

Personal Information Management Policy

To enable us to provide you with treatment we need to collect personal information from you. What we do with the information, and how we protect it is dictated to us by both Australian and NSW Privacy Laws.

This policy explains in a general way what sort of personal information we need to collect, why we collect it, what we do with it, and who we are legally required to disclose or release your personal information to.

WHAT IS PERSONAL INFORMATION & WHAT IS HEALTH INFORMATION

Personal information: Means information or an opinion about an identified individual, or an individual who is reasonably identifiable (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in material form or not. Obvious examples include a person's name and address, medical / health records, financial institution account details, photographs of individuals, videos containing individuals, biometric information (thumb / iris scans), information about likes and dislikes, place of employment.

Health information: Means information or an opinion about (a) the health or a disability of an individual; or (b) an individual's expressed wishes about the future provision of health service to him or her; or (c) a health service that has been provided. It also includes other personal information collected to provide, or in providing a health services such as notes on symptoms, diagnosis and treatments given; results of tests and investigations; doctors notes; billing details; or other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or genetic information about an individual in a form that is, or could be predictive of the health of the individual or a genetic relative of the individual.

REQUIREMENTS OF THE LEGISLATION

There are several state and federal laws that govern the way we must manage your personal information.

The first Australian Federal legislation is the Commonwealth Privacy Act (1988). This legislation was not sufficient to protect highly sensitive personal information disclosed by patients to health care facilities so In December 2000 an Amendment was made to this legislation by the Commonwealth Privacy Commissioner with the additional of the National Privacy Principles (2001).

These changes instructed health care facilities how to collect, use, disclose, and protect the information you give us. It also prescribed how we must enable you to access the personal information we keep in your Medical Record.

In 2012 the Commonwealth made further changes to the law that is known as the 2012 Privacy Amendment (Enhancing Privacy Protection) Act (2012) to increase the level of protection and security required for hospitals who store information about you.

WHY WE COLLECT YOUR PERSONAL INFORMATION

Your personal information is collected by us for two reasons.

The first is to provide you with treatment and the other to comply with our legal obligations.

HOW LONG DO WE KEEP YOUR INFORMATION

The duration we keep your information is defined by law. We keep records longer in the case of a child patient than the duration that records are kept for an adult. Please ask our office staff who will be more than happy to explain this to you.

DESTRUCTION OF HEALTH RECORDS

Health information and personal information maintained in records is destroyed by shredding and removed by professionals who specialize in document destruction. They provide us with receipts confirming destruction and these are checked by our accreditation auditors once a year.

WHAT PERSONAL INFORMATION WE COLLECT AND KEEP

The information we collect may include the following:

- Name
- Date of birth
- Occupation
- Address (postal and email)
- Telephone numbers
- Health Fund details
- Medicare number
- Pension or other concession details
- Medical history, test results, diagnosis and treatments
- Names and telephone numbers of persons to contact in an emergency
- Banking details to enable the processing of your account

In the case of a medical practitioner applying for credentialing to our hospital or an individual applying for a position, information will be collected relative to the application.

HOW WE COLLECT YOUR PERSONAL INFORMATION

Wherever practicable, we will collect your personal and health information from you directly, unless for a particular reason you are unable to provide the information. We obtain the details when you fill out documents such as:

- A hospital admission form – either electronically or in hard copy
- An administrative form, or you
- Give personal and health information in person or over the telephone
- Complete a job application form
- Complete an application form for accreditation / credentialing (medical professional)

Additionally, we may obtain further information from a third party such as:

- An authorised representative (e.g. your Next of Kin or legal adviser)
- A health service provider
- A health professional who has treated you previously
- A family member
- Other sources where necessary to provide a health service

HOW WE HANDLE YOUR PERSONAL INFORMATION

Personal information is information or opinion that allows others to identify you. At all time we will act in your interest to protect your personal information in accordance with the requirements defined in the privacy laws..

Your Personal information may be used within our facility to audit our health care services and complete the mandatory risk management processes also required of us by state and federal law.

We will only disclose relevant personal information to external organisations to help us provide services to you. These organisations are bound by confidentiality arrangements and legislation.

You can apply to us to have access to the personal information we hold about you. If the information we hold is inaccurate, incomplete, or outdated, please inform us so we can update it.

If we deny access to your personal information, we will let you know why, and you are able to apply to regulatory organisations to request an external review of the decision to refuse access to you..

HOW WE PROTECT THE INFORMATION WE COLLECT ABOUT YOU

Where it is lawful and practicable to do so, you may deal anonymously with us. However, in order for us to provide you with a health service, we will need to know your personal details to allow us to interact discuss your health care needs with other organisations.

CONSENT TO USE AND DISCLOSE YOUR PERSONAL INFORMATION

At the day surgery will only collect and use personal and health information that relates directly to the legitimate purpose for which it is being collected e.g. to provide a health service or an activity relating to the health service.

In most cases, before or at the time of providing you with a health service (if that is not practicable, as soon as practicable thereafter), the collecting staff member obtains your consent to the purposes for which we intend to use and disclose your personal information.

Once you have given us your consent, you have the right to change your mind and withdraw your consent at any time.. However, you need to understand by withdrawing consent, we may not be able to provide you with the health care you requested.

HOW WE USE YOUR PERSONAL INFORMATION

The day surgery staff only use your personal information for the purpose for which you have given it to us unless one of the following applies:

- The other purpose is directly related to the purpose for which you have given us and information and you would reasonably expect, or we have told you, that your information is usually disclosed for another purpose or to other individuals, organisations or agencies
- You have consented for us to use your information for another purpose
- The day surgery is required or authorised by law to disclose your information for another purpose; or
- The disclosure of your information is reasonably necessary for the enforcement of the law.
Examples of when your personal information may be used include:
- To enable other health services providers involved in your treatment to provide continuity of care, for example: referrals to other health professionals within and external of the hospital including your local doctor or if you are transferred to another hospital – either public or private
- Providing an individual with further information about treatment options
- Conveying information to a responsible person (e.g. a parent, guardian, spouse) when the individual is incapable or cannot communicate, unless the individual has requested otherwise
- Conveying information to close family members in accordance with the recognised customs of medical practice
- Management, funding, service monitoring, planning, evaluation and complaint handling
- Legislative and regulatory compliance reporting e.g. notification to the State Coroner
- Health insurance funding and confirming eligibility for a service
- Billing and debt recovery
- Addressing liability indemnity arrangements including reporting to an insurer or legal representative
- Preparing the defence for anticipated or existing legal proceedings
- Research or the compilation or analysis of statistics relevant to public health and safety e.g. reporting a notifiable disease

SHARING YOUR INFORMATION WITH OTHER ORGANISATIONS

With your consent we may also provide your information to other sources.

Contractors: Where the day surgery outsources any services or hires contractors to perform professional services to us, the contractor is also required to provide undertakings to comply with our legal obligations to protect you.

Job Applications: The day surgery collects personal information of individuals who apply for positions within in the facility for the primary purpose of assessing (and if successful) engaging the applicant. This information is then used to:

- Manage the individual's employment
- Insurance purposes
- Ensuring relevant contact information is held
- Satisfying legal obligations.

We may store information about an unsuccessful applicant for the purpose of future recruitment.

Employee Information: Personal information directly related to the employee relationship collected by the day surgery as part of the employment process (including pre employment checks). If you are successful and consequently employed your personal information is no longer regulated by the Privacy Legislation. Management will review employee requests to access to their personal record on a case-by-case basis upon application and we acknowledge the recommendation of the Privacy Commissioner that the personal information of employees should be handled in a manner that is consistent with that for other personal information.

Under the privacy laws the day surgery cannot sell a list of employee names to another organisation for the purposes of marketing.

Volunteer Records: Records of personal information collected and held by the Day Surgery in relation to volunteers will also be managed in accordance with the Australian Privacy Principles.

Applications for Accreditation by health professionals: The Day Surgery collects personal information from health professionals seeking accreditation and credentialing under the terms and conditions defined in our VMO Conditions of Credentialling.

Personal information provided to meet these requirements is collected, used, stored and disclosed by the day surgery for the purposes of fulfilling its obligations within the terms and conditions of that agreement.

WHO WE GIVE YOUR INFORMATION TO

There are circumstances where we are required to collect government identifiers such as Medicare, Pension or Veteran's Affairs numbers.

We will only use or disclose this information in accordance with the law.

MANDATORY REPORTING OBLIGATIONS

We have obligations to provide your information to certain regulatory bodies and health insurers to enable them to monitor and plan health care services in Australia.

In most situations we are able to provide this in a de – identified format which simply means that your name and other identifiers have been removed as the data is for statistical analysis.

SECURITY OF YOUR PERSONAL INFORMATION

We will take all reasonable steps to keep the personal information you provide to us secure and

to protect it from misuse, interference and loss as well as unauthorised access, modification or disclosure.

We have a range of procedures and policies in place to provide a secure environment for the personal (and other information) we hold. Our security measures include but are not limited to:

- Educating our staff about their obligations with regard to your personal information
- Requiring our staff to use passwords when accessing our systems
- Employing firewalls, intrusion detection systems and virus scanning tools to protect against unauthorised persons and viruses entering our systems
- Using dedicated secure networks or encryptions when we transmit electronic data
- Providing secure storage for physical records

When information we hold is identified as no longer needed for any purpose we ensure it is effectively and securely destroyed e.g. by shredding and other means as in the case of electronic records and equipment.

ACCURACY OF YOUR PERSONAL INFORMATION

It is our aim to ensure that the personal information we hold is accurate, complete, up-to-date and relevant. If you believe that any of the information we hold is not accurate, complete or up-to-date, please contact us by applying in writing to the day surgery to have it corrected.

Where we are satisfied that the information we hold is faulty, we will take all reasonable steps to correct the fault. If we are unable to meet your request, we will advise you formally of the reason we cannot change your information.

No charge will be made with respect to a request to correct or for the correction of your personal information.

RELEASE OF INFORMATION OVERSEAS

If we transfer personal information to countries outside Australia, we will only do so in compliance with applicable Australian data protection and privacy laws. We will take all reasonable steps to protect personal information no matter what country it is stored in or transferred to.

ACCESSING YOUR PERSONAL INFORMATION

You can request to access your own personal information as well as your health information held by the day surgery subject to some limited exceptions permitted or by law. Any request must be made in writing to us.

Where the information requested relates to obtaining a copy of your health record, you will be required to complete a form detailing the specific information you require.

You may be charged a reasonable fee for providing this information. Provision of the copied documents will be conditional upon payment of the fee. You will be advised of this when you submit your request.

UNSOLICITED PERSONAL INFORMATION

Unsolicited personal information received by us will as soon as practicable, be destroyed or de-identified if it is lawful and reasonable to do so giving consideration to the options available and the resources and costs of undertaking such actions.

INFORMATION ON OUR WEBSITE

This section of our Privacy Statement explains how we handle any personal information collected when you visit our website.

When you visit the website of the day surgery we do not attempt to identify you as an individual or collect personal information about you unless you specifically provide it to us; for example, you choose to provide your personal details via an online form or by email.

Our website may automatically collect statistics about your visit. We may monitor statistics such as how many people visit our site, the user's IP address, which pages people visit, the domains our visitors come from and which browsers they use. These statistics are used to assist us to improve the performance of our website.

We are, by law, obliged to allow law enforcement agencies and other government agencies with relevant authority to inspect our IP logs, if any investigation warranting such inspection occurs.

Cookies: Our website may collect "cookies" when you access it. While they do not identify individual users

i.e. no personally identifiable information is collected, however they do identify your IP address and browser type. You can choose to either accept or reject cookies either individually or by disabling the function at browser level (which, while not affecting use of the website, may affect its functionality).

Links to Third Party Websites: The day surgery website may contain links to a third party web site from time to time to provide our patients with information. These sites are not subject to our privacy policy and we are not responsible for the privacy of their website or the way they manage the information they collect when you visit it. If you are concerned about the collection of your information on a third party website please take the time to contact them and or read their own privacy policy.

Security: Our information technology consultants have taken every precaution available to us to protect user information collected by it. We have taken steps to protect the loss, misuse and alteration of this information.

MAKING A COMPLAINT OR CONTACTING US

We recognise that even in the best run organisations, things can go wrong. If you have a concern about the personal or health information we collect, use, hold or disclose or you believe we have breached your privacy rights in any way, you may complain. We hope in the first instance that you would contact us and give us the opportunity of resolving the issue you have with you. You may do this in an email, fax or phone call to our Director of Nursing.

If you are not satisfied with our attempts to resolve your issue or our decision you are entitled to apply for an external review under the privacy legislation.

THE LEGISLATION USED TO DEVELOP THIS POLICY

Commonwealth Privacy Act 1988
Privacy Amendment (Enhancing Privacy Protection) Act 2012
Health Records and Information Privacy Act 2002 (NSW)
Australian Privacy Principles 2001 – Privacy Act 1988
Office of the Australian Information Commissioner 2014