Privacy Policy

Introduction

South Perth Hospital (SPH) is committed to ensuring personal information held about you (including health information, job applications, staff files) is managed in accordance with the Privacy Act 1988 (Cth) and all amendments, the Australian Privacy Principles (APPs),) and all other relevant Commonwealth and State legislation.

This privacy policy describes how South Perth Hospital collects, manages, stores, uses and discloses your personal information. This policy also outlines how you may access your personal information held by SPH, how you may request an amendment to your personal information and how to make a privacy complaint.

Definition of Terms Used in this Policy, as defined in the Privacy Act 1988 (Cth):

Personal Information

"Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not."

Health Information

Health information is a subset of personal information which is considered sensitive and means:

(a) "information or an opinion about:
(i) the health or a disability (at any time) of an individual;
or

(ii) an individual's expressed wishes about the future provision of health services to him or her; or
(iii) a health service provided, or to be provided, to an individual;
that is also personal information; or

(b) other personal information collected to provide, or in providing, a health service; or

(c) 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."

Sensitive Information

Sensitive information requires a higher degree of privacy protection under the Act. Sensitive information includes information such as your race, political opinions, religious beliefs, membership of unions or other associations, sexual preferences and/or practices, a criminal record or biometric information used for biometric verification or biometric identification.

About South Perth Hospital's Privacy Policy

The Australian Privacy Principles (APPs) are thirteen principles which regulate how South Perth Hospital (SPH) manages (collects, uses, discloses and secures) your personal information. All SPH staff members must abide by the Australian Privacy Principles. Hospital information systems must support the use, release, maintenance and storage of data and be structured and monitored to protect information from misuse. This policy applies to personal information held on paper, microfilm and in electronic systems.

SPH uses a "multi-layered approach", this means you can choose whether you want to read a condensed version ("A Guide to Privacy for Patients" Brochure) or for a detailed version, you will need to read this policy.

The "A Guide to Privacy for Patients" Brochure provides a summary of how your information is collected, used, disclosed and how to contact SPH for request access to your personal information or request an amendment. This is available on the hospital website and in public areas around the hospital.

SPH Collection of personal information

South Perth Hospital collects personal information about patients, including next of kin details, employees, job applicants, contractors and suppliers, and health professionals.

SPH will collect information about staff and job applicants which includes contact details, referees, previous work history, police checks and pre employment medical information (where necessary). Similar information is collected for contractors and suppliers.

SPH may collect personal information from health professionals as part of the accreditation/credentialing process, this may include contact details, professional experience and qualifications.

- SPH is permitted to collect personal information about you where it is necessary to provide you with a health service (diagnosis, care and treatment). The personal information collected includes: Demographic information (e.g. name, address, date of birth, sex at birth and gender)
- Health information (e.g. previous health history, information recoded in an episode of care)
- Billing information (e.g. health fund details, financial consent, associated costs)
- Information required by legislation/licencing (e.g. employment status, marital status)

SPH will always collect personal information directly from you. However, sometimes it may be necessary to collect information from a third party, for example:

- A responsible person (e.g. guardian)
- Your specialist Doctor
- A health care professional who has previously treated you
- Your insurer (private health or other)
- Your family
- Job referees
- Other sources where necessary (e.g. pathology laboratories/police checks)

SPH will only collect information from a third party with your consent, or when it is impracticable to collect this information from you, for example in an emergency situation.

SPH may access your My Health Record in accordance with access controls set by you.

Where practicable, you may have the option to deal with SPH in an anonymous way (e.g. by unidentified telephoning to request information about a service) or by the use of a pseudonym (correct details will be required for provision of treatment and billing purposes).

If the personal information provided to SPH is inaccurate, incorrect or withheld services may not be able to be provided.

SPH use and disclosure of personal information

South Perth Hospital will use and disclose personal information only for the primary purpose it was collected, unless:

- The secondary purpose is directly related to the reason for collection and would reasonably be expected to occur by you, for example patient billing processes/ debt collection;
- You have consented to the use or disclosure;
- The use or disclosure is required or authorised by Australian law or a court/tribunal order;

- SPH suspects that unlawful activity has, is, or may be engaged in, or misconduct of a serious nature that relates to SPH functions or activities or if SPH believes disclosure of personal information will prevent or lessen a threat to an individual's life, health or safety and it is impracticable/unreasonable to obtain the individual's consent, or public health and safety;
- SPH believes the use or disclosure of information is necessary for enforcement related activities conducted by or on behalf of an enforcement body.

SPH may use or disclose your personal information for:

a) Use among health care professionals
   Your personal information:
   - will be disclosed to health care workers (including accredited medical practitioners and staff) involved in your treatment;
   - may be provided to you GP, a report for endoscopy patients will be sent to the referring GP, a copy of your medical admission discharge summary will be sent to your GP
   - and other health care providers such as physiotherapists and other hospitals/health facilities;
   - will be used when specimens(e.g. blood and tissue) are sent to pathology laboratories for analysis;
   - may be disclosed to the manufacturer or supplier of a prosthesis or implant for safety and regulatory purposes;
   - a Discharge Summary/Endoscopy procedure report may be uploaded to your My Health Record if you have given consent

b) Support services
   Should support services be required after discharge, relevant information will be provided to the appropriate support service to enable them to continue your care. e.g. ACAT, rehabilitation provider or aged care provider.

c) Next of kin, guardians or legal representatives

d) General information about your condition may be given to the next of kin, guardian or legal representative nominated by you on your admission paperwork unless otherwise requested by you.

e) Hospital management
   South Perth Hospital may use personal information where necessary for the management of the hospital, including:

- continuous improvement and audits, staff development (training and education), clinical review purposes, accreditation, risk and claims management and complaint processing;
- for contacting individuals about appointments;
- for billing purposes when liaising with a health find, Medicare, external collection agency, Department of Veteran's Affairs, an employer and workers compensation insurers in relation to a worker's compensation claim;
- where required for notification to the hospital's insurers;
- to lawyers.

f) Required by law

SPH has legal obligations to provide information:

- where records are subpoenaed to court;
- to the Department of Health WA and federal authorities;
- to the Private Hospitals Data Bureau;
- to the Registrar General's Office;
- to the Cancer Registry;
- to Private Health Insurers;
- for Law enforcement reporting.

g) Direct Marketing

SPH does not disclose any personal health information for direct marketing purposes.

h) Contractors

Where SPH hires contractors to perform professional services, information may be shared to enable a service to be undertaken. All contractors are required to comply with the Privacy Act 1988 (Cth).

i) Job applications

SPH uses personal information of job applicants:

- To manage an individual's employment;
- For insurance purposes;
- Maintenance of current contact information;
- To satisfy legal obligations.

Information contained in unsuccessful job applications may be kept for the purposes of future employment.

j) Employees

SPH collects, uses and discloses personal information about employees in order to meet employer and legal obligations.

k) Application for accreditation by health professionals
SPH collects personal information from health care professionals seeking accreditation and submitting to the credentialing process. Information is collected, stored and used for the purpose of meeting obligations for this process.

My Health Record

If you have chosen to participate in the My Health Record program operated by the Commonwealth Department of Health, South Perth Hospital may access personal information stored in your My Health Record in accordance with the access controls that you have set within that system. If you do not want South Perth Hospital to access personal information stored in your My Health Record, it is your responsibility to modify the access controls as required. South Perth Hospital will only access information stored in your My Health Record to the extent required for your treatment by South Perth Hospital.

For patients who participate in the My Health Record program (operated by the Commonwealth Department of Health), South Perth Hospital may upload personal information electronically to the My Health Record system unless you opt out.

Cross-border Disclosure of Personal Information

SPH generally does not disclose personal information to anyone outside of Australia. However should the occasion arise where this is necessary, personal information may only be transferred outside of Australia only when:

- The overseas recipient does not breach APPs;
- A comparable information privacy law/scheme exists which protects information in a similar manner to the APP's and that the individual can enforce the protection;
- The patient has given written consent where the signature may be confirmed as valid.
- The disclosure is required/authorised under Australian law or a court/tribunal order or by an international agreement.

Data Quality

SPH will take reasonable steps to ensure personal information collected, used and disclosed is accurate, complete and up-to-date.

Data Security

SPH will take reasonable steps to protect personal information against misuse, loss from unauthorised access and inappropriate disclosure. SPH uses access control (with only authorised personal able to access records), encryption and physical security to ensure records are kept confidential.

Health information about an individual is stored either in a hard copy medical record, a microfilmed or a scanned version. These records are kept securely in the hospital. Information may also be kept electronically. Computer records are password protected with access to only authorised personnel. Access policies are in place within the hospital.

When personal information is no longer required, it will be permanently destroyed, deleted or de-identified. A Retention and Destruction Schedule defines the time period that information is kept and destroyed.

Eligible Data Breach

An eligible data breach generally means there has been or potentially will be unauthorised access to, unauthorised disclosure of, or loss of any personal information that SPH may hold. In the event of a data breach as soon as practicable, SPH will notify the individual with the following information:

- SPH contact details
- A description of the data breach
- The kinds of information concerned
- Recommendations about the steps individuals should take in response to the data breach.

SPH will also notify the Office of the Australian Information Commissioner.

Requests for Access or Correction of Personal Information

You may request to access the personal information held by SPH about you, and you may also request an amendment be made where you believe that the information is inaccurate. Access and amendments will be granted in accordance with the Privacy Act 1988 (Cth) or other relevant law.

Your request to access or amend the personal information should be made in writing to the Chief Executive Officer/Director of Nursing, or for requests pertaining to patient medical records, you may complete the appropriate form which is available by request or on the SPH website www.sph.org.au.

Where SPH does not agree to amend information in accordance with your request, you may provide a statement of the requested changes which will be placed in the medical record/staff file.

SPH may refuse access if:

- Provision of access would pose a serious threat to an individuals life, health or safety or that of the public;
- Access would impact on another individual's privacy;
- Request is frivolous or vexatious;
- Information related to legal proceedings;
- Would impact on negotiations with an individual;
- Provision of access would be unlawful;
- Required under Australian Law or court/tribunal order;
- SPH suspects unlawful activity, misconduct or activities and access would prejudice the taking of action;
- Access would prejudice enforcement related activities;
- Access would impact on a commercially sensitive decision-making process.

While SPH does not charge an application fee for making a request for access or amendment, an administration fee may be charged to cover costs associated with providing this information. A request will be processed within 30 days of receipt.

For more detailed information about the request and amendment process please contact the Health Information Manager:

- By letter: The Health Information Manager
  South Perth Hospital
  76 South Terrace
  SOUTH PERTH WA 6151
- By Telephone: (08) 9367 0222
- By facsimile: (08) 9474 4299

How to make a complaint about Privacy issues

To make a privacy complaint, the complaint must be made in writing and addressed to the Chief Executive Officer/Director of Nursing (CEO/DON). Sufficient details and any supporting documentation should be supplied with the complaint. Upon receipt of a complaint an investigation will be undertaken and you will be notified of the outcome. All complaints will be responded to in a reasonable time period. It may be necessary to contact you by phone or in writing in order to resolve the complaint.

If you are not satisfied with the response from SPH, then you may contact the Office of the Australian Information Commissioner (OAIC) at:

Website: www.oaic.gov.au

Phone: 1300 363 992

In writing: Office of the Australian Information Commissioner

GPO BOX 5288

Sydney NSW 2001

How to Contact SPH

- By letter: The Chief Executive Officer/Director of Nursing
  South Perth Hospital
  76 South Terrace
  SOUTH PERTH WA 6151
- By Telephone: (08) 9367 0222
- By facsimile: (08) 9474 4299

How SPH handles your personal information when visiting our website

This section explains what happens with personal information collected when visiting our website www.sph.org.au. It applies to the use of the SPH website and any of the facilities on the website.

Collection of information

When you use the SPH website, we do not identify you as a user and we do not collect any personal information unless you provide it to us. SPH may collect information when an individual sends an email.

An Internet Service Provider (ISP) will record some information about you when you use the SPH website. This information may include: your computer address; your top level name (e.g. .com, .gov, .org etc.); date and time of your visit; the pages and documents you access during your visit and the browser you used.

ISP logs may be inspected by law enforcement agencies or other government agencies where warranted.

Cookies

A cookie allows the SPH server to identify and interact more effectively with your computer. Cookies identify your ISP and browser type, they do not identify individual users.

The SPH website uses temporary cookies. The temporary cookie that was assigned to you when using the SPH website will be destroyed when you close your browser. This means that no personal information that may identify you is maintained.

Your browser can be configured to accept or reject all cookies and also to notify you when a cookie is used. You may want to refer to your browser instructions and/or help screens to learn more about these functions. Please note that if you configure your browser so as to not receive any cookies, a certain level of functionality of the SPH website and other websites may be lost.

SPH does not collect personal information such as your email address unless provided by you. SPH does not disclose domain names or aggregate information to third parties other than agents who assist with this website and who are under obligations of confidentiality.

Links to third party websites

SPH may create links to third parties on its website. SPH is not responsible for content or privacy practices of any websites linked from the SPH website.

Use and Disclosure

SPH will only use any personal information collected via the website for the purposes for which you have given the information.

SPH will not use or disclose your personal information to any organisation or person unless:

- You have consented to the use and disclosure for this purpose;
- You would reasonably expect or have been informed (told or via this policy) that the information is used or disclosed to other organisations in this way;
- Use or disclosure is required by law
- SPH suspects that unlawful activity has, is, or may be engaged in, or misconduct of a serious nature that relates to SPH functions or activities or if SPH believes disclosure of personal information will prevent or lessen a threat to an individual's life, health or safety and it is impracticable/unreasonable to obtain the individual's consent, or public health and safety.
- SPH believes the use or disclosure of information is necessary for enforcement related activities conducted by or on behalf of an enforcement body.

Where an email address is received when you send an email, this address is not disclosed to anyone else without your consent. The email address is not used for any other purpose than that for which it was intended by you.

Data Quality

Where personal information is collected from the SPH website, this will be maintained and updated when you advise that the personal information has changed.

Data Security

SPH will take reasonable steps to protect personal information against misuse, loss from unauthorised access, alteration and inappropriate disclosure. SPH uses access control (with

only authorised personal able to access records), encryption and physical security to ensure records are kept confidential.

SPH employees associated with website maintenance have access to the website's backend system, this is password protected as is the website service.

Access and Amendment

To access or amend your personal information collected via the website, refer to access and amendment in the main section of this policy or contact the Health Information Manager (see how to contact SPH section for details).