

Privacy Policy Statement

MiCare is committed to respecting and protecting the privacy of:

- elders/clients and other recipients of our aged care services;
- elders' families and representatives; and
- Our staff members and volunteers.

MiCare has systems in place to ensure compliance with relevant legislation, and a process whereby all individuals are informed what personal information we collect and how it is used and disclosed.

Purpose

To ensure that our processes and systems protect the personal information that MiCare collects, records, stores and uses to provide quality care and services to all our elders and clients.

Management Responsibility

Management must ensure that staff and volunteers are provided with ongoing training and information on the rights of elders/clients and their families and representatives to privacy, dignity and confidentiality starting from orientation.

Staff Responsibility

Staff must respect and maintain the privacy of all MiCare's elders and clients. Staff must observe the Procedures set out below and any other directions of MiCare in order to comply with our legislative obligations and purpose.

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Procedures

STAFF MUST OBSERVE THE FOLLOWING PROCEDURES AND ANY OTHER DIRECTIONS GIVEN BY MICARE FROM TIME TO TIME:

- Elder/client files and other personal information must be securely stored;
- Staff must only collect personal information that is relevant for the provision of services and elders/clients must be informed as to why the personal information is being collected and how it will be used;
- Relevant consent forms must be signed by the elder/client and/or their family/representative(s)/next of kin (NOK) at the commencement of service;
- As far as practical, staff are to obtain consent from elders/clients for personal information to be disclosed to other professionals, such as in an emergency or where other health services are to be provided;
- Service users consent to provide access to files and other data by government officials, quality reviewers, and investigators of complaints;
- Consent to share personal information can be withdrawn at any time by the elder/client, except where the collection, use or disclosure in question is authorised or required by law, for example, mandatory reporting of incidents under the Serious Incident Response Scheme (SIRS). If consent is withdrawn then MiCare may no longer be able to provide some or all of its services to the elder/client;
- All information is dealt with in a uniform manner with care to maintain security at all times;
- Staff and volunteers at MiCare are required to ensure elder's/client's personal information is dealt with in accordance with this Privacy Policy;
- elders/clients and family/representative(s)/NOK have a right to access personal information collected about them;
- All personal information relating to elders/clients is confidential and not disclosed to any other person or organization without their consent/permission, or as otherwise authorized or required by law;

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- Personal information is shared when it is necessary to ensure appropriate service is delivered, in accordance with this Privacy Policy;
- Personal information is disclosed on a strictly need-to-know basis in private areas, to avoid unintentional disclosure to unrelated third parties;
- Personal information collected is stored securely, including archiving, and then disposed of in a secure manner that protects the privacy of individuals concerned; and
- Assessment and reviews are conducted in private; the elder/client may chose to have a representative present.

Your Rights in relation to Privacy

MiCare understands the importance of protecting the privacy of an individual’s personal information, as well as your rights in relation to your personal information managed by us and the way we collect, use and disclose your personal information.

In handling your personal information, we will comply with this Privacy Policy, the Privacy Act 1988 (the Privacy Act) and any other legislation relating to personal information that applies to MiCare (Privacy Legislation). This Policy may be updated from time to time. A new version of this Policy will be posted to our website at <https://www.micare.com.au/> when this Policy is modified, amended or replaced. We recommend that you regularly review our Privacy Policy.

What is Personal Information?

Personal information is any information or an opinion about an identified individual or an individual who is reasonably identifiable. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances. For example, personal information may include:

- an individual’s name, signature, postal or email addresses, phone number or date of birth;
- sensitive information;
- photographs; and
- internet protocol (IP) addresses.

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Sensitive information is personal information that includes information or an opinion about an individual's:

- racial or ethnic origin;
- political opinions or associations;
- religious or philosophical beliefs;
- sexual orientation or practices;
- criminal record; and
- health or genetic information.

Generally, sensitive information has a higher level of privacy protection than other personal information.

What Kinds of Personal Information Do We Collect?

During the provision of our services, including if you access our website, we may collect your personal information (including sensitive information).

We generally collect the following types of personal information:

elders/clients and their family and representatives:

- Personal information, including names, addresses, telephone numbers and email addresses, dates of birth, marital status, next of kin and power of attorney, doctors, details of executor of will and its location, bank accounts, funeral arrangements, etc. as well as surveillance camera footage and photographs and images taken of you while you are in our facilities; and
- Sensitive Information, including religion and health information in the event that you enter our care services, such as health insurance and ambulance subscription details, original medical information at time of entry and subsequent medical data from our nursing and care staff (should you have had need to utilise these services).

Job applicants, contractors and volunteers:

- Personal Information, including, resumes, employment histories and qualifications, training records and competency assessments, as well as surveillance camera footage and photographs and images taken of you while you are in our facilities; and
- Sensitive Information, including, police checks and medical histories directly related to the individual's ability to perform the inherent requirements of the position.

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Website users:

- Information that we obtain about you in the course of your interaction with our website, which may sometimes be classified as Personal Information, including your internet protocol (IP) address, the date and time of your visit to our website, the pages you have accessed, the links on which you have clicked and the type of browser that you were using; and
- We use cookies on our website. Cookies are a small file that is placed on your computer by a web server when you access a website. They collect user information and data for statistical and analytic purposes, but do not identify the individual user, just the computer. Websites often use cookies. Most internet browsers accept cookies by default. You can control the use of cookies by configuring the preferences and settings in your browser and/or firewall.
- Aggregated statistical data
- information relating to your use of our website and our services, such as traffic flow and demographics.

How Do We Collect Personal Information?

We may collect personal information about you from a range of sources using a variety of means including:

- forms (either physical or online), mail correspondence, emails and other electronic communications;
- through feedback provided by elders/clients to us in relation to the services provided;
- through interactions between us and care managers, facilitators, social workers, siblings, children, grandchildren and any other individual interested in or involved in providing services to elders/clients;
- through telephone, email or in-person inquiries or discussions about us and/or the services we provide;
- through publicly available sources of information;
- through interactions with our social media channels that we offer or monitor;
- from job applicants and staff members;
- direct contact in the course of us providing services (including the administration of accounts established with us);
- from surveillance cameras in our facilities and photographs and images taken of you;
- in the course of conducting market research, including customer satisfaction surveys; and
- from current and prospective suppliers of goods and/or services to us.

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Clients

We collect personal information directly from elders/clients or their representatives. We also collect information from other sources such as health care providers, government departments and bodies and other people or organizations who have provided or do provide services to elders/clients.

Job applicants, volunteers and contractors

We always try to collect information about applicants for employment or volunteer positions with us directly from them. We also collect information about job applicants and volunteers:

- through background checks and police checks; and
- from referees and employment agencies.
- Information about contractors and their employees is collected directly from the contractors and from our clients and their representatives.

Why Do We Need Your Personal Information?

We collect your personal information for the purposes of providing you with care, support and services. Where applicable, your personal information may be used:

- to ensure that your request to enter a MiCare facility was to an appropriate level of service and that we could reasonably expect to be able to meet the level of service that you may require;
- to provide aged care or settlement service to you;
- to enable allied health care providers and medical practitioners to provide care and services to you and/or link in to community or government support services and programs;
- to enable us to obtain the correct level of government funding in relation to your care or services;
- to identify and inform you of any other potential services that may be of interest to you;
- should anything happen to you, to ensure that we are able to advise the nominated next of kin and legal representative of any relevant information;
- to fulfill any of our legal requirements under the Privacy Legislation and other relevant legislation; or
- for other purposes permitted or referred to under any terms and conditions you enter into or otherwise agree to with respect to our services.

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We use personal information about job applicants, volunteers and contractors:

- to assess their suitability to perform the duties required and deliver services to our clients, where required;
- to meet our obligations under relevant laws, including the Aged Care Act 1997 and workplace laws; and
- to improve the services we offer through quality improvement activities such as training.

If you do not wish to have your personal information used in any manner or purpose specified above, please contact our Privacy Officer.

Who Do We Disclose Your Personal Information to?

We may disclose personal information of elders/clients to:

- other parties involved in providing services to them, for example, cleaners, gardeners or maintenance personal who provide services at the elder's/client's home;
- allied health professionals who assist us in providing care and services;
- medical practitioners;
- external health agencies such as the ambulance service; and
- hospitals,

as necessary to carry out the purposes for which the information was collected. We may also disclose personal information to:

- marketing providers to facilitate our marketing of our services to current and to prospective clients;
- government agencies such as the Australian Department of Social Services, the Department of Health, the Aged Care Quality and Safety Commission, Medicare, Centrelink and relevant State health authorities, where this is necessary for us to receive funding and/or comply with our legal obligations to notify the government and police of certain matters;
- a court, or to a tribunal, authority or person having the legal power to require the production of documents or the answering of questions, in accordance with a requirement of that court, tribunal, authority or person; or
- our professional advisers, such as lawyers or auditors.

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We may also disclose your personal information:

- with your consent;
- when required by law or court order; or
- where we are required to do so as a result of any obligations we owe under any contract.

Serious Incident Response Scheme

The Serious Incident Response Scheme (SIRS) is a new initiative to help prevent and reduce incidents of abuse and neglect in residential aged care services subsidised by the Australian Government. Under SIRS, approved providers such as MiCare are required to report a broader range of incidents to the Aged Care Quality and Safety Commission than previous arrangements. Approved providers will be required to report serious incidents involving aged care consumers to the Commission, and the police where the incident is of a criminal nature. This reporting includes incidents that occur, or are alleged or suspected to have occurred.

Reportable incidents include those listed below:

- Unreasonable use of force – for example, hitting, pushing, shoving, or rough handling;
- Unlawful sexual contact or inappropriate sexual conduct – such as sexual threats or stalking, or sexual activities without consent;
- Psychological or emotional abuse – such as yelling, name calling, ignoring a consumer, threatening gestures, or refusing a consumer access to care or services as a means of punishment;
- Unexpected death – in the event of a fall, untreated pressure injury, or the actions of a consumer result in the death of another consumer;
- Stealing or financial coercion by a staff member – for example, if a staff member coerces a consumer to change their will to their advantage, or steals valuables from the consumer;
- Neglect – includes withholding personal care, untreated wounds, or insufficient assistance during meals;
- Inappropriate physical or chemical restraint – for example, where physical or chemical restraint is used without prior consent or without notifying the consumer’s representative as soon as practicable; where physical restraint is used in a non-emergency situation; or when a provider issues a drug to a consumer to influence their behaviour as a form of chemical restraint; and
- Unexplained absence from care – this occurs when the consumer is absent from the service, it is unexplained and has been reported to the police.

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The Commission may disclose your personal information to another organisation that monitors health and aged care quality and professional standards, such as the Australian Health Practitioner Regulation Agency, the Department of Health, state coroners and health complaints entities.

If you have any questions regarding the SIRS, please contact our Privacy Officer, as per the contact details below.

Legal Requirements

We may share your information with third parties, including law enforcement, courts, tribunals, public or governmental agencies or private litigants, if we determine that such disclosure is authorised by law or reasonably necessary to comply with the law.

We may also retain, preserve or disclose your information if we determine that disclosure is reasonably necessary or appropriate to prevent any person from harm, to address issues of national security or other issues of public importance, and to prevent or detect violations of our terms of service.

Cross-border disclosure

We do not disclose personal information to third parties outside Australia unless we have consent or the disclosure is authorised by law.

Sale or merger of MiCare

Personal information about individuals we have collected and hold may be disclosed to third parties in the event we offer to sell and/or sell our business and/or assets, at or before the time of a merger, acquisition or sale.

Direct marketing

We may directly market MiCare and our services to an individual on the basis that the individual would reasonably expect us to do so, where we have already collected the individual's personal information directly from the individual.

Where we collect information about an individual from a third party, we will not use that information to directly market to that individual unless the individual consents to this. Such consent may be express or may be implied.

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How Do We Hold Your Personal Information and Keep it Secure?

All reasonable steps are taken to ensure that the personal information held is protected against misuse, loss, unauthorised access, modification or disclosure.

We hold personal information in both hard copy and electronic forms in secure databases on secure premises, accessible only by authorised staff.

However, the security of any personal information transmitted to us electronically cannot be guaranteed.

Can You Access the Personal Information that We Hold about You?

Under the Privacy Act, you have a right to access your personal information that is collected and held by us. If at any time you would like to access or correct the personal information that held about you, or you would like more information on our approach to privacy, please contact the Privacy Officer (see below) or a member of the senior management team.

We may refuse to grant you access where this is allowed or required by law, for example, where this would have a negative impact on someone else's privacy. If we do refuse to grant access, we will give you written reasons.

To obtain access to your personal information, you will have to provide proof of identity. This is necessary to ensure that personal information is provided only to the correct individuals and that the privacy of others is protected.

All reasonable steps will be taken to provide access to your personal information promptly. Response time is dependent of the complexity of the request.

If providing you with access requires a detailed retrieval of your personal information, a fee may be charged for the cost of retrieval and supply of information.

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How to Contact Us:

For further information or enquiries regarding your personal information, please contact our Privacy Officer at info@micare.com.au or by calling 1800 642 273 or in writing to:

Privacy Officer MiCare

PO Box 8219

Carrum Downs VIC 3201

Privacy complaints

You have the right to complain if you believe we have breached this policy or your rights under the Privacy Act.

Please direct all privacy complaints to our Privacy Officer. At all times, privacy complaints:

- will be treated seriously;
- will be dealt with promptly;
- will be dealt with in a confidential manner; and
- will not affect your existing obligations or affect the commercial arrangements between you and us.

We will promptly acknowledge receipt of your complaint and we will endeavour to deal with your complaint and to provide you with a response within a reasonable time period following receipt of your complaint (generally within 30 days of receipt). Where a complaint requires a more detailed investigation, it may take longer to resolve. If this is the case, then we will provide you with progress reports.

We reserve the right to verify the identity of the person making the complaint and to seek (where appropriate) further information from the complainant in connection with the complaint. Where required by law, we will provide our determination on your complaint to you in writing. Please note that we may refuse to investigate or to otherwise deal with a complaint if we consider the complaint to be vexatious or frivolous.

If you are not satisfied with our response, you can contact the Office of the Australian Information Commissioner. Further information can be found at:

<https://www.oaic.gov.au/privacy/privacy-complaints/>

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Related Internal Documents

- elder Client Information Management and Privacy Policy
- Feedback and Complaints Governance Policy
- Feedback Comments and Complaints Procedure
- Serious Incident Response Reporting Procedure
- Hazard and Incident Reporting and Investigation Policy
- Privacy and Confidentiality Policy
- Open Disclosure Policy
- Whistle-blower Policy
- Risk Management Policy and Procedure
- Governance Policy and Procedure
- Worksafe Incident reporting procedure
- NDIS Incident Reporting Procedure
- Confidential Staff incident reporting
- elder/Client Information Management, Privacy And Confidentiality Policy

References/Resources

- [Privacy Act 1988 \(Privacy Act\)](#)
- [Serious Incident Response Scheme for Commonwealth funded residential aged care – Model for Implementation 2020](#)
- [Serious Incident Response Scheme- Guidelines for residential aged care participants 2021](#)
- [Effective incident management systems: Best practice guidance March 2021](#)
- [NDIS:](#)
- [Open disclosure Framework and guidance](#)

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PRIVACY COLLECTION NOTICE

Dear elder/client,

MiCare (MiCare Ltd ABN 51 072 127 238) is committed to protecting both the privacy of aged care recipients, staff and volunteers who receive our services and the confidentiality of information relating to them.

We have ensured that our processes and systems protect the information we collect, record, store and utilise to provide quality care and services to aged care recipients, staff and volunteers.

Privacy Legislation

In handling your information we comply with all relevant privacy legislation, including:

1. the Privacy Act 1988 (Cth) (Privacy Act);
 2. the Aged Care Quality and Safety Commission Act 2018 (Cth) (the Quality and Safety Commission Act);
 3. Aged Care Quality and Safety Commission Rules 2018 (Cth) (the Quality and Safety Commission Rules)
 4. the Aged Care Act 1997 (Cth) (the Aged Care Act) and associated Principles; and
 5. the Health Services Act 1988 (Vic) (the Health Services Act),
- (together, the Privacy Legislation).

The Privacy Legislation stipulates the types of personal information, including sensitive information, that we can collect, how we can collect that information, and how we can use and disclose that information to others.

Collection of Personal Information

The information that we currently have on our files and will collect in the future for people who receive our services is covered by the Privacy Legislation and, as such, we must make sure you are aware of the types of information collected, the purpose for which it was collected, and how it may be used and disclosed.

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The personal information that we currently have on our files or may collect for most elder/clients includes the following:

- Details provided to us upon entry to our services, including
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-

UNCONTROLLED DOCUMENT IF IN HARD COPY (PRINTED)

- Next of kin and power of attorney, doctor
- Details of the executor of the will and its location, bank accounts, funeral arrangements
- Health insurance and ambulance subscription details, and
- Date of birth, marital status, religion, telephone number etc.
- Original medical information at time of entry and subsequent medical data from our nursing and care staff, (should you have had need to utilise these services).

We have collected and will collect personal information through a range of different channels, including when we communicate with you or your representative by letter, email and through our website. We also collect personal information when you or your representative meet with us face-to-face or deal with us by telephone. We may also collect your personal information from third parties such as other government agencies or medical service providers.

Use and Disclosure of Personal Information

We collect your personal information for the purposes of providing you with care, support and services. Where applicable, your personal information may be used:

- to ensure that your request to enter a MiCare facility was to an appropriate level of service and that we could reasonably expect to be able to meet the level of service that you may require;
- to provide aged care or settlement services to you;
- to enable allied health care providers and medical practitioners to provide care and services to you and/or link in to community or government support services and programs;
- to enable us to obtain the correct level of government funding in relation to your care or services;
- to identify and inform you of any other potential services that may be of interest to you;
- should anything happen to one of our elder/client, to ensure that we are able to advise the nominated next of kin and legal representative of any relevant information. In this regard, we can often provide some support for an elder/client's family in time of need;

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- to fulfill any of our legal requirements under the Privacy Legislation and other relevant legislation; or
- for other purposes permitted or referred to under any terms and conditions you enter into or otherwise agree to with respect to our services.

Uncontrolled document if in Hard Copy

None of the information we collect is used or sent overseas.

Serious Incident Response Scheme

The Serious Incident Response Scheme (SIRS) is a new initiative to help prevent and reduce incidents of abuse and neglect in residential aged care services subsidised by the Australian Government. Under SIRS, approved providers such as MiCare are required to report a broader range of incidents to the Aged Care Quality and Safety Commission than previous arrangements. Approved providers will be required to report serious incidents involving aged care consumers to the Commission, and the police where the incident is of a criminal nature.

This reporting includes incidents that occur, or are alleged or suspected to have occurred:

- Reportable incidents include those listed below:
- Unreasonable use of force – for example, hitting, pushing, shoving, or rough handling.
- Unlawful sexual contact or inappropriate sexual conduct – such as sexual threats or stalking, or sexual activities without consent.
- Psychological or emotional abuse – such as yelling, name calling, ignoring a consumer, threatening gestures, or refusing a consumer access to care or services as a means of punishment.
- Unexpected death – in the event of a fall, untreated pressure injury, or the actions of a consumer result in the death of another consumer.
- Stealing or financial coercion by a staff member – for example, if a staff member coerces a consumer to change their will to their advantage, or steals valuables from the consumer.
- Neglect – includes withholding personal care, untreated wounds, or insufficient assistance during meals.
- Inappropriate physical or chemical restraint – for example, where physical or chemical restraint is used without prior consent or without notifying the consumer’s representative as

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soon as practicable; where physical restraint is used in a non-emergency situation; or when a provider issues a drug to a consumer to influence their behaviour as a form of chemical restraint.

- Unexplained absence from care – this occurs when the consumer is absent from the service, it is unexplained and has been reported to the police.

The Commission may disclose your personal information to another organisation that monitors health and aged care quality and professional standards, such as the Australian Health

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Practitioner Regulation Agency, the Department of Health, state coroners and health complaints entities.

If you have any questions regarding the SIRS, please contact our Privacy Officer, as per the contact details below.

Access, Use and Disclosure of Personal Information

The details that we hold on file are kept on paper and on our computer system. Under our company policies, only relevant staff access our system to retrieve the data as required and our policies prohibit the disclosure of any personal information to anyone external to MiCare unless:

- there is a medical reason for such information being disclosed (i.e. to your doctor or to a hospital);
- in accordance with Part 7 of the Quality and Safety Commission Act, Part 6.2 of the Aged Care Act; or
- where otherwise required or authorised by law.

MiCare has developed their own Privacy Policy in accordance with the Quality Standards, a copy of which is enclosed with this letter. The Privacy Policy contains more detailed information about the way MiCare uses and discloses your personal information. MiCare's Privacy Policy is updated from time to time. You can request a copy of our current Privacy Policy by contacting our Privacy Officer at info@micare.com.au or by calling 1800 642 273 or in writing to:

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Privacy Officer MiCare
PO Box 8219
Carrum Downs VIC 3201

Our Privacy Policy includes information about how you may access your personal information or seek correction of your personal information. Our Privacy Policy also includes information about how you may make a complaint about how your personal information has been handled. In accordance with our usual practice, an elder/client can access their files during normal office hours. Such access will allow an elder/client to verify the accuracy of the personal information we are holding on file. Additionally, we ask that all elders/clients advise us of any changes to their personal information if they so wish. It is not a requirement of MiCare that you must update your information for our files, however you are reminded that should your information be no longer accurate, it may preclude us being able to offer any assistance to you or members of your family in times of need.

Next Steps

In accordance with the Privacy Act, I need every elder/client to complete the attached form and return it to me. The form provides the opportunity for an elder/client to acknowledge that they

MiCare Ltd ABN 51 072 127 238

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Home Care Residential Care Retirement Living Settlement Services Veterans Home Care MiMeals have read this letter and understand and consent to the ongoing collection, use and disclosure of their information under the above circumstances. Each elder/client has the choice not to consent, or to withdraw consent at any time. MiCare will honour that choice, except where the collection, use or disclosure in question is authorised or required by law, for example, mandatory reporting of incidents under the Serious Incident Response Scheme. Please also note that if consent is not provided then MiCare may no longer be able to provide some or all of our services to the elder/client.

Category	Organisational	Approved By	MiCare Executive Management
Standard	1f, 7a, 7b, 7c, 7d, 7e, 8a, 8b, 8c(i), 8(ii), 8c(iv), 8c(v), 8c(vi)	Approval Date	January 2025
Owner	Executive Management	Review Date	January 2027



I would appreciate these forms being returned to MiCare as soon as practicable. You are able to return them to the Unit Manager, Reception or mail them to P.O. Box 8219 Carrum Downs, 3201.

Please address all requests or questions about how we deal with your personal information, requests for access to your information or to tell us that you no longer wish to receive any communications from us to our Privacy Officer above.

Yours Sincerely,
Penni Michael
CEO

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