

AUSTRALIAN PRIVACY PRINCIPLES (APP) POLICY

PART A – PURPOSE AND CONTEXT

1.0 CAIRNS OBSTETRICS AND GYNAECOLOGY is committed to ensuring the privacy and confidentiality of all personal information affiliated with the CAIRNS OBSTETRICS AND GYNAECOLOGY'S business undertakings.

1.1 CAIRNS OBSTETRICS AND GYNAECOLOGY follows the terms and conditions of privacy and confidentiality in accordance to the Australian Privacy Principles (**APPs**) as per schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*(Cth), forming part of the *Privacy Act 1988* ('the Act').

1.2 The purpose of this Privacy Policy is to clearly communicate how CAIRNS OBSTETRICS AND GYNAECOLOGY collects and manages personal information.

1.3 The point of contact regarding any queries regarding this policy is Dr. Natalie Kiesey-Calding, Director, 07 4031 5811, admin@cairns-obgyn.com.au.

PART B – AUSTRALIAN PRIVACY PRINCIPLES

2.0 As a private sector health service provider and under permitted health situations, CAIRNS OBSTETRICS AND GYNAECOLOGY is required to comply with the APPs as prescribed under the Act.

2.1 The APPs regulate how CAIRNS OBSTETRICS AND GYNAECOLOGY may collect, use, disclose and store personal information and how individuals, including CAIRNS OBSTETRICS AND GYNAECOLOGY'S patients may:

- address breaches of the APPs by CAIRNS OBSTETRICS AND GYNAECOLOGY;
- access their own personal information; and,
- correct their own personal information.

2.2 In order to provide patients with adequate health care services, CAIRNS OBSTETRICS AND GYNAECOLOGY will need to collect and use personal information. It is important to be aware that if the patient provides incomplete or inaccurate information or the patient withholds personal health information CAIRNS OBSTETRICS AND GYNAECOLOGY may not be able to provide the patient with the services they are requesting.

2.3 In this Privacy Policy, common terms and definitions include:

- **"personal information"** as defined by the *Privacy Act 1988 (Cth)*. Meaning *"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"*; and,
- **"health information"** as defined by the *Privacy Act 1988 (Cth)*. This is a particular subset of "personal information" and means:
 - (a) Information or opinion about the health or disability (at any time i.e. past, present or future) of an individual that can be classified as personal information;
 - (b) Information or opinion about an individual's expressed wishes about the future provision of health services that can be classified as personal information;
 - (c) Information or opinion about health service provided, or to be provided, to an individual, that can be classified as personal information;
 - (d) Other personal information collected to provide, or in providing, a health service;
 - (e) Other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
 - (f) Genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

2.3.1 Personal information also includes '**sensitive information**' which is information including, but not limited to a patient's:

- race;
- religion;
- political opinions;
- sexual preferences; and or,
- health information.

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

PART C – TYPES OF PERSONAL INFORMATION

3.0 CAIRNS OBSTETRICS AND GYNAECOLOGY collects information from each individual patient that is necessary to provide the patient with adequate health care services.

3.1 This may include collecting information about a patient's health history, family history, ethnic background or current lifestyle to assist the health care team in diagnosing and treating a patient's condition.

PART D – COLLECTION & RETENTION

4.0 This information will in most circumstances be collected directly from the patient through but not limited to the following mediums:

- (g) CAIRNS OBSTETRICS AND GYNAECOLOGY patient information form;
- (h) Previous medical treatment letter from referring doctor; and or,
- (i) Face to face consultation.

4.1 In other instances, CAIRNS OBSTETRICS AND GYNAECOLOGY may need to collect personal information about a patient from a third party source. This may include:

- relatives; or,
- other health service providers.

4.2 This will only be conducted if the patient has provided consent for CAIRNS OBSTETRICS AND GYNAECOLOGY to collect his/her information from a third party source; or, where it is not reasonable or practical for CAIRNS OBSTETRICS AND GYNAECOLOGY to collect this information directly from the patient. This may include where:

- the patient's health is potentially at risk and his/her personal information is needed to provide them with emergency medical treatment.

4.3 CAIRNS OBSTETRICS AND GYNAECOLOGY endeavours to store and retain a patient's personal & health information in an electronic format, transferred directly onto a domestic server, with a daily copy available to Dr. Natalie Kiesey-Calding for use at the hospital on her laptop, which is password protected.

PART E – PURPOSE OF COLLECTION, USE & DISCLOSURE

5.0 CAIRNS OBSTETRICS AND GYNAECOLOGY only uses a patient's personal information for the purpose(s) they have provided the information for unless one of the following applies:

- the patient has consented for CAIRNS OBSTETRICS AND GYNAECOLOGY to use his/her information for an alternative or additional purpose;
- the disclosure of the patient's information by CAIRNS OBSTETRICS AND GYNAECOLOGY is reasonably necessary for the enforcement of criminal law or a law imposing a penalty or sanction, or for the protection of public revenue;
- the disclosure of the patient's information by CAIRNS OBSTETRICS AND GYNAECOLOGY will prevent or lessen a serious and imminent threat to somebody's life or health; or,
- CAIRNS OBSTETRICS AND GYNAECOLOGY is required or authorised by law to disclose the patient's information for another purpose.

i. *Health Professionals to provide treatment*

During the patient's treatment at CAIRNS OBSTETRICS AND GYNAECOLOGY he/she may be referred to alternative medical treatment/services (i.e. pathology or radiology) where CAIRNS OBSTETRICS AND GYNAECOLOGY's staff may consult with senior medical experts when determining a patient's diagnosis or treatment.

CAIRNS OBSTETRICS AND GYNAECOLOGY's staff may also refer the patient to other health service providers for further treatment during and following the patient's admission. These services include, but are not limited to:

- Physiotherapy; or,
- Outpatient or community health services.

These health professionals will be designated health service providers appointed to use the patient's health information as part of the process of providing treatment. Please note that this process will be conducted whilst maintaining the confidentiality and privacy of the patient's personal information.

ii. *Alternative Health services*

At any point a patient wishes to be treated by an alternative medical practitioner or health care service that requires access to his/her personal/health information CAIRNS OBSTETRICS AND GYNAECOLOGY requires written authorisation. This written authorisation is to state that the patient will be utilising alternative health services and that these health services have consented for a transfer of personal/health information.

iii. *Other Third Parties*

CAIRNS OBSTETRICS AND GYNAECOLOGY may provide the patient's personal information regarding a patient's treatment or condition to additional third parties. These third parties may include:

- parent(s);
- child/ren;
- other relatives;
- close personal friends;
- guardians; or,
- a person exercising a patient's power of attorney under an enduring power of attorney.

Where information is relevant or reasonable to be provided to third parties, written consent from the patient is required.

Additionally, the patient may at any time wish to disclose that no third parties as stated are to access or be informed about his/her personal information or circumstances.

iv. *Other Uses of Personal Information*

In order to provide the best possible environment to treat patients, CAIRNS OBSTETRICS AND GYNAECOLOGY may also use personal/health information where necessary for:

- activities such as quality assurance processes, accreditation, audits, risk and claims management, patient satisfaction surveys and staff education and training;
- invoicing, billing and account management;
- to liaise with a patient's health fund, Medicare or the Department of Veteran's Affairs, as necessary; and,
- the purpose of complying with any applicable laws – i.e. in response to a subpoena or compulsory reporting to State or Federal authorities.

5.1 If at any point or for any of the aforementioned reasons CAIRNS OBSTETRICS AND GYNAECOLOGY uses or discloses personal/ health information in accordance with the APPs, CAIRNS OBSTETRICS AND GYNAECOLOGY will provide written notice for the patient's consent for the use and/or disclosure. This will be covered by the statement signed by all new patients, confirming that all information will always be de-identified, and used either for audit via RANZCOG's programmes (CQuip, Nuchal Translucency, Practice Improvement etc) or for internal audit (results for MonaLisa Touch, Mirena insertion, Operative complications etc) or for presentations at professional meetings (case presentations etc).

PART F – ACCESS AND CHANGES TO PERSONAL INFORMATION

6.0 If an individual patient reasonably requests access to their personal information for the purposes of changing the information he/she must engage with the relevant practice manager.

6.1 The point of contact for patient access to personal information is:

Dr. Natalie Kiesey-Calding via front reception staff

Medical Director

07 4031 5811

admin@cairns-obgyn.com.au

6.2 Once an individual patient requests access to his/her personal information CAIRNS OBSTETRICS AND GYNAECOLOGY will respond within a reasonable period of time to provide the information.

6.3 All personal information will be updated in accordance to any changes to a patient's personal circumstances brought to CAIRNS OBSTETRICS AND GYNAECOLOGY's attention. All changes to personal information will be subject to patient's consent and acknowledgement.

6.4 If an individual requests access to his/her personal information CAIRNS OBSTETRICS AND GYNAECOLOGY will charge \$50. Please note that this fee is associated with administrative costs only.

PART G – COMPLAINTS HANDLING

7.0 How an individual patient may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint. Is covered by the CAIRNS OBSTETRICS AND GYNAECOLOGY Complaint Handling Policy (see separate policy)

PART H – PERSONAL INFORMATION AND OVERSEAS RECIPIENTS

8.0 Use of Overseas Parties: CAIRNS OBSTETRICS AND GYNAECOLOGY does not use overseas servers to handle any of its data. All data is stored within the practice on the main server, with backups on site at 149 Martyn Street, Parramatta Park, 4870.

PART I – DISPOSAL OF PERSONAL/HEALTH INFORMATION

9.0 If CAIRNS OBSTETRICS AND GYNAECOLOGY receives any unsolicited personal information that is not deemed appropriate for the permitted health situation, CAIRNS OBSTETRICS AND GYNAECOLOGY will reasonably de-identify and dispose of the information accordingly.

9.1 If CAIRNS OBSTETRICS AND GYNAECOLOGY holds any personal or health information that is no longer deemed relevant or appropriate for the permitted health situation, CAIRNS OBSTETRICS AND GYNAECOLOGY will reasonably de-identify and dispose of the information accordingly.

PART J – ACCESS TO POLICY

10.0 CAIRNS OBSTETRICS AND GYNAECOLOGY provides free copies of this Privacy Policy for patients and staff to access, which can will be located/provided:

www.cairns-obgyn.com.au

Electronic copy kept on CAIRNS OBSTETRICS AND GYNAECOLOGY server @149 Martyn Street Parramatta Park

Hard Copies provided upon request at the rooms, and laminated copy available for perusal in waiting room.

PART K – REVIEW OF POLICY

11.1 CAIRNS OBSTETRICS AND GYNAECOLOGY in accordance with any legislative change will review the terms and conditions of this policy to ensure all content is both accurate and up to date.

11.2 Notification of any additional review(s) or alteration(s) to this policy will be provided to patients and staff within 3 months notice. If change occurs, staff are required by the Health Service to review, sign and acknowledge in writing changes to this Privacy policy. Patients will be informed by signage at the practice and a message on the website to this effect.