

Management of Participant Records Policy

Policy Type	Information Management
Version	3.0
Development Date	1 December 2012
Review Date	May 2023
Date for Review	May 2028
Person/Body Responsible	MHF Board
Approved By	MHF Board

Purpose

This policy outlines the process undertaken by Mental Health Foundation ACT (MHF) to record, release and retain information in relation to its participants. We recognise and respect each participant's right to privacy, confidentiality, and dignity in all aspects of their life. MHF recognises that participant records are legal documents and are an integral component of service delivery.

It is MHF's duty to provide quality services to its participants. The acquisition and retention of relevant participant information is essential to fulfilling this commitment.

It is the right of MHF's participants to have their privacy and confidentiality respected. The purpose of this policy is to ensure that:

- a high standard of information acquisition and recording is achieved,
- participant confidentiality and privacy are respected, and
- written, spoken and electronic information is protected from access and use by any unauthorised persons.

Definitions

Service – Any form of assistance given or arranged by, or on behalf of, MHF in meeting participant needs and agreed goals. This includes services provided by MHF and funded from a participant’s National Disability Insurance Scheme plan.

Participant – Any person who chooses to use the services of MHF.

Personal Information – Any information about an individual whose identity is apparent or can reasonably be ascertained from that information. This includes information about the person’s location, health and body, finances, and their communications and associations with others.

Staff – All paid and unpaid persons undertaking work for MHF including employees, volunteers, and student placements.

Policy

Information about an individual that is required for service delivery will be sought with the individual's consent. Written consent will be obtained where information is being sought from a third party.

The MHF will, where essential for program requirements, create individual records for each participant, and accurately record all relevant personal, medical, and service provision information. This record will remain the property of MHF subject to the guidelines outlined in this policy.

Failure to provide MHF with information requested during entry and assessment processes may inhibit our capacity to plan and deliver appropriate services in safety, and therefore result in a refusal to provide the supports being requested.

1. Purpose of Participant Records

- To ensure the existence of an adequate information base to facilitate the identification, implementation, and delivery of quality services.
- To maintain documentation of a legally acceptable standard.
- To maintain records about each participant and service provision.
- To provide information for reporting purposes.

2. Access to Participant Records

- To maintain confidentiality, all participant records will be electronically secured or stored in a locked environment at all times.
- Access to participant information/records will only be provided to authorised staff under controlled conditions.
- Participant records are the property of the MHF; however, participants may have supervised access to their own records following a written request, either by mail or electronically.
- The Chief Executive Officer is the only person authorised to approve a request for access to information.

3. Disclosure of Participant Information

- Except for an imminent threat to life, health or safety information contained in a participant's record will only be disclosed with the written consent of the participant, specifying who the information can be released to,
- Non-identifying information contained in participant records may be used to contribute to data required by funding bodies and by government departments for planning purposes.
- The MHF is obliged to disclose information about a participant, with or without the participant's consent, where prescribed as a legal requirement. Should this situation occur, the participant will be notified of the order provided to us.

4. Record Retention Period

- Service records will be retained for as long as a participant is receiving services from the MHF.
- The retention period of MHF participant records upon exit from MHF is seven years.

5. Participant Record Disposal

- Following the expiration of the appropriate record retention period, the paper file will be shredded under secure conditions or via a secure disposal system.
- MHF's computer record detailing basic information about the participant and relevant details of service delivery will be retained in a secure environment as a permanent service record.

References

ACT Government	<i>Territory Records Act 2002</i> <i>Health Records (Privacy and Access) Act 1997</i>
Commonwealth Government	<i>Privacy Act 1988</i>
National Disability Insurance Agency	<i>Terms of Business for Registered Providers</i> , January 2020. (Downloaded 1/6/2023 here).
National Disability Services	<i>Reliable Record Keeping, Frequently Asked Questions</i> . (Downloaded 1/6/2023 here).

Distribution and location list	
Electronic	<input checked="" type="checkbox"/> SharePoint.../Admin /Admin /Library and reference material /Policies and Procedures/ Participant and Carer Rights and Participation.
Other	<input checked="" type="checkbox"/> MHF website: www.mhf.org.au .

Document History				
Author	Version	Amendment	Owner	Date of Effect
Policy Working Group	1.0	Document Created	MHF Board	1/12/2012
Policy Manager	2.0	<p>Reviewed due to changes in Privacy Act enacted on 12/3/14.</p> <p>Described potential consequence of failure to provide necessary information.</p> <p>Expanded description of securing client records electronic and locked storage.</p> <p>MHF will notify consumer if we are legally required to provide information.</p> <p>Record remains the property of MHF. Disclosure exception.</p>	MHF Board	21/8/2014
Corporate Services Manager	3.0	<p>Updated to incorporate new logo and branding guidelines.</p> <p>'Consumer' replaced with 'participant'.</p> <p>'Removed HR and Risk Management Sub-Committee' as responsible body – replace with Board.</p> <p>Updated for consistent language (i.e., you v's the participant).</p> <p>Clarified that the CEO is the only person that can authorise a request for access to information.</p> <p>Removed out of date references.</p> <p>Reviewed for changes to legislation.</p>		