

# MANDURAH MEDICAL CENTRE

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## **PRIVACY AMENDMENT (ENHANCING PRIVACY PROTECTION) ACT 2012 WHICH AMENDS PRIVACY ACT 1988 EFFECTIVE FROM 12 MARCH 2014**

### **PRACTICE PRIVACY POLICY**

**This practice is committed to meeting the requirements of the Privacy Act and the Australian Privacy Principles.**

This practice has a privacy policy, which is detailed following:

#### **1. Consideration of personal information**

- The practice has documented and implemented procedures to meet the AAP. Staff trained in awareness and implementation
- The practice has a written AAP privacy policy that includes the content specified in APP 1.4. This is periodically reviewed.
- The AAP Privacy Policy is accessible on the practice website or in printed format on request free of charge.
- The practice has a written procedure for handling enquiries and complaints.

#### **2. Anonymity and pseudonymity**

- The practice has processes in place to handle requests for anonymity or pseudonymity. Generally it is not practical to give individuals the option of using this practices services anonymously. Such request would be considered on an individual case basis after discussion with the practice manager.

#### **3. Collection of personal information**

- The practice has documentation on how, what and when personal information is collected. Processes amended with all new personal information collection requests.
- Personal information collected by this practice is only that information necessary to provide a health service, which can advise and treat you.

- **WE TAKE THE VIEW THAT BY ATTENDING THIS SURGERY AND PROVIDING INFORMATION YOU HAVE GIVEN YOUR IMPLIED CONSENT FOR US TO COLLECT, USE AND DISCLOSE YOUR PERSONAL INFORMATION IN THE COURSE OF NORMAL CLINICAL PRACTICE, INCLUDING REFERRALS TO APPROPRIATE PARAMEDICAL SERVICES (eg PATHOLOGY OR SPECIALIST).**
- The practice follows written policy explaining levels of consent required and how this is obtained and recorded. Staff trained in consent requirements.
- The practice only collects information directly from the patient, unless there is authorization for collection from someone else. Staff trained in requirements.
- We will normally collect information from the individual directly unless circumstances mean this is not possible eg the individual is a child or an emergency situation occurs, or we are collecting information from a related health care provider eg pathology or Xray results.
- In emergency situations we may need to collect personal information from relatives or other sources when we are unable to obtain express prior consent.
- If you are concerned about the disclosure of information you can discuss the matter with the medical practitioner or practice staff member at the time of collection, otherwise we take the view that when you provide that information you have given your implied consent for us to collect, use and disclose your personal information as outlined in this Practice Privacy Policy.
- Good health requires a broad knowledge of patient circumstances. Where you elect to withhold clinically relevant information, your Doctor may discuss the appropriateness of his or her ongoing involvement in your management.
- The Mandurah Medical Centre is managed by the Dudley Park Medical Services Unit Trust.

#### **4. Dealing with unsolicited personal information**

- The practice evaluates all information it receives that it not request to decide if it should be kept, acted on or destroyed.

#### **5. Notification of the collection of personal information**

- When the practice collects or receives personal information that the patient is not aware of, the practice notifies the patient for collection. The notification must include the reason for collecting it, what the practice will do with the information and who else the practice might share this with. (3<sup>rd</sup> parties).

#### **6. Use or Disclosure of personal information**

- The practice obtains consent from the patient for the secondary use of their information in cases it would not be reasonable for the patient to expect their information to be used for this purpose, or where the information is not de-identified.

Patient consent is documented. Secondary uses of data are recorded. The de-identification process is checked. Records of the secondary use are reviewed.

- The personal information you share with your general practitioner is treated with respect for your privacy and is kept secure and confidential.
- Details of your personal information are only disclosed to other health professionals who have a primary role or directly related secondary role in your care and treatment, eg other medical practitioners at this practice who may have reason to treat you or specialists to whom you have been referred.
- Such secondary roles may also include accreditation activities, disclosure to an insurer or medical defence organisation for the purpose of liability indemnity arrangements, or quality assurance or clinical audit activities designed to evaluate and improve the delivery of a specific treatment or service.
- Under State law there are occasions when we are required to disclose health information such as to prevent the outbreak of infectious disease or notification of an adverse reaction to a medication or a treatment.
- Your personal health information will only be used for the purpose for which it was gathered unless de-identified or your specific consent has been obtained.

## **7. Direct Marketing**

- This practice does not engage in direct marketing or written procedures for the use of information for the use of information for direct marketing, consent and opt out process are in place.

## **8. Cross-border disclosure of personal information**

- The practice has a procedure that ensures any overseas recipient of information has substantially similar protection to Australian Privacy Principles and consent has been obtained for disclosure of this information where required.

## **9. Adoption, use and disclosure of government related identifiers.**

- This practice does not use the IHI or any other identifier such as the medicare number, as the primary patient identifier in the practice computer system. Procedures for the correct handling and management of IHIs relevant to the practice developed.

## **10. Quality of personal information**

- The practice has documented procedure for ensuring personal information is accurate, up-to-date and complete during data collection, and when information is used or disclosed. Staff aware of procedures.

## 11. Security of personal information

- This practice recognises the need to safely and securely store all forms of personal health information both computer records and paper records. Our premises are Alarmed and monitored 24 hours a day.
- We have policies and procedures in place to protect against both accidental loss and intentional breach. All personal data is held in a secure environment and/or password protected with access only available to those staff with a genuine need to access those records.
- Medical records are kept for 7 years for adults and for children, 7 years after the patient turns 18 years of age, in a secure archive.
- Records may be destroyed after this period has elapsed and a decision has been made that the record is no longer required for any reason.
- Old paper records are destroyed by a secure document shredding company and computers no longer used are safely de-identified and destroyed.
- An individual can get further information about the way we manage their personal health information, by addressing their concerns in writing to the practice manager at this address. Should this not be practical they can ask to speak to the practice manager.
- We undertake that any possible future change in the business structure of this practice will not alter the manner in which we use any individual's health information.
- If this practice should ever cease to operate and no other provider was to take over, then arrangements would be made for appropriate storage, to allow future access by individuals of their personal health information.

## 12. Access to personal information

- Individuals may access the health information held about them. This principle facilitates open communication between the individual and their general practitioner. *The purpose of this is to allow individuals to correct information they believe is not accurate, complete or up-to-date.*
- This right of access only permits individuals to seek access to their own personal health records. Therefore personal identification may need to be sighted before we provide access to your records.
- While individuals may be given a copy of their health record in some circumstances, eg test results, generally access will be through viewing of the record in the presence of a practice nurse.
- Access may be in conjunction with your doctor if the request is specific and is likely to be brief.
- It is not a legal requirement that requests for information be made in writing. However, a written request allows for more clarity about the information to which access is sought, and it provides a record on file of the request. We therefore ask that where possible your request be in writing, using our practice request form.

- Your request will normally be acknowledged within 14 days and access processed within 30 days.
- We may impose a charge for staff time involved in processing your request. Our current rate is \$50.00 per hour, with a minimum charge of \$30.00
- There are some circumstances when access can be denied and these will include where access would pose a serious threat to the life or health of any individual, the privacy of others may be affected, the request is frivolous or vexatious, the information relates to existing or anticipated legal proceedings, access would be unlawful, or the information is commercially sensitive. You may not be entitled to access all your records generated prior to 21 December 2001, which is prior to the introduction of relevant legislation.
- If access is withheld for any reason, the individual will be informed of the reasons for doing so.

### **13. Correction of personal information**

- This practice has a procedure for correcting personal information. This includes notification to third parties: written refusal to correct notification; provision for individual statement of inaccuracy to be associated with that information; and no charge may be made for the correction.

If you wish to make a complaint about possible breach of the Privacy Act, we would encourage you to talk to your doctor or our practice manager about your concerns. If you feel that you wish to make a formal complaint, you may contact the Office of the Federal Privacy Commissioner (Freecall 1300 363 992).