

## POL030 PRIVACY POLICY

**EXPECTED OUTCOME: AN INDIVIDUAL IS AWARE OF HOW THE HOSPITAL MANAGES PRIVACY, (INCORPORATING THE AUSTRALIAN PRIVACY PRINCIPLES)**

### POLICY

#### Purpose and scope

This Policy sets out the types of personal information collected, used and disclosed by Toowong Private Hospital (TPH).

TPH takes your privacy seriously and is committed to open and transparent management of personal information in accordance with the *Privacy Act 1988* (Cth) and always take the utmost care in protecting your personal information.

#### Personal and sensitive information

Personal information 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.

Sensitive information is a subset of particularly sensitive personal information and includes your health information.

#### Collection types of personal information

The types of personal information TPH collects from patients will depend on their relationship with the hospital.

Types of information commonly collected

<b>Patients of TPH</b>	In order to provide healthcare services and manage the service to our patients we collect: <ul style="list-style-type: none"> <li>• Contact details for patients and identified emergency contacts, including address, postcode, telephone and fax numbers, email addresses;</li> <li>• Demographic information about patients, including age, date of birth, country of birth and gender;</li> <li>• Health information about patients, including medical history, medications, diagnostic imaging and reports, pathology results, diagnoses (including mental health or disability), observations and reported symptoms;</li> <li>• Billing information for patients, including health insurance membership details, Medicare and DVA numbers.</li> </ul>
<b>Private healthcare providers providing services at TPH</b>	In order to manage the provision of services by private providers of healthcare services at TPH we collect: <ul style="list-style-type: none"> <li>• Contact details of private healthcare providers including address, postcode, telephone and fax numbers, email addresses;</li> <li>• Information about the services provided by the healthcare provider at TPH facilities including procedure types and outcomes;</li> <li>• Provider numbers of healthcare providers.</li> </ul>

<b>Prospective Employees</b>	<p>In order to assess applications for employment we collect:</p> <ul style="list-style-type: none"> <li>• Contact details of prospective employees including address, postcode, telephone and fax numbers, email addresses;</li> <li>• Demographic information about prospective employees, including age, date of birth, and gender;</li> <li>• Qualifications and experience of prospective employees;</li> <li>• Information contained in references obtained from third parties.</li> <li>• Previous employer details</li> </ul>
<b>Current Employees</b>	<p>TPH may collect and exchange information from third parties such as:</p> <ul style="list-style-type: none"> <li>• Australian Taxation Office</li> <li>• Banking Institutions</li> <li>• Superannuation Providers</li> <li>• Government Bodies regarding payments of HECs loans</li> <li>• Staff health including immunisation status</li> <li>• Contact details of next of kin</li> </ul>
<b>Suppliers</b>	<p>We may collect information about suppliers that we consider is necessary to manage the service arrangement, such as the nature of the products and services that you provide, quotes that you provide and your direct credit details.</p>
<b>Other collections</b>	<p>TPH may also collect personal information from patients if they complete a survey, questionnaire or when they communicate with TPH by email, telephone, in writing or in person. TPH will use the information they provide to best deal with enquiry or request.</p>
<b>Users of our website</b>	<p>We may collect personal information from patients when they visit our website, register on the website, respond to a survey or fill out a form. The types of personal information we may collect include name and contact details. TPH will use the information provided to deal with the enquiry or request.</p> <p>TPH may also collect non personal information during a patients use of the website, including technical information (which is not personal information) including the browser name, the type of computer and information about the means used to connect to our website. Cookies may be downloaded. This information is used to understand how users engage with the website and to assist us to improve our services and resources on the website.</p>

### Collection occasions of personal information

We only collect personal information that is reasonably necessary for our functions and activities or otherwise in compliance with the requirements of the Privacy Act.

We will usually collect sensitive information with a patient's consent (or consent from someone acting on your behalf if you are unable to give consent).

In some circumstances we may collect sensitive information without your consent. We will comply with the requirements of APP3 in doing so. Some of the circumstances in which we may collect sensitive information without your consent include where:

- collection is required or authorised by or under an Australian law or court/tribunal order;
- we reasonably believe the collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety, and it is unreasonable or impracticable to obtain consent;

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_____ Chief Executive Officer		Date: <u>29/07/2014</u>	
00003009-001			

- collection is necessary to provide a health service to you, and either:
  - the collection is required or authorised by or under an Australian law; or
  - the collection occurs in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality that bind TPH.

### Collection source of personal information

Who TPH collects personal information from will depend on the circumstances of the collection. TPH tries to collect personal information that is about a patient directly from them.

<b>Directly from patient</b>	<p>We will collect personal information from a patient:</p> <ul style="list-style-type: none"> <li>• When they are able to provide us with information;</li> <li>• If they complete a survey, questionnaire or communicate with TPH by email, telephone, in writing or in person;</li> <li>• If they are providing services to TPH patients; or</li> <li>• If they apply for employment at TPH.</li> </ul>
<b>From other people</b>	<p>Where it is unreasonable or impracticable to collect information directly from a patient, TPH may obtain personal information about them from a third party. For example, TPH may collect personal information from:</p> <ul style="list-style-type: none"> <li>• A General Practitioner or another healthcare provider who has information about a patient's condition, to assist us in providing healthcare services to them;</li> <li>• A member of the family, a friend or carer to assist us in providing services;</li> <li>• Health insurer, Medicare or DVA to assist us in processing billing for healthcare services provided;</li> <li>• A reference identified on an application for employment at TPH.</li> </ul>
<b>Publicly available sources</b>	<p>TPH may collect information about from the public domain, for example professional registration boards, for healthcare providers providing services at a TPH facility.</p>
<b>From the TPH website</b>	<p>When the TPH website is visited, our web server may collect information about a visitors use of the website.</p>

### Use of pseudonyms and remaining anonymous

A patient can remain anonymous or use a pseudonym at TPH however they may not be able to claim Medicare or private health insurance and this may impact on the care provided.

For healthcare providers providing healthcare services at TPH, it is not possible to remain anonymous or use a pseudonym. TPH is required to ensure that all providers are properly qualified to provide services and so is required to know their identity.

It is possible to remain anonymous when using the TPH website. However, this may prevent us from being able to provide certain services through our website. For example, we will not be able to provide services that involve delivery to a patient's contact address if they choose not to provide their address.

## Holding personal information

TPH holds personal information on databases, electronic and hard copy files.

## Use of your personal information for direct marketing

TPH will only use sensitive information for direct marketing if patients consent to us using this information in this way.

Patients who have consented to being provided with direct marketing are able to stop receiving such marketing by contacting TPH at [privacy@toowongprivatehospital.com.au](mailto:privacy@toowongprivatehospital.com.au) or (07) 3721 8000.

## Disclosure of personal information

TPH will usually disclose information for the particular purpose for which it was collected. For patients, this will include disclosures that are necessary to provide healthcare services. For example:

- disclosure of health information to private healthcare provider who have engaged to provide health services at TPH;
- disclosure of personal information to staff involved in the provision of care at TPH (including healthcare providers, nurses, physiotherapists, occupational therapists) or administrative staff (involved in reception duties), including staff who are not TPH employees;
- disclosure of personal information to Medicare, DVA, QLD Health or private health insurers for the purposes of billing or statistical collection;

In some cases TPH will disclose information for a different purpose to that for which it was collected. TPH may do this when:

- a patient consents to the disclosure (or someone acting on their behalf consents if they are unable to give consent);
- disclosure is for the facilitation of health services provided (ie a purpose directly related to the primary purpose of collection). For example we may disclose personal information to pathology providers and imaging providers for the purposes of those third parties conducting tests as ordered by your healthcare providers, or a patient's local pharmacy for the purpose of dispensing medication after discharge.
- disclosure is for the management of services at TPH (ie a purpose directly related to the primary purpose of collection). For example:
  - billing/debt-recovery, service-monitoring, funding, complaint handling, incident reporting, developing and planning services, evaluation, quality assurance or audit activities, and accreditation activities;
  - education and training of staff (who may not be employees of TPH), where de-identified information is not sufficient for this purpose;

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00003009-001			

- disclosure to a medical expert for medico-legal opinion, an insurer, an employed practitioner's medical defence organisation, or lawyer, for the purpose of addressing liability/indemnity matters, for example following an adverse incident, or for anticipated or existing legal proceedings; and
- disclosure to contractors who provide services to TPH, for example IT service providers.
- TPH provide a health service and may disclose to a 'person responsible' for you if:
  - a patient is physically or legally incapable of giving consent to the disclosure, or physically cannot communicate consent to the disclosure;
  - TPH are satisfied that either the disclosure is necessary to provide appropriate care or treatment, or the disclosure is made for compassionate reasons; or for reasons relating to a patient's safety.
  - the disclosure is not contrary to any wish expressed before the patient became unable to give or communicate consent, and of which we are aware or could be reasonably expected to be aware; and
  - disclosure is limited to the extent reasonable and necessary for providing appropriate care or fulfilling the compassionate reasons.
- We are otherwise permitted to make the disclosure in accordance with the Australian Privacy Principles 6 (APP6).

### **Access of personal information held by TPH**

Patients have the right to access the personal information that TPH holds about them. There are some limited exceptions to this.

If a patient requests to access their personal information, we will ask them to verify their identity and specify what information they wish to access. This will help TPH to identify the relevant information.

To make a request to access personal information patients can contact [privacy@toowongprivatehospital.com.au](mailto:privacy@toowongprivatehospital.com.au)

### **To seek correction of personal information held by TPH**

Patients have the right to request that TPH corrects information held about them if they consider that the information held is not accurate, not up to date, not complete, not relevant or is misleading.

To make a request to correct your personal information patients can contact [privacy@toowongprivatehospital.com.au](mailto:privacy@toowongprivatehospital.com.au)

### **To complain about TPH's handling of personal information**

If a patient believes that TPH have dealt with their personal information inappropriately, they can contact TPH at [privacy@toowongprivatehospital.com.au](mailto:privacy@toowongprivatehospital.com.au)

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TPH has internal processes for investigating and resolving privacy complaints, including escalation to senior management. We will work to resolve privacy concerns with patients if they are not satisfied with the resolution of their complaint by TPH, they may contact the Office of the Health Ombudsman who may investigate the complaint.

### **Disclosure of personal information to entities outside Australia**

From time to time TPH may need to disclose patient's personal information to, and collect personal information from other countries, this will always be in accordance with privacy laws. An example of this may be overseas located travel insurance or the American Veterans Affairs.

### **If TPH is unable to collect a patient's personal information**

If TPH are unable to collect a patient's personal information from the patient (or from other people or organisations) they may not be able to treat the patient effectively.

### **To obtain further information about privacy**

For enquiries or feedback about this policy, or for complaints about TPH's handling of personal information, the Privacy Officer at Toowong Private Hospital, 496 Milton Road, Toowong QLD 4066 (07) 3721 8000 or [privacy@toowongprivatehospital.com.au](mailto:privacy@toowongprivatehospital.com.au) can be contacted.

General information about privacy is available from the Office of the Australian Information Commissioner: <http://www.oaic.gov.au/>

## **REFERENCES/LINKS**

Toowong Private Hospital will function in accordance with all relevant Legislation, Regulations, Industry Standards and Codes of Practice. TPH utilise the external Private Hospitals Association of Queensland (PHAQ) Matrix.

Access to related policies, forms, or other documents may be found by undergoing a Radix DM search by ID, Title, Library Group, document content or saving criteria.

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