



Title: Privacy Personal Information Policy	Document Number: 0839
Application: ALL STAFF	Issuing Authority: Chief Executive Officer

1. Purpose

Mulungu Aboriginal Corporation Primary Health Care Service (“we”, “us”, “our”) is committed to protecting the privacy of clients (“you”, “your”) and other persons with whom we deal. The Privacy: Personal Information Policy has been adopted to demonstrate that commitment by communicating the ways of handling any information of a personal nature which we may have about you.

The purpose of the Privacy: Personal Information Policy is to communicate how we meet legislative requirements in the collection, use and storage of personal information and the circumstances in which we may disclose it to third parties.

We provide copies of this policy, free of charge, for clients to access which is available by hard copy on request or on our website: www.mulungu.org.au

1. Scope

This policy applies to all personal and health information, whether in written, verbal or electronic format, collected and managed by Mulungu management, employees and health service providers contracted by Mulungu to provide services.

All employees and health service providers contracted by Mulungu are bound by the provisions of this policy and are required to sign a confidentiality agreement on commencement of employment or contract

2. Definitions

“personal information”:

As defined by the *Privacy Act 1988 (Cth)*.

“information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material format or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion”;

Personal information also includes ***“sensitive information”*** which is information including, but not limited to a client’s:

- Race;
- Religion;
- Political opinions;
- Sexual preferences; and or,
- Health information.

Information deemed '**sensitive information**' attracts a higher privacy standard under the Act and is subject to additional mechanisms for the client's protection.

"health information" is a particular subset of "personal information" and means information or an opinion about:

- The health, including an illness, disability or injury (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; or
- Other personal information collected to provide, or in providing, a health service.

"Health Service"

an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the person performing it:

- To assess, maintain or improve the individual's health; or
- Where the individual's health cannot be maintained or improved – to manage the individual's health; or
- To diagnose the individual's illness; disability or injury; or
- To treat the individual's illness, disability or injury or suspected illness, disability or injury; or
- To record the individual's health for the purposes of assessing, maintaining, improving or managing the individual's health;
- The dispensing or prescription of a drug or medicinal preparation by a pharmacist; and
- an individual's health includes the individual's physical or psychological health

"Responsible Person"

A responsible person for an individual is:

- a parent of the individual; or
- a child or sibling of the individual is the child or sibling is a least 18 years old; or
- a spouse or de facto partner of the individual; or
- a relative of the individual if the relative is
 - at least 18 years old; and
 - a member of the individual's household; or
- a guardian of the individual; or
- a person exercising an enduring power of attorney granted that is exercisable in relation to decisions about the individual's health; or
- a person who has an intimate personal relationship with the individual; or
- a person nominated by the individual to be contacted in case of emergency.

3. Legislative References

The Privacy Act 1988 as amended from time to time.

Australian Privacy Principles (APP) provides a privacy framework that regulates how organisations may collect, use, disclose and store personal information.

4. Types of Personal Information

We need to collect personal information from you to enable provision of quality care incorporating clinical and non-clinical services to respond appropriately to your health and wellbeing needs.

Personal information collected will include your:

- Name, address and contact details;
- Medicare number for claiming and referral purposes; and
- Healthcare identifiers, such as Department of Veteran Affairs or Health Care Card.

Health information collected will include your medical history, medications, allergies, adverse events, immunisations, social and family history and risk factors.

The type and amount of information required will vary depending on the services that you require.

5. Collection of Personal Information

6.1 Personal information in most circumstances will be collected directly from you when seeking a health or wellbeing service from Mulungu.

Our employees will collect your personal and demographic information via registration when you present to Mulungu for the first time.

During the course of providing health and wellbeing services, our staff will consequently collect further personal information.

Personal information may also be collected from your guardian or responsible person (where practicable and necessary), or from any other involved service providers.

It is important to be aware that if incomplete or inaccurate information is provided or if you withhold personal or health information, we may not be able to provide you with the services you are requesting.

Your consent will be sought to use the information for the purpose for which it was provided. We will seek additional consent from you if the personal information collected may be used for any other purpose. In certain circumstances, we may disclose personal information about you as set out in clause 7.1(b).

6.2 How We Collect Personal Information

Personal information may be collected in a number of different ways including:

- New Client Form, completed by you consenting to us managing your personal information;
- Consultations and discussions;
- Emails and written correspondence;
- Telephone conversations; voice messages;
- Documentation provided to us;
- Third parties (for example, other service providers or government departments).

7. Use and Disclosure of Your Personal Information

7.1 We collect personal information from you for the primary purpose of providing quality services so that we can appropriately respond to your health and wellbeing needs.

(a) Personal information will only be used for the purpose of providing health and wellbeing services and for claims and payments, unless otherwise consented to, or for purpose referred to in clause 7.1(b).

Personal information collected by Mulungu may also be used for the following purposes:

- Administrative purposes including compliance with medical and health insurance requirements, e.g., client information such as Medicare number, current contact details, date of birth or other relevant information;
- Disclosure of specific health information to employees and other service providers involved in providing ongoing health and wellbeing care for you. This will be limited to personal information that impacts on ongoing care or when a formal consent is not appropriate or required;
- Collection of personal information relevant to your care from, e.g., pathology, x-ray services, immunisation registers and other registers such as cancer and cervical screening and other health care professionals;
- Use of de-identified data for quality assurance, research and reporting;
- To investigate, respond to or defend legal claims made against, or involving Mulungu; and
- To notify you of the services that we or other health care services provide that may be relevant to your health and wellbeing needs;
- For follow up reminders or recall such as mail, email or SMS.

We will not disclose personal information to any third party other than in the course of providing a health or wellbeing service, without full disclosure to you, the reason for the information transfer.

For the purpose of providing holistic support to meet your health and wellbeing needs, information may need to be shared with other services within Mulungu and with external service providers and agencies from which you are receiving services. You will be asked to provide consent to share information in the provision of these services unless circumstances as set out in clause 7.1(b) apply.

(b) In certain circumstances Mulungu will be able to disclose your personal information without your consent. These circumstances are where:

- The disclosure of your information will prevent or lessen a serious threat to the life, health or safety of any individual or public health or safety, or it is impracticable to obtain your consent;
- We are required or authorised by law to disclose your information for another purpose, e.g., criminal or coronial requests on production of appropriate documentation;
- Mandatory notification in relation to an outbreak of an infectious disease is required;
- Mandatory reporting of suspected child abuse is required;
- The disclosure is for a secondary purpose to a responsible person.

7.2 Services Provided by External Service Providers

Our staff may consult with external providers in the relation to your care or refer you to other service providers relevant to your clinical and non-clinical care.

These service providers will be required to use your personal information as part of the process of providing you with a service. This process will be conducted whilst maintaining the confidentiality and privacy of your personal information.

7.3 Seeking a Service from another Service Provider

At any point you wish to receive services from another health or wellbeing service provider and access is required to your personal information by that provider, we require your written request to confirm that you will be utilising the services of another health or wellbeing provider. This consent is required to be specific in relation to the information you wish to share and be signed and dated by you.

7.4 Other Third Parties

We may be requested to provide personal information to additional third parties. These third parties may include:

- Family members;
- Guardians;
- A person exercising a power of attorney;
- Your insurer;
- Your solicitor;
- Statutory authorities for purposes of mandatory reporting; or
- Court or tribunal where a subpoena has been issued.

Where information is relevant or reasonable to be provided to third parties, written consent from you is required, unless your health is at risk and your personal information is needed to provide you with emergency medical treatment or we are required to provide the information by law.

7.5 Other Uses of Personal Information

In order to provide the best possible environment in which to meet your health and wellbeing needs, some disclosure may be required for business purposes where necessary for activities such as quality assurance, accreditation, audits, risk, claims management and client satisfaction surveys. Where possible this information will be de-identified and where this cannot occur, your consent to use your information will be obtained.

We will not use any personal information in relation to direct marketing. However, we may use your information to advise you of any Mulungu services, programs or events that we consider relevant to meet your health and wellbeing needs.

We evaluate, within a reasonable timeframe, all unsolicited information received to decide if it should be kept, acted on or destroyed.

We do not engage with any overseas entities, with which personal information would be transferred, appointed or disclosed.

8. How You May Access and Correct Your Personal Information

8.1 You can request access to your personal information. You are required to put your request in writing using the 'Request for Personal Health Information' form, available from our

Administration team, or you may submit your request by other means such as email, fax or by telephone.

We will respond to your request within 30 calendar days.

There is no application fee when you make a request to access your personal information. However, we may charge an administrative fee for the provision of information in certain circumstances relating to third party requests.

8.2 We are committed to ensuring that the personal information we collect, use or disclose is accurate, complete and up-to-date. We encourage you to tell us when your details (such as your telephone number, address or name) change. From time to time we will ask you to verify that the personal information held by us is correct and up to date.

8.3 Mulungu reserves the right to refuse to correct or change your personal information. If we refuse to correct the personal information as requested by you, a written notice will be given to you that sets out:

- a) The reasons for the refusal except when it would be unreasonable to provide the grounds for refusal; and
- b) The mechanisms available for you to make a complaint about the refusal to correct the personal information.

9. Security of Your Personal Information

We take all reasonable steps to ensure the security of personal information held by us. All client records are stored electronically and backed up daily. Computers and client information management systems are password protected and only accessible by authorised persons in accordance with pre-determined security levels.

10. Disposal of Your Personal Information

If any personal information is no longer deemed relevant or appropriate, we may reasonably de-identify and dispose of the information.

Related Policies and Procedures

Doc120 Staff Code of Conduct

Doc031 Confidentiality Agreement

Doc283 New Patient Registration Form

Doc637 Request for Personal Information

11. Responsibility and Review

11.1 Responsibility

The Quality Coordinator is responsible for compliance with this Policy by:

- Ensuring that this policy is brought to the attention of new employees during their induction period; and
- Ensuring that existing employees are reminded of this policy on an annual basis.

11.2 Review

From time to time, it may become necessary to review or amend this policy. Any changes will be made as and when required, and we will advise you of any changes by posting an updated version of our policy on our website: www.Mulungu.org.au

This document will be reviewed where changes to relevant legislation affect the contents of the policy.

The Quality Co-ordinator is responsible for the review of this policy.

12. Privacy Concerns

We take your concerns and complaints about the privacy of your personal information seriously. If you have any concerns about the privacy of your personal information, you can put your concerns in writing, by email or contact us by telephone and we will attempt to resolve it in accordance with our complaints procedure. Contact can be made with us as follows:

Mulungu Aboriginal Corporation Primary Health Care Service Limited
PO Box 2297
Mareeba, QLD 4880
Telephone (07) 44086 9200
E-mail: ceo@mulungu.org.au

If you are not satisfied with the outcome, you may forward your complaint to the Australian Information Commissioner at enquiries@oaic.gov.au or by telephone on 1300 363 992.

Alternatively, you may forward your complaint directly to the Australian Information Commissioner at enquiries@oaic.gov.au or by telephone on 1300 363 992.