



## Client Records

### Definitions:

1. For the purposes of this policy, the following definitions apply:
  - a) Consumer: an individual or organisation utilising any service provided by TasCAHRD.
  - b) Client: a registered consumer with a need to access services on an ongoing basis, requiring personal information records to be kept.

### Principle:

2. The Tasmanian Council on AIDS, Hepatitis and Related Diseases (TasCAHRD) adheres to current Commonwealth and State Government legislation regarding information collected and recorded about consumers. This includes the Commonwealth *Privacy Amendment (Private Sector) Act 2000*, the Tasmanian *HIV Preventive Measures Act 1993*, and any other relevant statute or legal requirement.
3. TasCAHRD is committed to maintaining the privacy of information held about clients and consumers and will take all required and reasonable steps to ensure that privacy and confidentiality is maintained.

### Guidelines

#### Consumer Data Collection

4. TasCAHRD systematically and anonymously collects data on all contacts with all consumers of the service to enable effective review and planning of individual programs and to meet the reporting requirements of funding agencies.
5. Data collected for these purposes must not contain any information that may enable the identification of an individual service consumer.

## Registered Clients

6. Consumers may be requested to become a registered client only if employees consider it to be essential to enable the ongoing delivery of quality care and support services to the consumer.
7. Employees are required to clearly explain the reason/s for the request and must outline the advantages and/or disadvantages in registration compared to non-registration. This must include an explanation of the personal information that would be kept in TasCAHRD client records.
8. Consumers who exercise their right to decline registration are entitled to retain full access to all TasCAHRD services, with the exception of the Andrew Shaw Foundation (ASF) and Nigel Mallett Housing Project (NMHP). Consumers wishing to access programs supplying financial (ASF) or housing (NMHP) services are required to become a registered client to enable lawful administration, accounting and auditing of those programs.

## Practice:

9. When a consumer agrees to become a registered client, employees are required to clearly explain:
  - a) the type of information that TasCAHRD would hold.
  - b) the main purposes for which the information is held.
  - c) client record coding and security processes.
  - d) whether TasCAHRD contracts out services that involve disclosing personal information (e.g. property management services in the NMHP).
  - e) how to access TasCAHRD's feedback and complaints procedure in the event of a breach of privacy.
  - f) TasCAHRD's contact details.
  - g) how TasCAHRD handles requests for personal information.

## Client Registration Form

10. A non-identifiable client code is to be assigned to a new client upon registration.
11. The Client Registration Form containing the client code, client name and personal contact details is to be completed.

12. Employees must secure the permission of the client in writing on the “Authority to Seek / Release Information Form” to release client information to any third party (e.g. NMHP managing agents, Auditors) prior to any such disclosures.
13. All Registration Forms are to be filed together in a secure location.
14. Any computer based client mailing list must be kept separately from all other mailing lists and must only be accessible to the responsible Program Coordinator by use of a password unique to that file.
15. Under no circumstances are client records or registration forms to be removed from TasCAHRD offices.

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16. Any other documentation required to be kept in relation to a client must:
  - a) have all personal identifying details removed;
  - b) be identifiable only by a client code;
  - c) be kept in their own client record file, which must be kept in a secure location, separate from the Client Registration Forms.
17. Client records will only contain health information that accurately reflects the key issues of clients in a manner that is objective, sensitive and relevant to the services being provided. Care is to be exercised that no unnecessary identifiable information is included. Relevant information may include:
  - a) problem / issue list;
  - b) management / care plans and agreements;
  - c) progress and review notes.
18. Information entered into client records should make no judgements and be fair, reasonable and objective. It should reflect issues raised by the client and outcomes agreed to by the client and the employee.
19. If a client objects to any aspect of the content of their client record, the employee shall add a notation to the record indicating the views of the client.
20. Individual workers are to be responsible for updating and maintaining their client records and should ensure that new information (if required) is added within 24 hours of client contact.

## **Client Record Access**

21. Client records are never to be left unsupervised and when not in use are to be immediately secured in the appropriate space provided.
22. Access to client records is restricted to the employee working with a client, and only where necessary and appropriate, to the Chief Executive Officer, TasCAHRD auditors or a nominated ASF Trustee.
23. Clients have access to their records upon request, and are advised of this opportunity upon registration.
24. If a client requests a copy of their records, the responsible employee will provide a photocopy that must be marked on each page "CLIENT'S OWN COPY." A "Request for Personal Records" form must be completed and signed by the client and filed with the Client Registration Forms.
25. Any information or identifying references contained on records that relates to third parties must be deleted on copies before they are provided to applicants.
26. If a client authorises another person to collect the record copy on their behalf, employees must request identification if they are unsure of the representative's identity.

When making a referral to another service provider, the employee should make a written referral to the service provider detailing all relevant information on the client. This referral must be done with the consent of the client and only when the client has signed the "Authority to Seek / Release Information" consent form. The Chief Executive Officer is to check the content of any referral.

## **Legal Requests for Access to Client Records**

27. TasCAHRD will make every effort to protect the privacy of clients/consumers accessing the services the organisation provides. At times it may be necessary by law for TasCAHRD to provide information about individual clients/consumers. Client records are only maintained for registered clients of TasCAHRD programs.
28. In the event that TasCAHRD is required to provide a client record to police or other legal entity TasCAHRD staff will endeavour to protect the privacy of the client/s as long as possible and that the information is only accessed by those originally and legally seeking the information. Within twenty-four hours of the request TasCAHRD will advise the client/s that information about them has been sought and provided.
29. Should such an event transpire TasCAHRD staff will undertake to:
  - a. Immediately notify the Chief Executive Officer of the request prior to providing the record. Any subpoena or third party request for client information received by TasCAHRD is to be referred to the Chief Executive Officer for action in accordance

with Commonwealth *Privacy Amendment (Private Sector) Act 2000*; the Tasmanian *HIV Preventive Measures Act 1993*, and any other relevant statute or legal requirement.

- b. Take a copy of the client record to ensure TasCAHRD can effectively continue to provide service to the individual;
- c. Request that the file be sealed before leaving the TasCAHRD office allowing TasCAHRD to seek legal advice; and
- d. Provide only the records or information that has been specifically requested.

### **Client Record Management**

30. Records of deceased clients are to be retained for eighteen (18) months to ensure availability for financial auditing. Records are then to be shredded under the supervision of the Chief Executive Officer.
31. Responsibility for the maintenance of TasCAHRD's client record system is vested with the Chief Executive Officer who shall be responsible for establishing appropriate record policies and procedures. Issues of dispute or clarification regarding client records are to be raised with the Chief Executive Officer.

### **Additional Information**

- a) Upon registration, clients are to be given copies of the following TasCAHRD documents:
  - b) Consumer Rights and Responsibilities Policy
  - c) Feedback and complaints Procedure Policy
  - d) Confidentiality Policy
  - e) Privacy Policy
  - f) TasCAHRD Services Brochure
  - g) any policy relevant to the services being accessed
  - h) Client Details Form PSD-F02
  - i) Confidentiality and Exchange of Information Agreement Form PSD-F03
  - j) Client Rights and Responsibilities Form PSD-F05
  - k) Request for Personal Client Records Form.

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