



PRIVACY POLICY

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INTRODUCTION

Albany Community Hospice (the Hospice) 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 the Hospice 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

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- 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.

POLICY STATEMENT

Managing Personal Information

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

The Hospice collects and uses personal information in order to provide specialist palliative health care services. The Hospice may store personal information in various forms, including paper or an electronic record system. The Hospice 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 the Hospice collect?

The Hospice 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.

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

The Hospice 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.

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How does the Hospice collect personal information?

The Hospice 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 the Hospice, or applies for a job.

Sometimes, the Hospice 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)

The Hospice 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 the Hospice 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, the Hospice 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 the Hospice 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.

The Hospice 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 the Hospice to use the information for another purpose;
- The Hospice is required or authorised by law to disclose the information for another purpose (see paragraph (f) below);
- the disclosure of information by the Hospice will prevent or lessen a serious and imminent threat to somebody's life or health; or
- the disclosure of information by the Hospice 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.

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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 the Hospice and the Hospice 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

The Hospice may provide a discharge summary to the patient's GP or referring hospital on discharge from the Hospice. 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

The Hospice 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 the Hospice 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 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 the Hospice 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, the Hospice may also use health information where necessary for the management of the Hospice 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;

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- 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 the Hospice for example, manufacturers and suppliers of medical devices, providers of pathology and radiology.

g) Contractors

Where the Hospice outsources any services or hires contractors to perform professional services within the Hospice 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, the Hospice may also use an individual's information for other purposes such as inclusion on a marketing mail list, fundraising. The Hospice will not use an individual's information in this way unless the Hospice 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 the Hospice. 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

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

k) Job applications

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

The purposes for which the Hospice 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.

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

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I) Application for accreditation by health professionals

The Hospice 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 the Hospice 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 the Hospice.

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 the personal and health information that is held by the Hospice.

The Hospice 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 the Hospice 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 the Hospice Manager.

Data Quality

The Hospice 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

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

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The Hospice 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. The Hospice 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. The Hospice 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. The Hospice 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.

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/>

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