



Position statement

MannaCare Inc. (**MannaCare**) is committed to upholding the privacy and dignity of our residents, visitors and staff. Recording other people without their consent can breach privacy and surveillance laws and their rights to privacy and dignity including under the Charter of Aged Care Rights. For this reason, MannaCare does not allow residents or visitors to install video or audio recording devices in residents’ rooms or other private areas in our aged care facilities.

The purpose of this statement is to outline MannaCare’s position on the installation, maintenance and/or use of visual or audio surveillance devices in residents’ rooms and other private areas in our residential care facilities to ensure that the rights of our residents, visitors and staff are upheld.

Scope of this position statement

Abiding by this statement is a condition of occupancy of and visitation to our facility.

For the avoidance of doubt, nothing in this statement applies to the use of personal devices to photograph and/or video images and/or other communications between parties where all those depicted and/or recorded are present and consent to the recording. For example, residents are free to take photographs or videos with their loved ones in their rooms.

What types of devices are covered?

This position statement covers optical surveillance devices which are devices such as cameras that can visually record or observe an activity as well as audio (listening) devices. Common examples include handheld devices such as mobile phones and tablets with a camera and ‘hidden/spy cameras’ as well as listening or ‘bugging’ devices.

Using a surveillance device in a MannaCare facility

Residents and their families are welcome to take photos, videos and recordings of each other while on the premises with the consent of all parties. However, photographing, recording or videoing another person without their knowledge or consent is not permitted.

All persons are advised that some residents and visitors (eg children) may not have capacity to give valid consent. Individuals who want to photograph or record anyone that they believe may not be able to give consent are directed to contact the Executive Management Team via the Facility Manager.

Residents, their representatives and visitors are not permitted to install any type of surveillance device on our property of MannaCare.

Installing a surveillance device for clinical reasons

MannaCare may install an appropriate monitoring device in a resident’s room (which may include a surveillance device) if:

- It is satisfied that it is clinically required to meet a resident’s care needs; and
- It has consent from the relevant parties, including the resident.

Where a resident lacks decision making capacity, representatives are unable to provide lawful consent on behalf of the resident to be recorded, unless they have a specific legal authority to do so. This will typically require an

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Title	Surveillance Devices Position Statement	
Department	Residential	Policy
Approved by	Board	



order from the Victorian Civil and Administrative Tribunal giving the representative authority to make this decision.

Where a person believes that the installation of a surveillance device is required to meet the clinical needs of a resident, they may make a request to the Executive Management Team via the Facility Manager.

What will happen if staff find a surveillance device?

If we find a surveillance device in a resident's room that has been installed without our consent, the device will be switched off and removed. In these circumstances, MannaCare may take further action to protect the rights of its residents, visitors and staff, including reporting the matter to the police or other authorities.

Privacy Policy

MannaCare Privacy Policy contains more detailed information about the way that MannaCare uses and discloses the personal information that it holds including how individuals can:

- access the personal information that MannaCare holds about them and seek the correct of such information; and
- complain about a breach of the Australian Privacy Principles, and how MannaCare will deal with such a complaint.

Any individuals with concerns, questions or requests about this position statement, or how MannaCare deals with personal information, are directed to contact the Privacy Officer on 1300 90 20 23 or contact@mannacare.org.au.

Date of this statement: *This statement applies from May 2024 and may be amended from time to time, at the discretion of MannaCare. Please contact the Privacy Officer on 1300 90 20 23 or contact@mannacare.org.au if you would like a copy of the updated version of this statement.*

Disclaimer: *The information provided in this policy sheet is intended to be general in nature and does not and constitute legal advice. You should always obtain your own legal advice about your own circumstances.*

Prompt Doc No: MAN0227239 v1.0		
First Issued: 11/06/2024	Page 2 of 2	Last Reviewed: 11/06/2024
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