Privacy Policy

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Purpose

This privacy policy outlines the personal information handling practices of Wurli-Wurlinjang Health Service (Wurli).

Background

Most people consider health information to be highly personal, and therefore need to be confident that their privacy will be protected whenever they interact with our health service. The *Privacy Act (1988)* offers privacy protection to individuals and, at the same time, balances this with the legitimate need for us as a health service provider to share information in order to facilitate the provision of quality health care.

In March 2014 the Australian Privacy Principles (APPs) replaced the National Privacy Principles and Information Privacy Principles and apply to organisations, and Australian Government agencies. (http://www.oaic.gov.au/images/documents/privacy/privacy-resources/privacy-fact-sheets/privacy-fact-sheet-17-australian-privacy-principles_2.pdf)

As required under the *Privacy Act (1988)* the Australian Privacy Principles (APP) Policy sets out how Wurli, as an APP entity, collects and manages personal and sensitive information.

Scope

This policy applies to:

- Client's and staff members' personal and health information
- Verbal information, including phone conversations, or other conversations between staff, or between staff and clients, discussions with community members
- Cultural information that staff may become aware of in the course of their work - such information may be highly sensitive
- Written information of any kind – case notes, pathology results, administration files, internal memos etc
- Information stored on computers or other electronic devices
- Images, eg photos, videos of people
- Information held by the organisation contained in employee records that relates to the employment relationship between Wurli and the staff member

It does not apply to:

De-identified information, unless an identity can be worked out or re-identified

Relevant to:

All paid and unpaid persons undertaking work for Wurli or Binjari Health Services, including:

- Paid employees
- Volunteers
- Board members
- Students
- People on work experience
- Researchers
- Specialists
- Allied Health
- Contractors

Responsibility

Responsibility is vested in the Director of Medical Services (client information) and People and Workforce Development Manager (staff information)

Relevant legislation, standards etc

Privacy Act (1988)

Australian Privacy Principles or 'APPs'.

Healthcare Identifiers Act 2010

RACGP Standards for General Practices Criterion 4.2.1 - Confidentiality and privacy of health information

Related Documents

- Privacy Procedures
- Confidentiality Policy
- Confidentiality Procedures
- Confidentiality Agreement
- Conflict of Interest Policy
- Disposition Schedule
- Information Security Policy (refers to IT data security)
- Access to Client health records
- Access to Personnel record
- Destruction of Records/Disposition schedule
- Wurli Web Privacy Statement
- Wurli APP Privacy Statement
- Employee Code of Conduct
- Code of Ethics for Aboriginal Health Workers
- Board of Directors – Rights, Responsibilities, Code of Conduct, Confidentiality
- Wurli Practice Information Brochure "About Our Services"
- Client access to personal record (to be updated)
- IT Security Policy and Procedures

Definitions

Personal information means information or opinions about a person from which that person is reasonably identifiable. Personal information includes sensitive information.

Personal information can be thought of as any information which enable someone to form an opinion (whether true or not) about the identity of a client. This may include, but is not limited to:

- name, address and contact details
- date of birth
- image or photo

Reference: http://www.racgp.org.au/scriptcontent/policy/policydocs/handbook-for-management-of-health-information.pdf, pi)

Sensitive information includes information about a person's beliefs, associations or health, and may include:

- medical history
- Medicare number
- social circumstances
- religious or political beliefs
- ethnic or cultural background
- health services requested or provided
- expressed wishes about the future provision of health services
- memberships and affiliations

Health information means information or opinions about a person's health, or collected in accordance with a health services provided to them. *(RACGP definition)*

Health information is a particular subset of personal information and includes information about a person's health, disability, use of health services, Medicare number and any health information (including professional opinion) about the person or other personal information collected from someone when delivering a health service.

The term 'personal health information' also extends to information about people other than the client, such as the client's family members, that medical practitioners may receive in the course of providing a health service.

This includes not only medical details but also other personal information, such as the client's family details, employment and social circumstances.

Clients. Any person who chooses to use the services of Wurli, including parents, family, carers or guardians of those receiving services.

Australian Privacy Principles. Principles governing the access, use, disclosure, retention and disposal of private information, as stipulated in the Privacy (Private Sector) Amendment Act 2000.

Privacy. That which is confined to or intended only for the person or persons immediately concerned.

Staff. All paid and unpaid persons undertaking work for Wurli Wurlinjang Health Service, such as

- Paid employees
- Volunteers
- Board members
- Students
- People on work experience
- Researchers
- Specialists
- Allied Health
- Contractors

POLICY

General - personal responsibility guidelines for staff

1. All staff are bound by the *Privacy Act (2008)* and the 13 *Australian Privacy Principles (APP)*

2. In all cases, and at all times, workers in the service must respect the privacy of clients, colleagues and the organisation by:

   - only seeking personal information that is needed for service provision; and
   - treating personal information they see and hear with confidentiality, both when inside and outside the organisation.

   This includes people's personal information and their health information.

3. Staff will take reasonable steps to ensure clients understand:

   - what information has been and is being collected
   - why the information is being collected, and whether this is due to a legal requirement
   - how the information will be used or disclosed
   - why and when their consent is necessary
   - Wurli's procedures for access and correction of information, and responding to complaints of information breaches, including by providing this policy.

4. Wurli will:

   - ensure staff comply with the APP and deal appropriately with inquiries or concerns
   - take such steps as are reasonable in the circumstances to implement practices, procedures and systems to ensure compliance with the APP and deal with inquiries or complaints

Organisational Procedures that support privacy management (APP1)

5. Wurli has developed procedures for collecting, storing, disclosing and disposing of the personal information of persons appropriately. Please refer to the Privacy Procedures.

6. All staff will be provided with copies of the privacy policy and privacy procedures on commencement and asked to sign any confidentiality agreements relevant to their role before starting work.

7. Privacy awareness training will be place on the Schedule of Mandatory training.

Anonymity and Pseudonimity (APP2)

8. Clients are permitted to remain anonymous or use a pseudonym (false name or 'handle') in their dealings with Wurli in many circumstances.

Allowable times include:

- When receiving services that they didn't seek out eg participating in health promotion events
- When providing general feedback to the service
- When interacting with the organisation on the website or social media platforms

9. Because it is impractical and may compromise the standard and/or safety of health care, it is not allowable for clients or staff to remain anonymous when

   - Receiving solicited (looked for) health services
   - Working or representing Wurli in a professional capacity
   - Making a formal complaint

   However, wherever practical Wurli will de-identify personal information.

Purpose of Personal Information Collection (APP3)

10. Wurli may only collect information which it needs in order to perform its functions and activities. Therefore we only collect personal information for a limited range of purposes, and it must be possible for Wurli to explain reasons why the information being asked for it is necessary.

    The main categories of functions and activities where personal information may be collected by Wurli include information needed for the provision of:

    - Clinical services
    - Wellbeing services
    - AOD services
    - StrongBala Justice services
    - Strong Indigenous Women's program services
    - Client Services, such as the delivery of letters and messages or provision of transport
    - Medicare Claiming
    - Human Resource (Staff) Management
    - Governance of the service

11. Wurli will notify clients of the kinds of information that will be collected and the purposes they will be used for through the Statement of APP.

12. Wurli will only collect sensitive personal information when a person asks for or seeks involvement with Wurli.

13. In the case of sensitive information, the individual's consent to collect the information must be obtained using the Client Registration and Consent Form.

How personal information will be collected

14. Needed information will be collected directly from the individual where this is reasonable and practical.

15. Wurli may collect personal information from people through a range of different channels including:

- asking them directly
- paper-based and electronic forms (including online forms)
- health consultations
- face-to-face meetings
- telephone conversations
- written communication, including email and facsimile communications
- our website and intranet
- social media sites and accounts

How unsolicited personal information will be handled (APP-4)

16. In line with APP 4 if Wurli receives unsolicited personal information, for example administration accidentally receives a fax about a client's test results, Wurli will establish if the information could have been collected under APP 3 as soon as practical.

17. If so, Wurli will apply APPs 5-13 to the information.

18. If not, Wurli will de-identify or destroy the information as soon as practical, but only if lawful and reasonable to do so.

19. Unsolicited personal information which is retained by Wurli will be afforded the same privacy protection as solicited personal information.

Kinds of information that will be collected and held by Wurli (APP-5)

20. In line with APP 5 Wurli will provide an APP Privacy Notice (included on all registration forms) when it solicits (asks for) personal information

The kinds of **personal information** Wurli might collect and keep includes:

- Name, date of birth, address and contact details
- applications, correspondence (including decision letters), letters of appointment, and other records relating to the performance of the Wurli's administrative functions and activities
- correspondence, curricula vitae, remuneration and travel records and other records including membership lists relating to a range of committees, boards, reference and working groups
- distribution and mailing lists relating to the dissemination of organisational publications, reports, newsletters and other information of interest to clients and partners
- correspondence and other documents relating to contracts, grants, allocations, funding agreements, requests for tenders and other procurement processes

The kinds of **sensitive Information** Wurli might collect and keep includes:

- medical and client records containing health information such as details of an individual's medical history, including details of specific medical conditions, disabilities and medication history
- certain PCEHR records, such as personal information added to PCEHR directly by consumers or uploaded by their healthcare providers information about an individual's racial or cultural background

- records relating to occupational health and safety matters including accident and injury records, compensation and rehabilitation case files
- records relating to personnel, payroll matters, recruitment, disciplinary and counselling matters for staff, contractors and job applicants including security clearances and police record checks
- correspondence, reports and other records relating to internal and external audits, allegations of fraud and compliance investigations
- correspondence and other documents relating to complaints and other feedback provided to Wurli

21. Sensitive information can only be collected with consent and is given a higher level of protection.

22. Wurli will nominate and advertise 2 Privacy Contact Officers, the Director of Medical Services and the People and Workforce Development Manager.

Purposes for which personal information is collected, held, used and disclosed (passed on)

23. The purpose for which the Wurli collects, holds, uses and discloses personal information will vary depending on the function and activity being taken and may include one or more of the following:

- identification
- providing clinical consultations, advice and treatments
- conducting health surveillance activities
- performing Medicare claiming functions
- undertaking health promotion activities and campaigns
- performing personnel functions including work health and safety obligations in relation to our staff
- recruiting and engaging staff
- investigating and responding to complaints about service provision
- researching and evaluating programs and activities
- providing secretariat services to committees, boards, reference and working groups
- providing assistance to or making payments to eligible recipients
- assessing satisfaction with service provision
- administering training programs
- contract management
- managing and responding to correspondence and enquiries from individuals and organisations

24. Information in the possession of the Organisation must be used only for the purposes for which it was acquired (the primary purpose).

25. Wurli will only apply a client's consent for the primary purpose for which it was provided. Staff must seek additional consent from the client if the personal information collected may be used for any other purpose.

26. At Wurli, specific consent needs to be obtained from the client to share information with the following third parties:

- MeHR
- Medicare
- KDH and RDH

- Specialists
- Allied Health

27. We may also require limited disclosure to contractors we engage to act for us or on our behalf, such as IT service providers or allied health providers in order to enable them to provide their services. All contractors engaged in this fashion are required to comply with this policy.

28. Generally, staff will only have access to personal information that is needed for them to carry out their role or function.

How Wurli will hold personal information (APP 6)

29. Once we have received personal information all reasonable steps will be taken to keep it secure, safe and protected from misuse, interference, loss or unauthorised access.

30. Personal information held by Wurli is usually stored on secure servers (for electronic records) or is protected in access restricted rooms and cabinets (for hard copy records). See Schedule IT Security Policy and Procedures.

31. All employees and the contractors who provide services related to our information systems, HR Management and client care are obliged to respect the confidentiality of any personal information held by us and sign a Confidentiality Agreement.

32. Personal information will not be released unless the law permits it or your permission is obtained.

33. Personal information is destroyed or de-identified when no longer needed in accordance with the requirements of standards and legislation.

Direct marketing (APP 7)

34. Wurli may collect personal information for the purposes of communication and publicity of its services, for example name, position and email address.

35. Marketing and publicity emails will hide the contacts details individuals and go to 'undisclosed recipients'.

36. Marketing and publicity emails and social media tools will provide a simple means by which the individual may easily request not to receive direct marketing communications from the organisation.

APP - 8 Cross Border Disclosure

37. We will not ordinarily or knowingly disclose personal information to anyone outside of Australia.

APP 9 - Adoption, use or disclosure of government related identifiers

38. In line with the *Healthcare Identifiers Act 2010* healthcare identifiers will be used only for healthcare and related management purposes.

Quality (APP 10)

39. All personal information collected by Wurli will be reviewed periodically to ensure it is accurate, up-to-date and complete.

40. Wurli will ensure that information that is *used or disclosed* to not only be accurate, up-to-date and complete but also relevant, having regard to the purpose of the use or disclosure

Security (APP 11)

41. Wurli will actively consider which types of personal information we are permitted to retain.

42. Wurli will take active measures to ensure the security of personal information held.

43. Staff do not all require the same level of access to information. The level of access required is determined by the person's job role.

44. The organisation and staff responsible for personal information management must take reasonable steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

45. Wurli will take reasonable steps to destroy or de-identify personal information when it is no longer needed for any purpose permitted under the Privacy Act. This requirement does not apply if we are required or authorised by law to keep it.

46. Wurli will send physical files ready for archiving to Iron Mountain to be securely managed.

47. Wurli will maintain strict ICT security eg firewalls, backups, passwords (RACGP ICT security).

48. Wurli will maintain a system of access security including swipe cards, pins on doors, and keys.

APP 12 – Access

49. Clients may request to access their own information. This will be enabled following the access procedure

APP 13 – Correction

50. Wurli will take reasonable steps to correct an individual's personal information on request, or if we are satisfied that the information is:

    - inaccurate
    - out-of-date
    - incomplete
    - irrelevant; or
    - misleading