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INTRODUCTION

Albany Community Hospice (ACH) is committed to ensuring personal information (including health and sensitive information) is professionally managed in accordance with the *Privacy Act 1988 (Cth)*, Australian Privacy Principles and other relevant and current legislation.

PURPOSE AND SCOPE

The purpose of this policy is to clearly communicate how ACH manages personal information by explaining what, how and why personal information is collected, used, disclosed, secured, accessed, corrected, amended, retained and how to make a Privacy complaint.

DEFINITION OF TERMS USED

Personal Information

Personal Information as it is defined in the *Privacy Act 1988 (Cth)* means:

- "information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - whether the information or opinion is true or not; and

- whether the information or opinion is recorded in a material form or not"

Health Information

Health Information as it is defined in the *Privacy Act 1988 (Cth)* is a particular subset of "personal information" and means information or an opinion about:

- "the health or a disability (at any time) of an individual; or
- an individual's expressed wishes about the future provision of health services to him or her;
- or a health service provided or to be provided to an individual, that is also personal information."

Sensitive information

Sensitive information as it is defined in the *Privacy Act 1988 (Cth)* is a particular subset of "personal information" means:

- information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, that is also personal information; or
- health information about an individual; or
- genetic information about an individual that is not otherwise health information; or
- biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- biometric templates.

ROLES AND RESPONSIBILITIES

Board of Management

Ensures the organisation adheres to all legislative requirements relating to the collection, use, storage and disclosure of personal information including health and sensitive information by providing adequate resources.

Clinical Hospice Manager

Ensures implementation and maintenance of systems, resources, education and training for all employees to ensure compliance with all legislative requirements relating to the collection, use, storage and disclosure of personal information including health and sensitive information.

Employees

To ensure that they understand and comply with the legislative requirements to safely and securely collect, use, store and disclose personal information including health and sensitive information in the course of their duties.

POLICY STATEMENT

Managing Personal Information

The Australian Privacy Principles (APPs) regulate how ACH may collect, use, disclose and store personal information and how individuals (such as patients) may access and correct personal information which ACH holds about them.

ACH collects and uses personal information in order to provide specialist palliative health care services. ACH may store personal information in various forms, including paper or an electronic

record system. ACH complies with the APPs, and this Privacy Policy, in respect of personal information in whatever form that information is stored.

Collection of Personal Information

What information does ACH collect?

ACH collects information from patients that is necessary to provide optimal care and treatment such as, advance care plans, full medical history, family medical history, ethnic background, contact details, Medicare/health fund details, pathology results, digital images of operative procedures, current lifestyle.

ACH may also need to obtain information from other sources such as other doctors, GP practices, hospitals, pathology labs, physiotherapists, dentists.

ACH also collects information during the course of its business functions such as job applications, staff and volunteer personal details, financial records, information about other organisations, and community and stakeholder information.

How does ACH collect personal information?

ACH collects personal information directly from the individual concerned where it is reasonably practicable to do so. This may take place when the individual answers questions and completes documents such as an admission, health insurance claim or other form, provides information over the telephone, is treated at ACH, or applies for a job.

Sometimes, ACH may need to collect information about an individual from a third party such as:

- A responsible person or representative (e.g. guardian)
- An individual's health service provider including specialists
- A health professional who has treated the individual
- An individuals' health insurer or other insurer
- An individual's family
- An individual who we are admitting (e.g. we ask them to provide emergency contact details)
- Job referees
- Other sources where necessary to provide our services (e.g. pathology labs) or to assess job applicants (e.g. police checks)

ACH will only do this if consent has been provided to collect information in this way or where it is not reasonable or practical to collect this information directly from the individual, such as where the individual's health may be at risk and ACH requires personal information to provide emergency medical treatment.

Withholding sensitive information

An individual may request certain information to be withheld for personal reasons.

Depending on the circumstance and the extent of information withheld, ACH may be unable to admit or treat an individual where it considers the information provided is not comprehensive enough to provide a quality health service.

An individual may choose to be known by a pseudonym (alias) whilst in ACH however the individual's legal name is required for our billing purposes and will be kept confidential.

Use of Personal Information

Personal information will be used to verify an individual's identity, to ensure that they receive the best possible care and to manage the health service effectively.

ACH only uses personal information for the purpose the information was provided unless one of the following applies:

- The other purpose is directly related to the purpose for which the information was provided and the individual would reasonably expect, or has been informed, that the information is usually disclosed for another purpose or to other individuals, organisations or agencies (see paragraphs (a-g) below);
- The individual has consented for ACH to use the information for another purpose;
- ACH is required or authorised by law to disclose the information for another purpose (see paragraph (f) below);
- the disclosure of information by ACH will prevent or lessen a serious and imminent threat to somebody's life or health; or
- the disclosure of information by ACH is reasonably necessary for the enforcement of the criminal law or a law imposing a penalty or sanction, or for the protection of public revenue.

a) Use among health professionals to provide treatment

Personal information will only be disclosed to those health care workers involved in an individual's treatment such as:

- Medical practitioners accredited with ACH and ACH staff providing patient care.
- Other medical practitioners including GPs and other health service providers (eg: palliative Care team, physiotherapist, community health service, another hospital or health facility) providing ongoing/ future care
- An individual may be referred for diagnostic tests such as pathology or radiology and Hospice staff may consult with senior medical experts when determining a diagnosis or treatment.
- Specimens, such as blood samples or tissue specimens may be sent to labs for analysis.

b) Patient's GP

ACH may provide a discharge summary to the patient's GP or referring hospital on discharge from ACH. The summary provides details of the patient's admission, treatment, medication and any special instructions following discharge.

c) Other health service providers including Community Support Services

ACH may release relevant information to other health service providers including community support services to enable them to provide services during an individual's admission and following discharge from ACH if required.

d) Relatives, guardian, close friends or legal representative

General information about a patient's condition may be provided to:

- Their next of kin or a near relative, parent, child, other relatives, close personal friends, guardians, or a person exercising power of attorney under an enduring power of attorney or an appointed enduring guardian, unless otherwise advised.
- Outcome of any treatment may be provided to a patient's next of kin (or authorised person identified in admission documentation) unless otherwise advised.

e) Research

Personal information (de-identified) may also be used for research that will help provide better healthcare for the community.

No personal, identifiable information will leave ACH for research without prior consent from the individual.

f) Other common uses

In order to provide the best possible environment in which to treat an individual, ACH may also use health information where necessary for the management of ACH and its service such as:

- training and education, quality assurance, accreditation, audits, risk and claims management and complaint handling. This also includes collection of information from patient satisfaction surveys.
- For account keeping and billing purposes including health fund reporting;
- to meet Hospice obligations of notification to the insurers, health department reporting;
- to liaise with an individual's health fund, Medicare or the Department of Veteran's Affairs and where required provide information to the health fund, Medicare or the Department of Veteran's Affairs to verify treatment provided, as applicable and as necessary;
- where legally required to do so, such as:
 - producing subpoenaed records to court
 - mandatory reporting of information to:
 - State Health Department and Federal authorities including the notification of diagnosis of certain communicable diseases
 - Private Hospitals Data Bureau
 - Registrar General's Office
 - Cancer Registry
 - Private health insurers
 - other law enforcement or public health and safety reporting in order to prevent or lessen a serious threat to an individual's life, health or safety
- Service providers engaged to provide services to ACH for example, manufacturers and suppliers of medical devices, providers of pathology and radiology.

g) Contractors

Where ACH outsources any services or hires contractors to perform professional services within ACH they are required to comply with the *Privacy Act 1988 (Cth)* (or other relevant privacy legislation) and the Privacy Policy.

h) Other uses with your consent

With consent, ACH may also use an individual's information for other purposes such as inclusion on a marketing mail list, fundraising. ACH will not use an individual's information in this way unless ACH is provided with express consent for this purpose.

i) CCTV

Albany Health Campus (the Hospital) has external camera surveillance system (commonly referred to as CCTV), for the purpose of maintaining the safety and security of its staff, patients, visitors and other attendees to the Hospital which also covers ACH. The CCTV systems may, but will not always, collect and store personal information. Albany Health Campus's Privacy Policy ensures that they will comply with the APPs in respect of any personal information collected via its CCTV systems.

j) Contracted services

ACH provides health services to public patients under contracts with government. For services provided under any such arrangements, ACH will provide an individual's personal and health information to those government agencies as required under those contracts.

k) Job applications

ACH collects personal information of job applicants for the primary purpose of assessing and (if successful) engaging applicants.

The purposes for which ACH uses personal information of job applicants include:

- managing the individual's employment or engagement;
- insurance purposes;
- ensuring that it holds relevant contact information; and
- satisfying its legal obligations.

ACH may also store information provided by job applicants who were unsuccessful for the purposes of future recruitment for a period of 12 months.

l) Application for accreditation by health professionals

ACH collects personal information from health professionals seeking accreditation and submitting to the credentialing process. Personal information provided by health professionals in this context is collected, used, stored and disclosed by ACH for the purposes of fulfilling its obligations.

Access to and Amendment of Personal Information

Access to Personal Information

In accordance with the *Freedom of Information Act 1982* and current Privacy laws, an individual has the right to make a written application for access to their medical record and/or personal information held by ACH.

Access may be denied where:

- there is a legal impediment to access;
- the access would unreasonably impact on the privacy of another;
- the request is frivolous;
- the information relates to anticipated or actual legal proceedings and the individual would not be entitled to access the information in those proceedings;
- in the interests of national security.
- to provide access would create a serious threat to life or health.

No application fee is charged, however an administration and copying fee may be charged. The request will be actioned within 30 days of receipt.

Amendments to Personal Information

An individual has the right to have access to their personal and health information that is held by ACH.

ACH will allow access or make the requested changes unless there is a reason under the *Privacy Act 1988 (Cth)* or other relevant law to refuse such access or refuse to make the requested changes.

An individual can also request an amendment to their health record should they believe that it contains inaccurate information.

If ACH does not agree to change the medical record in accordance with an individual's request, a statement of the requested changes will be enclosed with the health record.

All requests to obtain access to or request changes to an individual's health record must be made in writing to ACH Manager.

Data Quality

ACH will take reasonable steps to ensure that personal information which we may collect, use or disclose is accurate, complete and up-to-date.

Data Security

ACH takes reasonable steps to protect personal information from misuse, interference, loss, unauthorised access, modification or disclosure. ACH uses technologies and processes such as access control procedures, network firewalls, encryption and physical security to protect an individual's privacy.

ACH will destroy or permanently de-identify any information which is in its possession or control and which is no longer needed for the purpose for which it was collected/provided. ACH is not required under an Australian law or court/tribunal or otherwise to retain the information.

Health information is stored in a medical record that is kept securely on the electronic health record system, PalCare. Other information is kept secure in record systems such as lockable filing cabinets and also located within the organisation's password-protected computer system. ACH maintains strict policies regarding who has the authority to access personal information. All Hospice staff are bound by a formal code of conduct about the confidentiality of personal information. ACH educates and monitors staff to ensure information is handled confidentially and with respect and care.

Personal and health information is retained for the period of time determined by applicable Australian laws after which it is de-identified or disposed of in a secure manner.

For more information about the creation, storage, access, archiving and destruction of records see the Records Management Policy.

RELATED DOCUMENTS

The following documents are associated with this policy:

Legislation

- *Privacy Act 1988 (Cth)*
- *Freedom of Information Act 1982*

Internal Linked Documents

- Privacy Statement
- Patient Privacy Information Consent Form
- Records Management Policy

National Safety and Quality Health Service Standards

- Standard 1 – Clinical Governance
- Standard 2 – Partnering with Consumers
- Standard 5 – Comprehensive Care
- Standard 6 – Communicating for Safety

REFERENCES

- *Privacy Act 1988 (Cth)*
- Bethesda Privacy Policy 2014 accessed on 5/01/2017 at <https://www.bethesda.org.au/documents/BH-PrivacyPolicyJul2014.pdf>
- Institute of Community Directors – <https://www.communitydirectors.com.au/icda/policybank/>
- National Safety and Quality Health Service Standards

DOCUMENT CONTROL

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Version Control

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