

## **GSS Privacy Policy**

**This Medical Practice Privacy Policy applies to Gawler Surgical Specialists (GSS) as a whole, including all personnel working for or associated with GSS, to provide healthcare delivery and is mandatory in its application and enforcement**

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### 1. Introduction

Our practice is committed to best practice in relation to the management of information we collect. Our policy is to inform you of:

- the kinds of information that we collect and hold, which, as a medical practice, is likely to be ‘health information’ for the purposes of the Privacy Act;
- how we collect and hold personal information;

- the purposes for which we collect, hold, use and disclose personal information;
- how you may access your personal information and seek the correction of that information;
- how you may complain about a breach of the Australian Privacy Principles and how we will deal with such a complaint;
- whether we are likely to disclose personal information to overseas recipients.

This policy will guide Practice staff in meeting their legal obligations. It also provides details to patients how the Practice uses their personal information.

## 2. Reference

This Practice is bound by the Federal Privacy Act 1998 ('the Privacy Act') and National Privacy Principles. 'Personal health information' is a 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, demographic data, past medical and social history, current health issues, future medical care, Medicare number, account details and any health information such as a medical opinion about a person's health, disability or health status.

It includes the formal medical record, whether written or electronic, and information held or recorded on any other medium such as letters, faxes and information conveyed verbally.

Office of the Australian Information Commissioner issues a set of guidelines ("Australian Privacy Principles (APP) Guidelines")

The APP provide a privacy protection framework that supports the rights and obligations of collecting, holding, using, accessing and correcting personal information. The APP consists of 13 principle-based laws and applies equally to paper-based and digital environments. The APP complements the long-standing general practice obligation to manage personal information in a regulated, open and transparent manner.

## 3. What kinds of personal information do we collect ?

The type of information we collect and hold includes:

- Your name, address, date of birth, email, employment details and contact details
- Medicare number, DVA number and other government identifiers,
- Other health information about you, including:
  - notes of your symptoms or diagnosis and the treatment given to you
  - your referrals from your GPs or other treating practitioners
  - your specialist reports and test results
  - your appointment and billing details
  - your prescriptions and other pharmaceutical purchases
  - your healthcare identifiers
  - Any other information about your race, sexuality or religion, when collected by a health service provider

### 4. How do we collect and hold personal information ?

We will generally collect personal information:

- from you directly when you provide your details to us. This might be via a face to face discussion, telephone conversation, registration form or online form
- from a person responsible for you
- from third parties where the Privacy Act or other law allows it - this may include, but is not limited to: other members of your treating team, diagnostic centers, specialists, hospitals, the My Health Record system, electronic prescription services, Medicare, your health insurer, the Pharmaceutical Benefits Scheme

We hold your personal information in various formats and various locations. This includes:

- Holding your information on an encrypted database (currently Zedmed);
- Holding your information in hard copy format (currently maintained as patient folder);
- Holding your information in secure cloud storage: The information on cloud storage relates to (but not limited to) fax and email communications in relation to providing you with appropriate healthcare;

There may be instances where such information (cloud stored information database to keep track of patients and due treatment) is shared with GSS for managing your health but is not exclusively or primarily controlled by GSS. In such instances, GSS and its staff are not able to accept any liability for security / confidentiality of such information.

### 5. Why do we collect, hold, use and disclose personal information ?

In general, we collect, hold, use and disclose your personal information for the following purposes:

- to provide health services to you;
- to communicate with you in relation to the health service being provided to you;
- to comply with our legal obligations, including, but not limited to, mandatory notification of communicable diseases or mandatory reporting under applicable child protection legislation;
- to help us manage our accounts and administrative services, including billing, arrangements with health funds, pursuing unpaid accounts (including debt collection agencies), management of our IT systems;
- for consultations with other doctors and allied health professional involved in your healthcare;
- to obtain, analyze and discuss test results from diagnostic and pathology laboratories;
- for identification and insurance claiming;
- If you have a My Health Record, to upload your personal information to, and download your personal information from, the My Health Record system;
- transfer of healthcare records and communications to other participating members of your healthcare team, including secure electronic communication methods (like, but not limited to, Argus, Fax, etc) and Australia Post letters;
- To liaise with your health fund, government and regulatory bodies such as Medicare, the Department of Veteran's Affairs and the Office of the Australian Information Commissioner (OAIC) (if you make a privacy complaint to the OAIC), as necessary

For communications with other doctors and allied health professionals, we may transmit this information as a document attached to emails. When doing so we will take reasonable care to avoid sending these emails to incorrect recipients and will protect such documents with passwords (which will be communicated to the concerned parties by a separate mode of communication like SMS, in person or fax) to comply with relevant Australian Privacy Regulations.

Exceptions (need to disclose information without prior patient consent) to above include:

- As required by law
- Necessary to lessen or prevent a serious threat to a patient's life, health or safety or public health or safety, or it is impractical to obtain the patient's consent
- To establish, exercise or defend an equitable claim or a dispute resolution process.

## **6. Practice procedure**

We take reasonable steps to protect information held from misuse and loss and from unauthorized access, modification or disclosure.

Our staff are trained and required to respect and protect your privacy. Our staff sign confidentiality agreements at the time of joining. Our practice has document retention and destruction policies in accordance to relevant legal provisions. All hardcopies containing your personal information are destroyed by secure confidential paper destruction methods.

The Practice will:

- Provide a copy of this policy upon request
- Ensure staff comply with the APP and deal appropriately with inquiries or concerns
- Take such steps as are reasonable in the circumstances to implement practices, procedures and systems to ensure compliance with the APP and deal with inquiries or complaints
- Collect personal information for the primary purpose of managing a patient's healthcare and for financial claims and payments.

## **7. Staff responsibility**

The Practice's staff will take reasonable steps to ensure patients understand:

- What information has been and is being collected
- Why the information is being collected, and whether this is due to a legal requirement
- How the information will be used or disclosed
- Why and when their consent is necessary
- Practice's procedures for access and correction of information, and responding to complaints of information breaches, including by providing this policy.

## 8. Patient consent

The Practice will only interpret and apply a patient's consent for the primary purpose for which it was provided. The Practice staff must seek additional consent from the patient if the personal information collected may be used for any other purpose.

## 9. How can you access and correct your personal information?

You have a right to seek access to, and correction of the personal information which we hold about you. There is a fee associated with this access and depends on the nature and quantum of the information access requested. It will be detailed to you when you request this information.

For details on how to access and correct your health record, please contact our practice as noted below under 'Contact Details'. We will normally respond to your request within 30 working days.

## 10. Privacy related questions and complaints

If you have any questions about privacy-related issues or wish to complain about a breach of the Australian Privacy Principles or the handling of your personal information by us, you may lodge your complaint in writing to (see below for details). We will normally respond to your request within 30 days.

If you are dissatisfied with our response, you may refer the matter to the OAIC:

**Phone:** 1300 363 992

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Fax:** +61 2 9284 9666

**Post:** GPO Box 5218, Sydney NSW 2001

Website: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>

## 11. Anonymity and pseudonyms

The Privacy Act provides that individuals must have the option of not identifying themselves, or of using a pseudonym, when dealing with our practice, except in certain circumstances, such as where it is impracticable for us to deal with you if you have not identified yourself.

In our practice, we will not be able to deal with or provide care to individuals who do not wish to provide us with all the required identifiers.

## 12. Overseas disclosure.

We may disclose your personal information to the following overseas recipients:

- any practice or individual who assists us in providing services (such as where you have come from overseas and had your health record transferred from overseas or have treatment continuing from an overseas provider)
- overseas transcription services to transcribe clinical notes or letters in relation to your care
- overseas based cloud storage.

- Where your information is stored on overseas based cloud storage, it will be in folders which are password protected. [<https://www.oaic.gov.au/agencies-and-organisations/app-guidelines/chapter-8-app-8-cross-border-disclosure-of-personal-information> ]
- anyone else to whom you authorize us to disclose it

## 13. Updates to this Policy

This Policy will be reviewed from time to time to take account of new laws and technology, changes to our operations and other necessary developments. A notification of the updates to the policy will be displayed at our reception desk. Updates will be available on request and publicized on the practice's website (when the website is active)

## 14. Privacy and websites

If you choose to interact with the practice online, we may collect information from you to better service your request or interaction. This information will form a part of your personal information.

While we do not encourage communication between patient and the practice by email, at times, it may be inevitable in this digital age. If we do communicate with you or someone in your healthcare team (or others as detailed in this policy above) by email, we will not be able to accept sole responsibility of security of the data transmitted by such means.

## 15. Contact details for privacy related issues

We may require proof of your identity if you wish to access or modify your personal details that we have on our records. To access your personal details that we have on record for you, make changes to these or if you have any questions or concerns please submit a request with the secretary or practice manager at address below:

Gawler Surgical Specialists  
16 Adelaide Road, Gawler South SA 5118  
Telephone: (08) 8523 2500  
Fax: (08) 8523 2400

## 16. Document Information:

Version: 2.1  
Date of first approval: 16-Jan-19  
Revision due in: 24 months  
Date of revision: 17-Jun-19  
Revision points: Addition of paragraph on transmission of information on email under section 5 (Why do we collect, hold, use and disclose personal information).