

PRIVACY & SECURITY OF PERSONAL HEALTH INFORMATION POLICY & PROCEDURE

1 OVERVIEW

ScoliCare clinics are bound by the Federal Privacy Act (1988) and Australian Privacy Principles, Commonwealth Privacy Act - Privacy Amendment (Private Sector) Act 2000. ScoliCare also complies with the NSW Health Records and Information Privacy Act (2002) and the Australian and Health Privacy Principles (APPs). Both Acts give individuals the right to know what information a private sector organisation holds about them, the right to access this information and to also make corrections if they consider data is incorrect.

2 SCOPE

All team, contractors, consultants, temporary and other workers at ScoliCare, must adhere to this Policy.

3 BACKGROUND

There are 13 Australian Privacy Principles;

Australian Privacy Principles:

APP 1 Open and transparent management of personal information

APP 2 Anonymity and pseudonymity

APP 3 Collection of solicited personal information

APP 4 Dealing with unsolicited personal information

APP 5 Notification of the collection of personal information

APP 6 Use or disclosure of personal information

APP 7 Direct marketing

APP 8 Cross-border disclosure of personal information

APP 9 Adoption, use or disclosure of government related identifiers

APP 10 Quality of personal information

APP 11 Security of personal information

APP 12 Access to personal information

APP 13 Correction of personal information

Information may be withheld under privacy legislation APP12 access to personal information & APP13 correction of personal information for the following reasons:

- Where access would pose a serious threat to the life or health of any individual
- Where the privacy of others may be affected
- If a request is frivolous or vexatious
- If information relates to existing or anticipated legal proceedings
- If access would prejudice negotiations with the individual
- If access would be unlawful
- Where denying access is required or authorised by law

4 POLICY

4.1 Privacy Officer

ScoliCare has a designated Privacy Officer who implements and monitors adherence to all privacy legislation in this clinic.

The Privacy Officer acts as liaison for all privacy issues and patient requests for access to their personal health information.

4.2 Information Security

ScoliCare has a designated person, with primary responsibility for the clinic's electronic systems, computer security and adherence to protocols as outlined in our Computer Information Security policy.

4.3 Personal Health Information

'Personal health information' is a particular subset of personal information and can include any information collected to provide a health service.

This information includes medical details, family information, name, address, employment and other demographic data, past medical and social history, current health issues and future medical care, Medicare number, accounts details and any health information such as a medical or personal opinion about a person's health, disability or health status.

Wherever practicable we will only collect information from you personally. However, we may also need to collect information from other sources such as treating specialists, radiologists, pathologists, hospitals and other health care providers.

In emergency situations we may also need to collect information from your relatives or friends.

Information is held in formal medical record, written or electronic and other mediums such as letters, faxes, or information conveyed verbally.

For each of our patients we have individual patient health records containing all clinical information held by our practice relating to that patient. ScoliCare ensures the protection of all information contained therein.

You are not obliged to provide any information requested, but must be aware failure to do so might compromise the quality of the health care and treatment.

We require you to provide us with your personal details and a full medical history so that we may assess, diagnose and treat you accurately.

We will use the information you provide in the following ways:

- To provide the most appropriate assessment, diagnosis and treatment plan.
- For the administrative purposes in running our Clinics including invoicing and to comply with Health Fund and Medicare Australia billing requirements.
- To liaise with others involved in your health care, including treating Clinicians, GP's, specialists and Allied Health Practitioners. This may occur through referrals for medical tests and in the reports or results returned to us following those referrals.
- To contact you or your family for the purposes of appointment reminders and treatment follow up.
- Your information will not be released to a third party without your consent.
- ScoliCare conducts research activities. However, if we wish to use your information and results in research activities, we will not do so without your consent.

4.4 Request for Access to Personal Health Information

Patients at this Clinic have the right to access their personal health information (medical record) under legislation.

Most of the information collected and used by our practices will be considered as “sensitive information” and subject to more stringent protection under the Act.

This practice complies with both laws and the Australian and Health Privacy Principles (APPs & HPPs) adopted therein. See summary headings of Principles in section 3. Both Acts give individuals the right to know what information a private sector organisation holds about them, the right to access this information and to also make corrections if they consider data is incorrect.

You can request access to your Personal Health Information by completing and submitting ScoliCare’s ***Patient Request for Personal Health Information Form***. (See Appendix 1.)

You may request to discuss access to your health information by contacting:

***The Privacy Officer
ScoliCare Clinics
PO Box 600 Kogarah NSW 1485***

4.5 Request for Third Party Access

Requests for access to health information may be received from various 3rd Parties including:

- Subpoena/court order/coroner/search warrant
- Relatives/Friends/carers
- External Clinician, GP’s & Health Care Institutions
- Police /Solicitors
- Health Insurance companies/Workers Compensation/Social Welfare agencies
- Government Agencies such as NDIS
- Research /Quality Assurance Programs
- Media
- Overseas parties
- Accounts/Debt Collection

No patient information will be released to a third party unless the request is made in writing and provides evidence of authority signed by you as the patient or the patient’s legal guardian to release the requested information; unless required under legal obligation by subpoena. ScoliCare retains a record of all requests for access to health information.

Individual records for children whose parents have separated may request information relating to either partner is not recorded on any correspondence. Significant court orders relating to custody and guardianship should be advised to ScoliCare to maintain privacy of each parent or guardian.

A patient may authorise another person to be given access if they have the legal right and a signed authority.

In 2008 the Australian Law Reform Commission recognised that disclosure of information to ‘a person responsible for an individual’ can occur within current privacy law. If a situation arises where a carer is seeking access to a patient’s health information, ScoliCare will seek legal clarification in each case prior to release of information.

4.6 Research

Where ScoliCare seeks to participate in human research activities and/or continuous quality improvement (CQI) activities, patient anonymity will be protected. ScoliCare will also seek and retain a copy of patient consent to any specific data collection for research purposes.

Research requests must have approval from a Human Research Ethics Committee (HREC) constituted under the NH&MRC guidelines. A copy of this approval will be retained by ScoliCare.

4.7 Media

ScoliCare will not release any information to Media unless it has been authorised by the Director and written patient consent has been obtained.

4.8 Request to Send Overseas

Information may be sent overseas, where patient consent is provided and the overseas country receiving the information has privacy laws similar the Australian Privacy Principles. However, ScoliCare is under no obligation to supply any patient information upon receipt of an international subpoena.

4.9 Financial Accounts

Financial accounts do not contain any clinical information.

Outstanding account queries or disputes will be directed to the Clinics Manager to be reviewed prior to forwarding to third parties such as insurance companies or debt collection agencies.

5.0 More Information

Further Information on privacy legislation is available from:

Office of the Australian Information Commissioner

1300 363 992

www.oaic.gov.au

Information and Privacy Commission

New South Wales – 1800 472 679

www.ipc.nsw.gov.au/privacy/ipc_index.html

Office of the Health Services Commissioner

Victoria – 1300 582 113

www.health.vic.gov.au/hsc/index.htm

Office of the Information Commissioner

Queensland – 07 3234 7373

www.oic.qld.gov.au

Health and Community Services Complaints Commissioner (HCSCC)

South Australia – 08 8226 8666

www.hcsc.sa.gov.au

**APPENDIX 1
REQUEST FOR PERSONAL HEALTH INFORMATION**

1(a) Patient Details (Please print in BLOCK LETTERS)

Family Name: _____

Given Name/s: _____

Date of Birth: _____

Address: _____

1(b) Applicant: _____

If not the patient, please specify the relationship to the patient: _____

2. Health Information Requested:

- A Summary of My ScoliCare Health Record
- My ScoliCare Health Record – detailed
- X-Ray Results Specify Dates: _____
- Other Test Results. Please specify: _____
- Correspondence on file
- Other. Please provide details: _____

3. How Would You Like to Receive this Information?

- View and inspect information. I will make a time with reception
- View, inspect & discuss contents with my Clinician. I will make an appointment at reception.
- Obtain a copy - collect
- Obtain a copy - send via mail
- Obtain a copy - via Fax No: _____
- Obtain a copy - via Email: _____
(this mode is not encrypted and therefore privacy is not ensured)

Note: Privacy requirements allow ScoliCare in certain circumstances to restrict the release of medical records.

Charging policy - Fees may be charged for access, please request information.

Signature of Applicant: _____

Date: _____