

MOTIVATE KIDS



CLIENT POLICY

Communication, Confidentiality and Privacy

Version 1.3 | Reviewed August 2026

1. Purpose

This Policy sets out Motivate Kids' framework for the protection of personal privacy and confidentiality of our Clients and ensures that our Clients, their families, carers, advocates and members of the public are aware of their right to have their personal information protected and treated confidentially.

2. Policy Statement

1. Motivate Kids understands that Clients have a right to confidentiality and embraces the Australian Privacy Principles and the National Standards for Disability Services.
2. Motivate Kids recognises that confidentiality and proper communication is a fundamental component of service provision and that Clients have a right to be treated with dignity and respect.
3. Motivate Kids is responsible for protecting Clients' information from misuse, interference, loss, and from unauthorised access, modification or disclosure.
4. Motivate Kids may use approved artificial intelligence (AI) tools to support service delivery, documentation and communication, in accordance with its Artificial Intelligence (AI) Framework. AI is used to support, not replace, staff decision-making, and all AI-generated content is reviewed by a staff member before use
5. There may be situations where Client information is required to be disclosed by law.
6. Motivate Kids shall engage employees and contractors that have the right skills, training and clearances to meet the standards prescribed by this Policy.

3. Scope

1. This Policy applies to all employees, volunteers and contractors of Motivate Kids and will be implemented with all Clients of Motivate Kids.
2. This Policy does not apply to the collection, holding, use or disclosure of staff personal information forming Employee Records, such as health information and information about the engagement, training, disciplining, resignation, termination, terms and conditions of employment of the staff member.

4. Definitions

1. **Artificial Intelligence (AI) Tool** means any software or system that uses artificial intelligence to support therapy, documentation, communication or operational processes. Only tools approved in Motivate Kids' AI Use Registry may be used.
2. Any reference to a **Person-centred Approach** also includes family-centred approach when considered in relation to providing services to children.
3. **Employee Records** mean records kept by Motivate Kids relating to the employment of a staff member.
4. **Personal Information** means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.



5. **Sensitive Information** means information or opinions about racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs, membership of a trade union, sexual preferences, criminal record, health information or genetic information.

5. Communication

1. This Policy will be communicated to existing Clients on its commencement and to new Clients on the commencement of their service via a Client handout or verbally. This Policy will be made available for viewing by Clients on request.
2. This Policy will be communicated to all staff of Motivate Kids on its commencement and to new staff members on the commencement of their employment in compliance with Recruitment and Induction Policy and Training and Registrations Policy.
3. This Policy shall be read in conjunction with:
 - a. AI Framework;
 - b. Client Complaints, Feedback and Grievances Policy;
 - c. Data Breach and Cyber Security Policy;
 - d. Duty of Care and Incident Management Policy;
 - e. Individual Programs Policy;
 - f. Information Sharing Appendix Issued Pursuant to the Information Sharing Guidelines;
 - g. Performance Management and Disciplinary Policy;
 - h. Recruitment and Induction Policy;
 - i. Training and Registrations Policy;
 - j. Vulnerable Persons Policy.
4. Client feedback about the practices of Motivate Kids can be communicated according to the Client Complaints, Feedback and Grievances Policy.
5. Motivate Kids has a dedicated Privacy Officer who may be contacted in the following ways:
 - a. Telephone number: (08) 7200 2431;
 - b. Email: rochelle@motivatekids.com.au;
 - c. Postal address: 162 Hampstead Road, Broadview, 5083.
6. Queries and complaints unresolved by the Privacy Officer may be referred to the Office of the Australian Information Commissioner.
7. This Policy is available in pictorial format.

Policy and Procedure

6. Client Communications

1. Motivate Kids understands the needs of different parties to access and view its website as a means of communication of Motivate Kids with the Clients and other parties. In designing and updating the business website, Motivate Kids shall have regard to the Disability Discrimination Act 1992 and make reasonable efforts to provide the information needed to allow equitable access for people with disability.
2. Motivate Kids implements Individual Programs through the delivery of therapy services in accordance with the Individual Programs Policy. In developing and implementing



Individual Programs Motivate Kids recognises and respects the role of the Client, their choices and decisions and the valued inputs that may be included from families, friends, carers and advocates. Furthermore, a family-centred approach to the delivery of therapy services is central to the development of a child's program.

3. It is expected that all staff conduct themselves in a manner appropriate to the situation at all times. This extends to communication with other staff, Clients and other related parties.
4. Motivate Kids uses a variety of means for communication with Clients:
 - a. Face-to-face verbal communication;
 - b. Telephone calls;
 - c. Email;
 - d. Website;
 - e. Brochures;
 - f. Notice boards at Motivate Kids;
 - g. Information sheets;
 - h. Letters and newsletters/distribution lists;
 - i. Employee handbooks and manuals.
5. Information published on the website and printed media i.e. brochures, information sheets, etc. shall be kept accurate and up-to-date.
6. Motivate Kids may use approved AI tools to help prepare communications to Clients and has strict protocols regarding the use of AI tools.

7. Collecting and Handling Information

1. As part of its daily operations Motivate Kids collects, stores, retains, uses and discloses Client, staff and supplier information some of which will be considered confidential. Disclosure of confidential information to third parties is described in Information Sharing Guidelines which must be followed at all times.
2. Motivate Kids may use approved AI tools to support the collection, processing and documentation of Client information, as set out in its AI Framework.
3. We retain Client information for 7 years post discharge of services, in accordance with NDIS requirements.
4. Motivate Kids may collect information using a variety of means, including:
 - a. Face-to-face verbal communication;
 - b. Telephone calls;
 - c. Email;
 - d. Written Communication via letters, application forms, website forms and messages;
 - e. Business transactions;
 - f. Publicly available information sources (telephone directories, internet websites and social media, etc.);
 - g. Direct marketing databases.
5. Information collected through publicly available information sources shall not be considered confidential and shall be managed in accordance with the Australian Privacy Principles.



6. Motivate Kids shall take reasonable measures to ensure the integrity of Client information; it shall be kept accurate, complete and up-to-date.
7. Motivate Kids shall only use lawful means of collecting information collected directly from the Client unless the Client consents to the information being collected from another individual or entity, or Motivate Kids has a lawful obligation to do so.
8. An Authority to Release Information Form shall be completed by Clients in Splose prior to information being collected from other sources or provided to other parties. This form shall be kept on the Client's file.
9. When collecting information from a third party without direct consent or inquiry from the Client, Motivate Kids shall take reasonable steps to notify the Client of:
 - a. Motivate Kids identity and contact details;
 - b. The fact that the information has been collected from a third party;
 - c. The lawful obligation Motivate Kids has to collect this information, if any;
 - d. The purpose of collecting the information;
 - e. The expected consequences of not collecting this information;
 - f. Any other third party to which this information may be disclosed;
 - g. This Policy that outlines how and why information may be collected;
 - h. Whether the information is likely to be disclosed to overseas recipients and in which countries those recipients are likely to be located.
10. Motivate Kids shall only collect information about the Client that is directly relevant to effective service delivery and performing Duty of Care responsibilities.
11. In some cases, Motivate Kids may be unable to respond to a Client's request or provide services without collecting information about the Client.
12. Client information received by Motivate Kids without prior request shall be considered unsolicited and shall be de-identified or destroyed unless:
 - a. This information is publicly available and could have been collected in line with the Australian Privacy Principles; or
 - b. This information is contained within a Commonwealth record.

8. Confidential Information

1. Confidential information may include:
 - a. Personal information: name, date of birth, home address, telephone number, photographs, etc.;
 - b. Information about medical conditions and health status;
 - c. Information about personal preferences;
 - d. Client's individual program;
 - e. Sensitive information.
2. Confidential information may be requested and retained where it is necessary to:
 - a. Assess a potential Client's eligibility for a service;
 - b. Provide a safe and responsive service;
 - c. Monitor the services received;
 - d. Fulfil duty of care responsibilities;
 - e. Fulfil contract requirements to provide information to a funding (e.g. NDIS, Medicare), or auditing body (e.g. Australian Taxation Office, Accountant, External Auditor).



3. Sensitive information shall only be collected with consent and when it is reasonably necessary for delivery of Client services.
4. Motivate Kids shall hold Client information only as long as it remains relevant to the delivery of services and fulfilling the Duty of Care unless other lawful obligations apply. Once it is no longer required to hold the information, Motivate Kids shall take reasonable steps to destroy or de-identify it.
5. Where Motivate Kids uses an AI tool with confidential or identifying Client information, this is done in accordance with the AI Framework, including obtaining Client consent.
6. Where confidential information is disclosed it will not be to overseas recipients unless required by law or another authority or a Client has expressly requested the provision of information to an overseas recipient.
7. A Client may make a written request to access their confidential information kept by Motivate Kids. Within a reasonable timeframe Motivate Kids shall provide a written response containing the requested information or an explanation of the circumstances that prevent Motivate Kids from disclosing it along with the details for how the Client can appeal that decision or make a complaint.
8. Motivate Kids will review any request following the Flow Chart contained in the Appendix to this Policy to determine whether information requested should be shared (save for requirements by law, or under Information Sharing or Duty of Care Principles).
9. Any requests made to Motivate Kids to release a Client's confidential information shall be recorded and kept on the Client's file.

9. Keeping Information Confidential

1. Motivate Kids shall keep all documents containing confidential information stored privately in a locked filing cabinet (or similar place with restricted access); digital files containing confidential information shall be protected electronically by restricting the access to only those requiring it to perform their duties.
2. To keep information confidential Motivate Kids staff are required to:
 - a. Not discuss a Client or their treatment with another person, even in a social setting, unless the Client has provided permission to do so i.e. in the case of an advocate, family member, friend or carer;
 - b. Seek consent of the Client or family prior to obtaining information from any other source;
 - c. Ensure confidential documents are out of sight and reach in public areas;
 - d. Ensure Client information is not disclosed to agencies that are not involved with the Client;
 - e. Not enter Client names or other identifying information into an AI tool unless the tool has been approved for that purpose;
 - f. Review and check the accuracy of any AI-generated content before it is used, sent to a Client or family member, or placed on a Client's file;
 - g. Ensure Client names or other identifying information is not to be displayed on notice boards, whiteboards, etc. where they are open to view by another Client or member of the public;



- h. Ensure photographic, video or other identifying images are not displayed or aired publicly without the prior written consent of the Client or family;
 - i. Destroy personal information kept on file in a secure manner once it is no longer needed;
 - j. Ensure that if public comments are requested, the CEO is consulted and confidential information is not disclosed.
3. There may be instances such as mandatory notification where confidential information must be disclosed. Motivate Kids shall do so in compliance with the Information Sharing Guidelines and Vulnerable Persons Policy. These instances may include:
 - a. A serious or imminent threat to an individual's life, health or safety or a potential serious threat to public health or safety;
 - b. Preventing, detecting, investigating, prosecuting or punishing of criminal offences and other breaches of the law that attract a penalty;
 - c. Preventing, detecting, investigating or remedying of seriously improper conduct or prescribed conduct;
 - d. Preparation or conduct of proceedings before any court or tribunal.
 4. Motivate Kids shall promptly investigate, remedy and document any grievance regarding actual or suspected confidentiality breaches in accordance with the Client complaints, Feedback and Grievances Policy, Data Breach and Cyber Security Policy, and Performance Management and Disciplinary Policy.
 5. Motivate Kids shall amend a Client's confidential information on request if it can be shown that the newly collected information is correct and unless:
 - a. It is unlawful to change the information;
 - b. Changing the information will pose a serious threat to the life or health of any individual;
 - c. The request is believed to be frivolous or vexatious.
 6. Where a request for disclosure of confidential health information is made under section 16B of the Privacy Act 1988 (Cth) Motivate Kids shall take all reasonable steps to de-identify the information before it is disclosed.
 7. Client files shall remain confidential after service provision has stopped or on transfer/closure of the business. In the event that Client files are archived State Archiving shall be contacted and their recommendations shall be considered in line with legislative requirements and requirements for Aboriginal descent Client files.

10. Training

Motivate Kids shall provide information and training to all staff and management about this Policy and its application.



11. Commencement and Review

Approval and Review	
Date of commencement	1st October 2018
Current Version	1.3
Approved	Rochelle Mutton
Review Frequency	Every 3 years
Date of next review	1 st October 2027
Document owner	Director of Therapy

Review History		
Date	Version	Details
1/10/2018	1.0	New policy
30/12/2020	1.1	Updated Definition
1/10/2024	1.2	Minor update to adjust to changing operational requirements
31/8/2026	1.3	Updated for retention of confidential information and AI use

12. Documents

Confidential Information Request Flow Chart

13. References

1. Internal
 - a. Appendix Issued Pursuant to the Information Sharing Guidelines;
 - b. Client Complaints, Feedback and Grievances Policy;
 - c. Data Breach and Cyber Security Policy;
 - d. Individual Programs Policy;
 - e. Performance Management and Disciplinary Policy;
 - f. Recruitment and Induction Policy;
 - g. Training and Registrations Policy;
 - h. Vulnerable Persons Policy.
2. External
 - a. Australian Occupational Therapy Competency Standards (AOTCS) 2018;
 - b. Australian Privacy Principles;
 - c. Disability Discrimination Act 1992;
 - d. Information Sharing Guidelines for Promoting Safety and Wellbeing;
 - e. NDIS Code of Conduct Rules;
 - f. National Disability Insurance Scheme (Protection and Disclosure of Information) Rules 2013;
 - g. NDIS (Quality Indicators) Guidelines 2018;
 - h. Notifiable Data Breaches Scheme (Privacy Act section 26);
 - i. Privacy Act 1988.



Appendix - Confidential Information Request Flow Chart

This flow chart guides staff through assessing a request for a Client's confidential information (referenced in Section 8.7 above). It is reproduced here as a sequence of decision points, following the logic of the original diagram:

1. Feedback/complaint received or request made.
2. Management review.
3. Clarify the purpose of the information request.
4. Review information being requested.
 - a. Is the information requested by law (subpoenaed/requested by court or police) or for duty of care/information sharing reasons to protect safety?
 - i. If yes: advise CEO and share information with legal/authorities.
 - ii. If no: continue.
 - b. Is the information requested going to be shared with a 3rd party?
 - i. If no: share information.
 - ii. If yes: continue.
 - c. Is the information requested sensitive information? (refer definitions)
 - i. If no: consider sharing a summary of information or request consultation to explain content.
 - ii. If yes: continue.
 - d. Would sharing the information prevent me from complying with the Code of Ethics set out by OT Australia?
 - i. If yes: refer to CEO to decline sharing information.
 - ii. If no: continue.
 - e. Is there a risk that releasing the information could cause harm or be misinterpreted?
 - i. If yes: seek consent from CEO on which information should be shared.
 - ii. If no: write a summary letter based off case notes that addresses information being requested. (Note: Direct case notes are not to be shared.)

