

**CLEVER BEES PAEDIATRIC OCCUPATIONAL THERAPY**  
**Your Privacy**

**Privacy Statement**

At Clever Bees Paediatric Occupational Therapy every effort will be made to ensure that the privacy of all individuals connected with the organisation is protected from misuse, loss, corruption or disclosure. Personal information will be managed confidentially and securely and destroyed appropriately when no longer required.

**Collection of Information**

Clever Bees will collect only relevant personal information for lawful purposes, directly related to the company's operations and administration, and with the consent of the individual to whom the information relates.

This information will be collected directly from the individual concerned, unless the individual has directed otherwise. Parents or guardians give consent for the collection of information relating to minors.

**Storage of information**

Personal information, including any photographs and videos will be stored securely, in locked, restricted access filing cabinets; in password and firewall protected, restricted access computers; secure web-based client management systems.

**Access and Accuracy**

Clever Bees will not disclose personal information about an individual unless:

1. The individual has consented to the disclosure, or the information is not sensitive information (Consent to Contact forms are updated every 12 months);
2. Clever Bees believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health or safety; or a serious threat to public health or public safety;
3. Clever Bees suspects that unlawful activity has been, is being or may be engaged in and disclosure of personal information is necessary as part of an investigation into the matter or else in reporting such concerns to an enforcement body;
4. The use or disclosure is required under law.

Clever Bees will endeavour to ensure that personal information is correct, complete and up-to-date. On request by a person, Clever Bees will let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds and discloses that information.

The person is entitled to update, correct or amend this information as necessary.

The individual must be provided with access to this information except:

1. When access would pose a serious and imminent threat to the life or health of any individual;

2. If providing access would have an unreasonable impact upon the privacy of other individuals;
3. If the request is frivolous or vexatious; or
4. If the information relates to an existing or anticipated legal proceedings between the organisation and the individual providing access would be unlawful;
5. When denying access is required or authorised by or under law;
6. When providing access would be likely to prejudice an investigation of possible unlawful activity;

If the individual and Clever Bees disagree about the accuracy of the information, and the individual asks us to append a statement indicating this, we will take reasonable steps to do so.

In the event that Clever Bees denies access or refuses to correct personal information, we will provide reasons for this course of action.

### **Use**

Clever Bees will only use information collected about individuals for the purpose for which it was collected, for a directly related purpose, or for a purpose to which the individual has given consent. Clever Bees staff may take photographs or videos for the purposes such as reporting and measuring change in skill development, or environmental recommendations. These purposes will be discussed with children and their families first.

Clever Bees can use information without an individual's consent in order to deal with a serious and imminent threat to any person's health or safety.

### **Use of information under Keep Them Safe**

The NSW Government's Keep Them Safe Legislation, specifically chapter 16A in the Children and Young Persons (Care and Protection) Act 1998 allows staff to share client information - where information relates specifically to the safety, welfare or wellbeing of a child or young person - with other mandatory reporters and non-government organisations (NGOs) and NSW Government agencies who are identified as prescribed bodies. (For the purposes of information exchange, NGOs will be considered prescribed bodies under section 248 and Chapter 16A.

### **Clever Bees Paediatric Occupational Therapy, and our staff are considered mandatory reporters under this Act.**

Mandatory reporters must make a report to Family and Community Services (FACS) when there is a current concern about the safety, welfare and wellbeing of a child for young person regarding any of the following reasons:

- Basic physical or psychological needs of the child or young person are not being met (neglect);
- The parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so);
- The parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so);
- Risk of physical or sexual abuse or ill-treatment;

- Parent or caregiver's behaviour towards the child causes or risks serious psychological harm (emotional abuse);
- Incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence);
- The child was the subject in a prenatal report and the birth mother did not engage successfully with support services.

### **What type of information can be shared in the context of Keeping Them Safe?**

The information must relate to the safety, welfare or wellbeing of a child or young person, and may be shared if it relates to:

1. A child or young person's history or circumstances
2. A parent or other family member
3. People having a significant or relevant relationship with a child or young person
4. Other agencies' dealings with the child or young person, including past support or service arrangements.

The needs and interests of children and young persons, and of their families, in receiving services relating to the care and protection of children or young people take precedence over the protection of confidentiality or of an individual's privacy. This said it remains best practice to keep families informed.

There are cases when it is not appropriate to inform a child or young person or their parent/carer that you will be sharing their information. These include:

1. Where it is believed likely to further jeopardise a child or young person's safety, welfare or wellbeing
2. Where it is believed, it would place you or another person at risk of harm
3. Where you are unable to contact a parent and the matter is urgent

### **Non-disclosure of information**

There are circumstances when it is appropriate not to disclose information. These include:

1. The information requested does not relate to the safety, welfare or wellbeing of a child or young person or class of children or young persons.
2. If it is believed that the disclosure of the information would prejudice an investigation of a possible breach of a law, care proceedings or a coronial inquest, endanger a person's life, or is not in the public interest.

There are restrictions in place under the legislation to protect mandatory reporters' identities and information in the event that they are required to make a report to the Community Services Helpline. A reporter's details cannot be exchanged without your permission unless it is in connection with the investigation of a serious offence alleged to have been committed against a child or young person and where the disclosure is necessary to safeguard or promote the safety, welfare or wellbeing of any child or young person.

Staff should also note that "a person who acts in good faith to provide information in accordance with the legislation is not liable to any legal or disciplinary action and cannot be held to have breached any professional ethics, code or standards."

**In addition to making a report to FACS, it is also a requirement to lodge an incident report with the NDIS Quality and Safeguards Commission, when working with children and young people who are NDIS Participants.**

### **Breach of Privacy**

If an individual believes that Cleve Bees has breached their privacy in relation to the personal information the organisation holds about them, they may complain in writing to the Director by emailing [info@cleverbees.com.au](mailto:info@cleverbees.com.au)

If an individual is not happy with the handling of their complaint by Clever Bees, they may wish to complain to the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission:

- Phoning: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged.
- National Relay Service and ask for 1800 035 544.
- Completing a [complaint contact form](#) from the website <https://www.ndiscommission.gov.au/participants/complaints>

If an individual believes that their physical privacy has been breached they may complain to Privacy NSW. Privacy NSW is the Office of the NSW Privacy Commissioner. The aim of this body is to protect and promote privacy in NSW.

Refer to: <http://www.keepthemsafe.nsw.gov.au> for information on the Keep them Safe legislation.

Refer to: DOC 006 Exchange of Information under the Children and Young Persons (Care and Protection) Act 1998