

# PRIVACY AND CONFIDENTIALITY

## POLICY

Patients are interviewed and examined in surroundings designed to ensure privacy. Discussion or consultation involving patients is conducted discreetly.

There are two methods of informing patients of their rights under the Privacy Act.

Patients are given information in the New Patient Pack and they can also request a copy of the Privacy Policy which follows.

### NPP1 Collection of information

Our doctors and staff collect personal information from patients for the primary purpose of providing health care services. The provision of these services includes the obtaining of pathology, radiology and other related services. This practice will only collect information that is necessary for health service provision, in a lawful, fair and unobtrusive manner, and with the patient's consent. When a patient makes an appointment for a consultation with a doctor, this practice assumes implied consent is given for doctors and staff to obtain information. This practice also assumes that when a patient gives implied consent to a test being ordered, the practice staff are authorised to disclose the doctor's comments regarding the results to the patient over the telephone. In the event of a doctor wishing to discuss health information with a patient or remind a patient of an appointment, this practice assumes that implied consent has been obtained to contact the patient by telephone. If the patient is not available, the doctor or staff member is authorised to leave a message for the patient to return the call with a third party, such as an answering machine or a relative of the patient. If you do not want us to do this, please let us know. Explicit or written consent is required for the collection of very sensitive information, for the release of information to a third party or the transmission of emails containing health information. It is also required for secondary purposes such as data collection for research purposes.

### NPP2 Use and Disclosure of Information

The confidentiality of personal information held at this practice is of paramount concern. Our staff members are aware of the importance of patient confidentiality. All doctors and staff have signed a Confidentiality Agreement. We will only use or disclose the personal

information of patients for the provision of providing health services, for limited related reasons or where required by law. Doctors in this practice are members of medical defence organisations and may need to disclose some personal

information to these organisations. In other situations we would not disclose patients' personal details without obtaining the patient's consent.

### NPP3 Data Quality

The doctors and staff endeavour to ensure that all personal information collected by this practice is accurate, complete and correct.

### NPP4 Data Security

To ensure the security of personal information held in this practice, all paper records are held either in a supervised area, for current files, or in a locked area, for files that are no longer current. Information stored on computer is password protected and only accessible by authorised staff. The

Document Title:	Privacy and Confidentiality	Document Version:	4.0
Release Date:	17 March 2012	Revision Date:	8 February 2021

passwords are changed on a regular basis. All computers are overwritten before disposal. Paper information no longer required is shredded or destroyed.

#### NPP5 Access and Correction

Patients who wish to access their personal information held at this practice need to complete a copy of the 'Request for Information' form available at reception. The doctor concerned will consider the request. Access can only be denied in certain circumstances. A charge may be made by the discretion of the doctor for time and printing costs involved. If a patient requires a correction or alteration to be made, this should be discussed with the appropriate doctor.

#### NPP6 Use of Identifiers

This practice will only use the Medicare numbers collected from patients for the purpose of billing for medical services provided for its patients. We would not use or disclose any other government identifying number which patients may give us.

#### NPP7 Anonymity

Where lawful and practicable, patients are given the option to use health services without identifying themselves.

#### NPP8 Sending Information Overseas

This practice will endeavour to ensure that patient information transmitted overseas is adequately protected. Written consent is required to send emails. It is preferable that patients take any required medical information when travelling.

#### NPP9 Sensitive information

This practice does not collect sensitive information, other than health information, unless the patient has explicitly consented, it is required by law or in other special circumstances, such as individual or public health or safety.

Complaints For any complaints about privacy issues please contact our Privacy Officer or one of our doctors.

## PROCEDURE

### **Consent**

Consent for the primary purpose of provision of health services can be implied (or verbal). Implied consent is assumed when the patient makes an appointment and provides personal and health information to the receptionist and the doctor. In order to provide informed consent, the patient has to be notified how their information will be handled, including the purpose of collection and to whom the information will be disclosed. This is done by means of notices in the waiting room, a flyer in the New Patient Pack and regular articles in the newsletter. This can also be provided by the doctor, if the doctor deems it necessary.

Information about third parties, such as other members of the patient's family, can be collected if the purpose is related to the patient's medical history. Recall/reminder systems are directly related to patient's health, and therefore need implied consent only. The purpose of medical registers, such as diabetes registers, need to be explained before implied consent is assumed. Parents or guardians give implied consent if the patient is a child up to the age of fourteen.

Implied consent for receptionists to inform patients of a doctor's comments on a test result is assumed when a patient telephones for a result. Implied consent is also assumed for receptionists telephoning patients regarding appointment reminders or messages from doctors. If the patient is

Document Title:	Privacy and Confidentiality	Document Version:	4.0
Release Date:	17 March 2012	Revision Date:	8 February 2021

not available, receptionists can leave a message on an answering machine or with a third party requesting that the patient return the call.

Explicit, or written consent, is required for secondary purposes such as research, clinical audits and student observation and teaching. Explicit consent is also required for the collection of very sensitive information, disclosure of health information to a third party and transmission by unsecured means, such as email. Explicit consent can be obtained via a signed consent form that is kept in the patient’s file (see Informed Consent)

**Use and Disclosure of Information**

The patients’ implied consent covers use of information within the practice and disclosure to other healthcare providers such as pathologists, radiologists, and healthcare multidisciplinary teams. Health information can be disclosed to third parties under certain circumstances. These relate to law enforcement, acute psychosis or dementia, mandatory reporting of child abuse, individual and public

health and safety, and for legal reasons. Doctors are required to keep a record of disclosures made to an authorised enforcement body. Doctors have a statutory obligation to report to various bodies, see attached document for details. Doctors are to take all reasonable steps to prevent disclosure of HIV test results to a third party. It is recommended that the doctor contact his/her medical defence organisation before disclosing information to a third party. It is up to the doctor’s discretion as to whether to disclose information about a young person’s (or a child’s- in the event of suspected child abuse) health information to a parent or guardian, depending on the doctors judgement of the young person’s understanding and maturity.

Patient information should be de-identified where possible.

For more information on medical research guidelines, see RACGP Handbook for the Management of Health Information in Private Medical Practice

**Data Quality and Security**

It is the responsibility of all staff to ensure that records are legible, accurate, up-to-date and correct. Doctors are to ensure that their computer passwords are secure and changed on a regular basis. Paper records taken out of the practice, such as for home visits, are to be held under the direct control of the doctor.

When taking information over the telephone, receptionists should refrain from repeating any information that may identify the patient. Receptionists should also ensure that files or any other means of identifying the patient are not visible to other patients. When faxing information, the recipient is to be identified by means of a cover sheet.

**Access and Correction**

Patients have access to all information collected on or after 21st December 2002, as well as information collected before that date which is referred to, used or disclosed after that date. This includes access to opinion material such as specialists’ letters. Access can only be denied in certain circumstances, such as situations of serious threat to health of any individual, the privacy of others is affected or the request is frivolous or vexatious.

Requests for access can be written (on a Request for Information form) or verbal, which is noted in the patient’s file. Requests are to be referred to the patient’s usual doctor, who will make a decision to give access or not. If in doubt, the doctor should refer the matter to his/her medical defence organisation. The patient should be informed of the decision within 14 days and informed of any charges incurred for the doctor’s time and for administration charges. The access should take place within 30 days. If the doctor is referring the matter to his/her medical defence organisation, the patient should be informed there could be a

Document Title:	Privacy and Confidentiality	Document Version:	4.0
Release Date:	17 March 2012	Revision Date:	8 February 2021

time delay in meeting the request for access. Copyright applies to doctors notes and patients can only use these for their individual health purposes.

Copyright also applies to specialists' letters and permission should be sought from the specialist before photocopying these.

**Administration costs for accessing records are as follows:**

Reception staff member present      \$30 per hour or part thereof  
 Doctor present/interpreting              \$90 per half hour or part thereof

These are not claimable through Medicare.

Photocopying                                  50c per page.

Extras such as copying or interpretation may not be available on the day and a subsequent appointment may be needed.

**Staff Training**

All staff are to familiarise themselves with the Privacy Policy and Procedures, and are required to sign a Confidentiality Agreement. Staff training will occur on a regular basis.

**Complaints**

Complaints about privacy issues should be directed to the doctor concerned or the Privacy Officer (the Practice Manager) and complaints procedures followed. See Patient Complaints.

Document Title:	Privacy and Confidentiality	Document Version:	4.0
Release Date:	17 March 2012	Revision Date:	8 February 2021

## **PRIVACY IN OUR MEDICAL PRACTICE**

The provision of quality health care requires a doctor-patient relationship of trust and confidentiality. Consistent with our commitment to quality care this practice has developed a policy to protect patient privacy in compliance with privacy legislation.

Our doctors and staff collect information from patients for the primary purpose of providing proper health care and treatment. When you make an appointment and have a consultation, you are giving your implied consent for our doctors and staff to collect personal and health information about you. This information may be disclosed to other health professionals, such as doctors, nurses and medical technicians, so that proper health care is not compromised.

If we need to contact you and you are not available, we may leave a message for you to return our call with a third party or on an answering machine. If you do not want us to do this, please speak to your doctor or the receptionists.

For more information please see our Privacy Policy, which is available from reception. You may also discuss any concerns you have regarding privacy with your doctor or our privacy officer. If you wish to access the information held by this practice, please speak to your doctor or one of the reception staff.

Document Title:	Privacy and Confidentiality	Document Version:	4.0
Release Date:	17 March 2012	Revision Date:	8 February 2021

## PRIVACY INFORMATION

The provision of quality health care is our principle concern. It requires a doctor-patient relationship of trust and confidentiality. Your doctor regards patient health information as confidential and will only collect this information with your consent. When you make an appointment and have a consultation with a doctor, we are assuming that you have given implied consent for the collection of personal and health information by our staff and doctors. In some circumstances, we may need to obtain consent in writing to collect certain information, such as very sensitive information.

### Collection, use and disclosure of your information

A patient's personal health information is handled in accordance with this practice's privacy policy and consistent with privacy legislation. Patients are entitled to know what information is held about them, how and under what circumstances they may have access to it, why it is held, in what circumstance it can be disclosed, and how it is stored. A copy of the Privacy Policy can be obtained from reception.

Information about a patient's medical and family health history is needed to provide accurate medical diagnoses and appropriate treatment. This information will be collected in a lawful, fair and unobtrusive manner. To ensure quality and continuity of patient care, a patient's health information may have to be shared with other health care providers. Some information is also provided to Medicare and private health funds. There also may be circumstances when disclosure of patient information is required for medical defence purposes or for reporting of communicable diseases. If information is to be disclosed to other third parties, consent in writing will be obtained.

From time to time we may need to contact you, and if you are not available we may need to leave a message for you to return our call with a third party or on an answering machine. If you do not want us to do this, please speak to your doctor or the receptionists.

Patient's records are stored securely and any paper information not required is destroyed or shredded. It is necessary for us to keep patients' information after their last attendance at this practice for as long as is required by law.

### Access

Patient have a right to access their information. You may ask to view part or all of your file. If you wish to view your file, you will need to complete a Request for Information Form and to clarify the scope of the request. Your request may be denied in some circumstances, in which case you will be advised of the reason. A charge may be payable where the practice incurs costs. The material over which the doctor has copyright may be subject to conditions that prevent further copying without the doctor's permission.

If you think that the information in your file is inaccurate, you may request to have that information amended.

### Parents/guardian and Children

The rights of children to privacy of their health information, based on the professional judgement of the doctor and consistent with the law, may restrict access to this information by parents and guardians.

### Complaints

Please do not hesitate to discuss any concerns, questions or complaints about any issues related to the privacy of your personal information with your doctor or our Privacy Officer.

Document Title:	Privacy and Confidentiality	Document Version:	4.0
Release Date:	17 March 2012	Revision Date:	8 February 2021

If you are dissatisfied you can complain to the Federal Privacy Commissioner whose contact details are:

GPO Box 5218

Sydney NSW 2001

Privacy Hotline: 1300 363 992

Website: [www.privacy.gov.au](http://www.privacy.gov.au)

**Further Information**

Further information about an individual's privacy rights can be obtained from the Office of the Federal Privacy Commissioner.

Document Title:	Privacy and Confidentiality	Document Version:	4.0
Release Date:	17 March 2012	Revision Date:	8 February 2021