

6.3 Practice privacy policy

6.3.1 Policy

The *Privacy Act 1988* and the *Australian Privacy Principles* require our practice to have a document that clearly sets out its policies on handling personal information, including health information.

This document, called a Privacy Policy, outlines how we handle personal information collected (including health information) and how we protect this information.

Our practice has used the privacy policy template available from the RACGP and this has been adapted to reflect how our practice collects and uses personal information.

Our privacy policy is displayed in the waiting room, on the practice information sheet and practice website and is readily presented to anyone who asks.

Our collection of information statement informs patients about how their personal health information will be used, including by other organisations to which the practice usually discloses patient information to, and any law that requires the particular information to be collected. Patient consent to the handling and sharing of personal patient health information is sought and documented early in the process of clinical care, and patients are made aware of the collection statement when giving consent to share health information.

According to the *Privacy Act 1988* and the *Australian Privacy Principles*, an organisation may use or disclose personal health information for a purpose (the secondary purpose) which is directly related to the primary purpose of collection without seeking consent, but only if the individual would have a reasonable expectation that the information could be used or disclosed for that secondary purpose.

A directly related secondary purpose for the use and disclosure of personal health information in our practice includes the many activities necessary for the provision of a health service, such as management, funding and monitoring, as well as complaint-handling, planning, evaluation and accreditation activities.

It is essential to recognise the importance of 'reasonable expectation' as many individuals may be unaware of the range of activities for which their personal health information may be used and disclosed, such as the accreditation processes. Our practice ensures we tell patients how, and for what purpose, personal health information collected about them could be used or disclosed.

Patients are advised of this 'secondary purpose' in a number of ways, including:

- At the time of the consultation with a general practitioner
- Via the practice privacy statement in the practice information sheet
- Via the practice privacy statement on signage on the walls of the practice, and/or

- By reading, understanding and signing a new patient information form when first registering at the practice, which incorporates the practice privacy statement.

It is important we maintain a patient's right to 'opt out' of the secondary purpose through refusal to consent. If an individual expresses negative views or opposition when made aware of a proposed secondary use or disclosure of their personal health information, this would indicate that they have a reasonable expectation that their personal health information will not be used or disclosed in that manner, and their non-consent is recorded on file.

6.3.2 Procedure

We inform our patients about our practice's policies regarding the collection and management of their personal health information via:

- A sign at reception
- Brochure(s) in the waiting area
- Our practice information sheet
- New patient information forms
- Verbal means if appropriate, and
- Our practice website.

Our practice privacy policy states:

Introduction

The privacy policy is to provide information to you, our patient, on how your personal information (which includes your health information) is collected and used within our practice, and the circumstances in which we may share it with third parties.

Why and when your consent is necessary

When you register as a patient of our practice, you provide consent for our GPs and practice staff to access and use your personal information so they can provide you with the best possible healthcare. Only staff who need to see your personal information will have access to it. If we need to use your information for anything else, we will seek additional consent from you to do this.

Why do we collect, use, hold and share your personal information?

Our practice will need to collect your personal information to provide healthcare services to you. Our main purpose for collecting, using, holding and sharing your personal information is to manage your health. We also use it for directly related business activities, such as financial claims and payments, practice audits and accreditation, and business processes (e.g. staff training).

What personal information do we collect?

The information we will collect about you includes your:

- Name, date of birth, addresses, contact details

- Medical information including medical history, medications, allergies, adverse events, immunisations, social history, family history and risk factors
- Medicare number (where available) for identification and claiming purposes
- Healthcare identifiers and health fund details

Dealing with us anonymously

You have the right to deal with us anonymously or under a pseudonym unless it is impracticable for us to do so or unless we are required or authorised by law to only deal with identified individuals.

How do we collect your personal information?

Our practice may collect your personal information in several different ways.

1. When you make your first appointment our practice staff will collect your personal and demographic information via your registration. Please see our Privacy Information Brochure attached to the patient registration form which states how we collect and use your personal information
2. During the course of providing medical services, we may collect further personal information. Information can also be collected through electronic transfer of prescriptions (eTP), My Health Record, e.g. via Shared Health Summary, Event Summary.

We may also collect your personal information when you visit our website, send us an email or SMS, telephone us, make an online appointment or communicate with us using social media.

3. In some circumstances personal information may also be collected from other sources. Often this is because it is not practical or reasonable to collect it from you directly. This may include information from:
 - Your guardian or responsible person
 - Other involved healthcare providers, such as specialists, allied health professionals, hospitals, community health services and pathology, and diagnostic imaging services
 - Your health fund, Medicare, or the Department of Veterans' Affairs (as necessary)

When, why and with whom do we share your personal information?

We sometimes share your personal information:

- With third parties who work with our practice for business purposes, such as accreditation agencies or information technology providers – these third parties are required to comply with APPs and this policy
- With other healthcare providers
- When it is required and authorised by law (e.g. court subpoenas)
- When it is necessary to lessen or prevent a serious threat to a patient's life, health or safety or public health or safety, or it is impractical to obtain the patient's consent
- To assist in locating a missing person
- To establish, exercise or defend an equitable claim

- For the purpose of confidential dispute resolution process
- Where there is a statutory requirement to share certain personal information (e.g. some diseases require mandatory notification)
- During the course of providing medical services, through eTP, My Health Record (e.g. via Shared Health Summary, Event Summary).

Only people who need to access your information will be able to do so. Other than in the course of providing medical services or as otherwise described in this policy, our practice will not share personal information with any third party without your consent.

We will not share your personal information with anyone outside Australia (unless under exceptional circumstances that are permitted by law) **without your consent**.

Our practice will not use your personal information for marketing of any goods or services directly to you without your express consent. If you do consent, you may opt out of direct marketing at any time by notifying our practice in writing.

How do we store and protect your personal information?

Your personal information may be stored at our practice in various forms.

e.g. as paper records, electronic records, visual records (X-rays, CT scans, videos and photos), audio recordings.

Our practice stores all personal information securely.

Personal information is stored securely (e.g. electronic format), in protected information systems or in hard copy format in a secured environment. All electronic communication is via encrypted data and contains multiple password layers. Onsite records are stored in secure cabinets including confidentiality agreements for staff and contractors. Our IT is managed by an external provider who is not able to access practice data.

How can you access and correct your personal information at our practice?

You have the right to request access to, and correction of, your personal information.

Our practice acknowledges patients may request access to their medical records. We require you to put this request in writing, our receptionist can provide you with a personal detail update form to change your personal information and will endeavour to update your record on the day of your visit.

You may request a health summary of your health information – a small processing fee to cover administration and postage of these requests apply. Provision of this information to a third party (e.g. insurers) will be discussed on an individual basis and consent and process documented in your clinical file.

Our practice will take reasonable steps to correct your personal information where the information is not accurate or up to date. We will regularly ask you to verify that your personal information held by our practice is correct and current. You may also request that we correct or update your information, and you should make such requests in writing. Please ask reception for the appropriate form.

How can you lodge a privacy-related complaint, and how will the complaint be handled at our practice?

We take complaints and concerns regarding privacy seriously. You should express any privacy concerns you may have in writing. We will then attempt to resolve it in accordance with our resolution procedure.

Our Privacy Officer is the Practice Manager. They can be contacted in writing or in person at Care Family Practice, 264 Manningham Road, Templestowe Lower, VIC 3107 or phone (03) 9852 4440.

You should expect an acknowledgement from the practice within 48 hours specifying the expected turnaround time for our response. You will receive a response to any and all identifiable feedback.

You may also contact the OAIC. Generally, the OAIC will require you to give them time to respond before they will investigate. For further information visit www.oaic.gov.au or call the OAIC on 1300 363 992.

Policy review statement

This privacy policy will be reviewed regularly to ensure it is in accordance with any changes that may occur. Updates will be notified by signage in our waiting room, updates to our privacy brochures and via our website.

You may also receive a text regarding changes to our policies if you have nominated to be contacted this way.

Remember you may update your preferred method of contact at any time with our friendly staff.

Prior to a patient signing consent to the release of their health information, patients are made aware they can request a full copy of our privacy policy.

Patient consent for the transfer of health information to other providers or agencies involved in the patient's healthcare (e.g. treating practitioners and specialists outside the practice) is obtained at the patient's first visit to our practice through the *New Patient Information Form*. Once signed, this form is scanned into the patient's health record and its completion is noted.