



Client Information Privacy

Number	C3.2	Version	V3 for WEBSITE
Category	Client Rights and Responsibilities	Focus	Privacy and Confidentiality
Approval Date	Nov 2013	Approving Authority	CEO and Management
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Purpose	The purpose of this document is to provide a framework for Darebin Community Health (DCH) to ensure the privacy and confidentiality of client information and access to this information on request.
Scope	This policy applies to all Board Directors, employees, volunteers and students at DCH in relation to the health and personal information of our clients.
Policy Statement	<p>DCH is committed to protecting the privacy of client information which the organisation collects, holds and administers.</p> <p>DCH uses a range of personal information for the purposes of delivering health services to individuals, and for approved secondary purposes such as funding, management, planning, monitoring, improvement or evaluation, or training provided by the health service to employees or persons working with the organisation.</p> <p>DCH recognises the essential right of individuals to have their information administered in ways which they would reasonably expect – protected on one hand, and made accessible to them on the other.</p> <p>We are committed to:</p> <ul style="list-style-type: none"> Responsible handling of health information, and protecting the privacy of an individual's health information Upholding the right of individuals to access their health information, except where this may pose a serious threat to the life or health of the individual or another person Respecting the dignity and privacy of the individual, at all times <p>This policy and procedure document is based on the; Health Records Act 2001 (Vic), the Privacy Act 1988 (Cth) and other legislation (see Legislation). Under the Health Records Act 2001 (Vic) information must be handled in accordance with the 'Health Privacy Principles'. Under the Privacy Act 1988 (Cth), information must be handled in accordance with the Australian Privacy Principles. These guiding principles are described in the appendices to this policy.</p> <p>In order to meet these commitments, we will:</p> <ul style="list-style-type: none"> Only collect personal information from individuals where it is necessary for one or more of DCH functions or activities Collect this information by lawful and fair means, minimising intrusion as far as possible. Only use the health information of clients for the purpose for which it is intended or where the client has consented to the use or disclosure, or for a secondary purpose related to the primary purpose and which the client would reasonably expect it to be used Ensure as far as is practicable that all health information collected and held is maintained as accurate, complete, up to date and relevant to the purpose for which it was collected Take reasonable steps to correct information where information is found to be inaccurate, incomplete, or not up to date Maintain client health information in secure client information management databases that protects the information from misuse, loss or unauthorised access Provide systems for individuals to access their own health records Communicate these systems to users of the health service

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	<ul style="list-style-type: none"> Ensure all staff are provided with the Health Privacy Principles of the Health Records Act 2001 at orientation and are supported to comply with this legislation Ensure that all external auditors and contractors comply with Privacy Legislation and DCH Policy Provide training to staff in Privacy and Confidentiality as it relates to health records and personal information Act promptly to resolve any complaints regarding the handling of health information, and provide information on complaint resolution mechanisms Not disclose any personal information to overseas recipients. <p>DCH does not collect sensitive information about its clients unless the client consents and the information is needed to provide a service to the client.</p> <p>DCH will appropriately manage any personal information received about an individual that was not sought by DCH and not needed for the provision of services</p> <p>This policy and its related procedure will be made available on the DCH website and request to clients of the health service without charge.</p> <p>The Health Privacy Principles and Australian Privacy Principles are included at appendices to this policy.</p>
Definitions	<p>Health information is defined in section 3 of the Health Records Act 2001 as:</p> <p>a) “information or opinion about</p> <ol style="list-style-type: none"> the physical, mental or psychological health (at any time) of an individual; or a disability (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 <p>b) other personal information collected to provide, or in providing, a health service, or</p> <p>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; or</p> <p>d) other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants – but does not include health information, or a class of health information or health information contained in a class of documents, that is prescribed as exempt health information...”</p> <p>Personal information is defined in section 3 of the Health Records Act 2001 as: “information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information about an individual who has been dead for more than 30 years.”</p> <p>Service Provider Is defined as the DCH staff member providing a health service to a client.</p> <p>Treating Team is a group of DCH staff members (Service Providers) directly involved in providing health care to a client at any point in time.</p>

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Appendix 1: Health Privacy Principles

Principle	Name	Description
HPP1	Collection	Health information is only collected if necessary for the performance of a function or activity and with consent. Individuals must be notified about what will be done with the information and that they can gain access to it.
HPP 2	Use and Disclosure	Health information is only used or disclosed for the primary purpose for which it was collected, or a directly related secondary purpose the person would reasonably expect. Consent is needed for any other use.
HPP 3	Data Quality	Reasonable steps are taken to ensure health information is accurate, complete, up-to-date and relevant to the functions performed.
HPP 4	Data Security and Retention	Health information is to be safeguarded against misuse, loss, unauthorised access and modification.
HPP 5	Openness	Policies on management of health information are to be clearly documented, expressed and made available to anyone who asks for them.
HPP 6	Access and Correction	Individuals have the right to seek access to health information about them, and to correct it if it is inaccurate, incomplete, misleading or not up-to-date.
HPP 7	Identifiers	A number is only assigned to a person if it is necessary to carry out functions efficiently
HPP 8	Anonymity	Individuals are to be given the option of not identifying themselves when entering transactions with organisations where this is lawful and practicable.
HPP 9	Transborder Data Flows	Health information will only be transferred out of Victoria if the organisation receiving it is subject to laws substantially similar to the Health Privacy Principles
HPP 10	Transfer/Closure of practice of health service provider	Notice must be given of transfer or closure of services to past service users
HPP 11	Making information available to another service provider	Health information relating to an individual will be made available to another health service provider if requested by the individual.

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Appendix 2: Australian Privacy Principles

Principle	Name	Description
APP 1	Open and transparent management of personal information	Personal information is managed in an open and transparent way. Policies on privacy and the management of personal information must be up-to-date and available free of charge and in an appropriate form for those who request it. The organisation must be able to deal with enquiries or complaints about the APPs.
APP 2	Anonymity and pseudonymity	Individuals have the option of not identifying themselves, or using a pseudonym except for where this is impracticable for the organisation to deal with that individual
APP 3	Collection of solicited personal information	Personal information (other than sensitive information) will not be collected unless the information is necessary for the organisation to perform its functions or directly related functions and activities. Sensitive information will not be collected unless the individual consents and the information is necessary for the organisation to perform its functions, or the collection is authorised or required by Australian law or a court/tribunal order. Information will only be collected by lawful and fair means. It will be collected only about the individual and from the individual, unless otherwise consented to by the individual, required by law or order, or it is unreasonable and impractical to do so.
APP 4	Dealing with unsolicited personal information	If an organisation receives unsolicited personal information that it would not have otherwise collected, the organisation will take steps to destroy the information or ensure that it is de-identified.
APP 5	Notification of the collection of personal information	At the time of collection of personal information, or as soon as possible after, the organisation must notify the individual that the information has been collected, the purpose for which it will be used, any other organisation or body that the organisation usually discloses personal information of the kind collected, how the individual may access that personal information, and that the organisation's policy describes how a complaint about privacy can be made.
APP 6	Use or disclosure of personal information	Personal information held about an individual that was collected for a particular purpose, can only be used for that purpose unless the individual has consented to the use and disclosure, or the individual would reasonably expect the organisation to use or disclose the information for a secondary purpose.
APP 7	Direct marketing	Personal information about an individual must not be used or disclosed for the purpose of direct marketing, unless an individual would reasonably expect the organisation to disclose the information for that purpose and the organisation provides a simple means for the individual to request that they are not sent marketing information.
APP 8	Cross-border disclosure of personal information	Before an organisation discloses personal information to an overseas recipient, it must take steps to ensure that

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		the overseas recipient does not breach APPs, unless the agency reasonably believes that the disclosure is necessary for enforcement purposes of an enforcement agency
APP 9	Adoption, use or disclosure of government related identifiers	An organisation must not adopt a government related identifier for an individual as its own identifier of an individual unless required or authorised by Australian law or it is reasonably necessary to verify the identity of the individual.
APP 10	Quality of personal information	An organisation must take such steps as are reasonable to ensure that the personal information it collects is accurate, up to date, and complete.
APP 11	Security of personal information	An organisation must take such steps as are reasonable to protect the personal information it holds about individuals from misuse, interference and loss; and from unauthorised access, modification or disclosure. Where the personal information collected by the organisation is no longer needed for use or disclosure, and the organisation is not required by an Australian law or court or tribunal order to retain the information, the organisation must take steps to destroy the information or ensure that it is otherwise de-identified.
APP 12	Access to personal information	An individual must be provided with access to their personal information on request, unless the organisation reasonably believes that providing access would pose a serious threat to the life, health or safety of the individual or the public; giving access would have unreasonable impact on the privacy of other individuals; the request is frivolous or vexatious; the information relates to existing or anticipated legal proceedings and the information would not be available through those proceedings; or giving access would be unlawful.
APP 13	Correction of personal information	If personal information held about an individual is found to be inaccurate, out-of-date, incomplete, irrelevant or misleading, or the individual requests that information be corrected, the organisation will take steps to correct that information. If that information has been previously disclosed to a third party, the organisation must take steps to notify the third party of the correction unless it is unlawful or impracticable to do so. If an organisation refuses to correct information it must explain that decision in writing to the individual, and the mechanisms for complaint about the refusal.