

PRIVACY POLICY

Policy No. (new policy)

75/02

<u>CONTACT:</u> Director Corporate Development

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POLICY OBJECTIVE:

The Austin & Repatriation Medical Centre (A&RMC) complies with all Victorian legislation relating to confidentiality and privacy including the *Health Services Act 1988 (Vic)*, the *Health Records Act 2001 (Vic)* and the *Information Privacy Act 2000 (Vic)*. This policy documents the policies on the management of information which includes collection, use and disclosure and access of personal information at A&RMC.

Personal information is recorded information or opinion, whether true or not, about a readily identifiable individual. It includes information identifiable through a unique identifier such as a Unit Record Number (UR), test number, episode number, employee number, client number, tax file number, etc.

POLICY:

- A&RMC will not use or disclose information of a personal nature, except to the extent that this is required, authorised or permitted under law. A&RMC staff are required to be trained to understand their obligations under the laws relating to maintaining privacy.
- A&RMC will only collect information that is necessary to perform its functions. We will always try to do so in a fair, lawful and non intrusive way. Wherever possible, we will collect information directly rather than from third parties. Except in an emergency situation, we will do our best to advise patients if we collect information about them from a third party.
- When A&RMC collects information we will advise the patient why we are collecting it, draw their attention to any law that requires it to be collected, the organisations or type of organisations to whom we usually would disclose it and the consequences for the patient if the information was not provided.

- A&RMC will collect and use patient information for the purpose of providing care and treatment to patients. Unless the patient has instructed A&RMC not to do so, A&RMC may disclose patient information to other health care providers for the purpose of providing further treatment. In an emergency situation, A&RMC will disclose information necessary to allow treatment, regardless of the patient's instruction to A&RMC regarding information sharing.
- A&RMC may use or disclose personal information for other purposes which are permitted under the privacy laws. Examples include: quality assurance activities, research, teaching, public relations, fund raising, mandatory government reporting and statistical analysis. Where possible, information will be de-identified. Where there is no legal obligation on A&RMC to collect or disclose such information, patients have the right to opt out of such activities. A&RMC will inform patients about these uses via the 'Protecting Your Privacy' brochure.
- Aside from where the law specifically allows A&RMC to use or disclose health information, we do not use or disclose information for purposes that are unrelated to the purposes for which we collected the information, without the patient's consent.
- A&RMC will ensure that information is accurate, complete and up to date. Retention of records is in accordance with relevant legislation such as the *Public Records Act (Vic)* 1973, the *Freedom of Information Act (Vic)* 1982 and accreditation guidelines.
 A&RMC is required to hold some records for extended periods. From time to time, A&RMC will conduct audits of records and databases to ensure that the information held is accurate and up to date.
- A&RMC has systems in place to monitor and control access to information. A&RMC staff and authorised external users only have access to the records and computer systems that their duties require. A&RMC computer systems uniquely identify individual users to ensure that access is appropriately authorised. All transactions involving information of a personal nature that can be audited are traceable to an individual A&RMC staff member.
- All A&RMC staff are required to abide by the A&RMC privacy policy. In circumstances where legal sharing of information is required with an outside service provider, contractors will be required to sign a confidentiality agreement. When entering into an agreement, the contractor agrees that the information will only be used and disclosed in accordance with the terms and conditions outlined in the agreement.
- Where an individual authorises A&RMC in writing to release health information to another individual or organisation, a confidentiality agreement with that organisation or individual is not required.
- A&RMC will provide access to personal information held about patients, consistent with the *Freedom of Information Act (Vic) 1982*. However, there are some exceptions to this. For example, A&RMC is not obligated to give patients access to health information held about them, where doing so would unreasonably disclose

information relating to others or where the information would otherwise be exempt from disclosure by law.

- Information held by A&RMC may from time to time need to be transferred to organisations outside Victoria for the purpose of the provision of care. A&RMC will only do this where the patient consents, where we believe that the recipient organisation is subject to binding privacy obligations that are substantially similar to the ones under which we operate; or where it is in the patient's interests for us to do so (and it is impracticable to obtain the patient's consent, and if we were able to ask, the patient would be likely to give consent).
- A&RMC will ensure that any suspected infringements of privacy are thoroughly investigated. A&RMC has fraud prevention strategies to identify procedural and systems weaknesses and continually reviews these strategies. Disciplinary action is taken in cases where investigations or suspected infringements of privacy are proven.

More Information

Further information on this policy or if a patient would like access to their health information, contact:

The Freedom of Information Officer Austin & Repatriation Medical Centre PO Box 5555, Heidelberg, Victoria 3084 Telephone: (03) 9496-3103

If a patient has concerns that we may have infringed their privacy rights, they should write to: The Patient Representative

Austin & Repatriation Medical Centre PO Box 5555, Heidelberg, Victoria 3084

SUBJECT EXPERT/ SUPPORT PERSONNEL:

Subject expertise and/ or support in the implementation of this policy is available from:

- Manager, Health Information Services
 Operations Manager, Health Information Services
 Extension 3709
- Operations Manager, Health Information Services
 Manager, Human Resource Services
 Extension 2739
- Application Project Manager, Information Technology Extension 2687

JENNIFER WILLIAMS

Chief Executive Officer

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