

Sight Foundation Theatre

PRIVACY

POLICY

Privacy of patients' personal information must be maintained in line with the Privacy Act.

PROCEDURE

Patient information is managed in accordance with the Privacy Amendment (Enhancing Privacy Protection) Act 2012 which incorporates the following Australian Privacy Principles (APP):

APP 1 – open and transparent management of personal information – a comprehensive privacy policy is readily accessible which outlines how the organisation complies with the Act

APP 2 – anonymity and pseudonymity – individuals may choose not to identify themselves or use a pseudonym, but this is impractical and an exemption in a healthcare setting where correct identification of patients is mandatory safety and accreditation requirement

APP 3 – collection of solicited personal information - personal information must not be collected unless it is reasonably necessary for patient care

APP 4 – dealing with unsolicited personal information – this information can only be collected if it is permitted under APP3.

APP 5 – notification of the collection of personal information – patients must be notified that information is collected

APP 6 – use and disclosure of personal information – specific circumstances are defined where information can be used and released

APP 7 – direct marketing – information must not be used for direct marketing unless consent has been obtained or there is a reasonable expectation that information would be used for this

APP 8 – cross-border disclosures – if information is disclosed overseas confirmation must be sought that it will be handled in line with the APP

APP 9 – adoption, use or disclosure of government related identifiers – cannot be adopted, used or disclosed unless an exception applies

APP 10 – quality of personal information – personal information collected must be accurate, up to date and complete

APP 11 – security of personal information – personal information must be protected from interference, misuse, loss, unauthorised access, modification and disclosure

APP 12 – access to personal information – individuals must be given access to

Sight Foundation Theatre

PRIVACY

their personal information (unless an exception applies) in a reasonable timeframe.

APP 13 – correction of personal information – reasonable steps must be taken to correct information held if identified by the organization or requested by the individual

Sight Foundation Theatre may hold the following information about patients:

- Name, address, telephone numbers
- Date of birth
- Occupation
- Next of kin details
- General Practitioner and Referring Doctor
- Marital Status
- Financial details associated with services the Centre has provided
- Medical history
- Current and past records of treatment given at this facility
- Any additional information provided to the Centre by the patient

Clinical information is collected in accordance with NSW Health Department principles and the Private Health Facilities Act 2007 and Regulation 2010.

Sight Foundation Theatre will retain personal information in accordance with legislative requirements and dispose of it in a secure fashion.

Sight Foundation Theatre uses personal information about patients:

- To provide medical treatment and care;
- To assist treating doctors, nursing staff and allied health professionals in providing medical treatment and care to the patient at our facility;
- To assist with any calls a patient may make to us;
- For our internal administrative requirements;
- To process private health fund claims;
- To provide information to medical practitioners, registered nurses and allied health professionals who provide follow up treatment and ongoing care;
- For benchmarking and clinical indicator reporting in a de-identified form;
- To provide data in both an identified and de-identified form to state government agencies in compliance with numerous legislative requirements;
- To provide data in a de-identified form to the Private Hospital Data Bureau.

STORAGE

Sight Foundation Theatre stores personal information:

- Contained in paper based documents in dedicated secure storage facilities located in the facility and archived offsite with an external service provider;
- Contained in a computerised format with secure access, within the facility.

Access to patient files is restricted to those personnel who need to view the contents in the course of a management or treatment activity, governing body review or compliance audit.

Sight Foundation Theatre

PRIVACY

ACCESS

A patient may request access to personal information we hold about them (in writing on the approved form) to the Director of Nursing.

The patient does not have to provide a reason for requesting access. Where the Centre holds information that the patient is entitled to access, the Centre will endeavour to provide the patient with a suitable range of choices as to how they may access it (e.g. post or collection).

The Australian Privacy Principles oblige health care providers to take reasonable steps to ensure that individuals requesting are in fact the individuals to whom the information relates or a 'person responsible.' Request proof of identification, take a photocopy and ask the individual to certify the copy. Store this certified identification with the request in the patient's medical record.

The receipt of written requests for access to personal information must be acknowledged within fourteen (14) days of the date of receipt of the request. Information should be checked prior to release for accuracy and completeness and to ascertain whether any information should be withheld. The treating medical practitioner is to be informed of any request prior to the information being released.

Reasons for withholding information include:

- Where access would pose a serious threat to the life or health of any individual;
- The information contains information about another person;
- The request is frivolous or vexatious (for example, there has been repeated requests by the same person);
- The information is relevant to existing or anticipated legal proceedings and the individual would not be able to access the information in the course of those proceedings;
- The law requires that access be denied;
- Law enforcement or national security authorities have an interest in the information requested.

Information that is required to be withheld should be removed from the record provided to the patient and to the patient notified that information has been withheld and the reasons.

An administration fee of \$50.00 will be charged on production of information requested. Copies of any information may be supplied at a fee of 30c/page.

AMENDMENT OF INFORMATION

If the patient believes that personal information the Centre holds about them is incorrect, incomplete or inaccurate, they may request amendment of it. A Request for Amendment form is to be completed by the patient. This request will be reviewed by the attending doctor and the request and the outcome will be documented in the medical record.

Sight Foundation Theatre

PRIVACY

ACCESS BY 'PERSONS RESPONSIBLE

If the patient is incapable of giving or communicating to consent, request for access to personal information can be made by a responsible adult as defined in the Australian Privacy Principles as 'persons responsible' for the individual to whom the information relates.

'Persons responsible' include:

- A partner
- A family member
- A carer
- A guardian
- A close friend
- A person exercising power under an enduring power of attorney.

Health care providers need to ensure that personal information disclosed to a 'person responsible' is limited to that which is reasonable and necessary to the care and treatment of the individual to whom the information relates.

In addition to proof of identification a 'person responsible' should be asked to provide some form of proof of the relationship between themselves and the individual to whom the information relates. They must also specify the reason for the request.

MEDICO-LEGAL REQUESTS FOR INFORMATION

Confidential information from medical records are only released to solicitors or other third parties upon receipt of a current written consent by the patient, or where appropriate, their legal representative who has the power of attorney. The request should specify the dates of treatment pertinent to the information being sought and must be the original signed version, not a copy.

All medico-legal requests for information are handled by the Director of Nursing who may, as appropriate, involve the treating health practitioner in the preparation of reports for solicitors.

All written requests for information (with consents) are filed in the patient's medical record.

SUBPOENAS

The subpoena should be given directly to the Director of Nursing who will contact the medical indemnity insurer and/or solicitor for advice in relation to the proper conduct to be followed in accordance with legal requirements and who else should be notified eg VMO. The Directors and Medical Advisory Committee will be advised of any cases that may involve the Centre and/or the treating health professional. Subpoenas are to be acted upon within the stated timeframe.

The organisation is under an obligation to produce only those documents covered by the description set out in the subpoena. A copy of the requested sections of the patient's medical record is to be provided promptly to the court. The original record is retained at the Centre. Information regarded as sensitive, correspondence and any notes that are not relevant to the case should be removed from the medical record before it is copied.

Sight Foundation Theatre

PRIVACY

The subpoena and a record of the release of the medical record is added to the patient's medical record.

QUESTIONS AND COMPLAINTS

Any questions about this policy, or any complaint regarding treatment of a patient's privacy by this facility should be made in writing by the patient to the Director of Nursing.

If a patient's complaint cannot be resolved directly with the Director of Nursing, it should be referred to the Office of the Australian Information Commissioner.

REFERENCES

Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012

State Health Records Information & Privacy Act 2002

RELEVANT DOCUMENTS

Document and Record Control Procedure