office of the Australian Information Commissioner [Chapter 6: APP 6 Use or disclosure of personal information](#) and [Chapter C: Permitted general situations](#) Accessed August 2025

Individuals may also raise concerns or make disclosures under whistleblower protections where even stricter confidentiality provisions apply (See Whistleblowers).