

## **YOUR PRIVACY - OUR POLICY**

The aim of our clinic is to provide quality health care to the patient and their immediate family. The privacy of individual's information has always been respected. The formalisation of a Privacy Policy is now required by law. This basically "puts on paper" what we already practice.

Health information is "sensitive information". For the purposes of privacy legislation, this practice will require written consent to collect information that is necessary to make an accurate medical diagnosis, prescribe appropriate treatment and to be pro-active in patient health care.

The written notes remain the physical and intellectual property of the doctor at all times.

Access to these notes is covered by legislation, there is a process to follow, there are fees involved. Information regarding access and the process is contained in the following pages.

## **PARENTS / GUARDIANS AND CHILDREN**

The right of children to privacy of their health information, based on the professional judgement of the doctor and consistent with the law, might at times restrict access to this information by parents or guardians.

## **COLLECTION, USE AND DISCLOSURE OF YOUR INFORMATION**

Information about a patient's medical and family health history is needed to provide accurate medical diagnoses and appropriate treatment. We will be fair in the way we collect information about our patients. This information is generally collected from the patient / parent/ guardian with consent. However, from time to time we may receive patient information from others. When this occurs we will, wherever possible, make sure the patient / parent/ guardian knows we have received this information.

Medical care requires full knowledge of patient health information by all members of a medical team. To ensure quality and continuity of patient care a patient's health information has to be shared with other health care providers from time to time. Some information about patients is also provided to Medicare, and private health funds if relevant, for billing and medical rebate purposes.

The doctors in this practice are members of various medical and professional bodies including medical defence organisations, medical indemnity insurance obligations. There may be occasions when disclosure of patient information is required for medical defence purposes. In emergency situations when consent is not possible to obtain.

There are also circumstances where a medical practitioner is legally bound to disclose personal information. An example of this is the mandatory reporting of communicable diseases.

Patient consent would be sought prior to release of information to any other professional body eg. Diabetes Australia, Epilepsy Foundation or other institutions requesting information or statistics for medical research.

## **DATA QUALITY**

The storage, use and where necessary, transfer of personal health information will be undertaken in a secure manner that protects patient privacy. It is necessary for medical practices to keep patient information after a patient's attendance for as long as is required by law or is prudent having regard to administrative requirements.

## **OPENNESS**

On request this practice will let patients know, generally, what sort of personal information we hold, for what purposes, and how we collect, hold, use and disclose that information.

## **ACCESS AND CORRECTION**

Patients may request access to their personal health information held by this practice.

- Where necessary, patients will be given the opportunity to amend any personal information held that is incorrect.
- There are some circumstances in which access is restricted, and in these cases reasons for denying access will be explained.
- A charge may be payable where the practice incurs costs in providing access.
- This practice acknowledges the right of children to privacy of their health information. Based on the professional judgement of the doctor and consistent with the law, it might at times be necessary to restrict access to personal health information by parents or guardians. Upon request a patient's health information held by this practice will be made available to another health service provider.

## **IDENTIFIERS**

These numbers, letters or symbols that are used to identify patients with or without the use of a name. (eg Medicare numbers). We will limit the use of identifiers assigned to patients by Commonwealth Government agencies to those uses necessary to fulfil our obligations to those agencies.

## **ANONYMITY**

A patient has the right to be dealt with anonymously, provided this is lawful and practicable. However, in the medical context this is not likely to be practicable or possible for Medicare and insurance rebate purposes. It could also be dangerous to the patient's health.

## **TRANSBORDER DATA FLOWS**

Individual's privacy is protected Australia-wide by privacy laws. We will take steps to protect patient privacy if information is to be sent interstate or outside Australia.

## DATA SECURITY AND RETENTION

Medical information (in the form of paper notes) is stored "on site". All computer records are backed up and a copy taken off site for security reasons (if only one copy was held it could be destroyed by fire or vandalism).

Transfer of your information will be undertaken in as secure a manner as is possible and practical. You will be informed if it is our intention to send letters / information to other allied health professionals – other specialists, hospitals, laboratories, audiology departments etc. The doctor would normally inform you if letters are to be sent to others involved with the care of your child – schools, Early Intervention Centres, Maternal & Child Health Centres, etc.

Your health records will be held securely by us for the period of time set by legislation -

*In the case of health information collected while the individual was a child, records will be retained until the individual attains the age of 25 years*

## SENSITIVE INFORMATION

Health information is "sensitive information". For the purposes of privacy legislation this practice will require written consent to collect information that is necessary to make an accurate medical diagnosis, prescribe appropriate treatment and to be pro-active in patient health care.

## TRANSFER / CLOSURE OF THIS MEDICAL PRACTICE

In the case of closure of this practice an advertisement would be placed in newspapers stating the business is to be sold, transferred or closed. Information on the process regarding access to records would be published at this time.

## TRANSFER TO ANOTHER HEALTH SERVICE PROVIDER

The notes remain the physical property of this clinic. At an individuals written request relevant health information can be made available to another health service provider. In some instance a fee may apply.

## ACCESS

A patient has the right to access their information. They may ask to view the information or ask for a summary of a part or of the whole record.

There are some circumstances in which access may be denied but in such an event, the patient will be advised of the reason.

This practice requires a written statement as to what information you require – enabling us to comply with your request appropriately. The practice will charge an appropriate fee for the provision of information. (See charge list). The practice will provide written notification of the fee involved within 45 days of receiving the request and access or information will be provided within 7 days of payment being received.

### RIGHT OF ACCESS: Application

- The right of access applies in full to information collected after the commencement of the Act (1/3/2002)
- More limited rights apply in respect of information collected prior to the Act's commencement.
- This reflects the fact that practitioners and other organisations have compiled records on the understanding that they would not be available to be viewed as of right by consumers.

### RIGHT OF ACCESS: Manner

- Access to 'new records' (created after the Act's commencement (1/3/2002) can occur by way of
  - inspection;
  - Provision of a copy or a summary (if the individual agrees) or;
  - An opportunity to view the record accompanied by an explanation by the health service provider.
- Where the provider agrees, access to 'old records; may be granted in one of the forms outlined above, If there is no agreement, the person is entitled to received an accurate summary of the information.
- There is no right of access to non-factual information in 'old records' (such as practitioners' comments).

### RIGHT OF ACCESS: Limits

Access must not be granted where –

- An organisation believes on reasonable grounds that granting access would pose a serious threat to the life of the person making the request or of any other person; or
- The information was given in confidence by another person such as a friend or relative, unless that person consents.

## **RIGHT OF ACCESS: Limits (cont)**

An organisation may refuse access where –

- This would have an unreasonable impact on the privacy of others;
- Information related to legal proceedings and the information would not be discoverable or is subject to legal professional privilege
- Denying access is required or authorised by law; or
- Granting access would prejudice law enforcement by a law enforcement agency.
- The request for access is of a kind that has been made unsuccessfully on at least one previous occasion and there are no reasonable grounds for making the request again.
- The individual has been provided with access to the health information and is making an unreasonable, repeated request for access to the same information in the same way.

## **RIGHT OF ACCESS: Fees**

- Reasonable fees can be charged by organisations to recover the costs of providing access.
- Health service providers can charge their 'usual consultation fee' (non Medicare rebatable) for explaining the contents of records to consumers.
- Fees will be capped by a ceiling fixed by regulations.

### **Note that the process for this practice will be:**

1. Complete a written request of information desired – include the name and address of the person requesting access / information and their relationship to the patient
2. Doctor to read through notes to determine whether type of access requested is applicable and determine costs involved regarding summary or photocopies as appropriate. Visual access will be arranged for Tuesday or Friday mornings as supervision by a staff member is required.
3. Notification of the fee involved will be made within 45 days of receipt of the request. Confirmation and agreement to pay appropriate fees will be required before further action is taken
4. Release of information will be 45 days (Fed) / 30 days (State) or 7 days **following complete payment**, whichever is later. (All outstanding patient accounts must be paid in full prior to release of information)

Where access is denied on reasonable grounds, discussion with the individual will be arranged.

## **RIGHT OF ACCESS – FEES**

As set out under Victorian health records regulations.

\$5.00 per quarter hour (plus GST) for supervising individual's inspection of their records.

Up to \$20.00 (plus GST) for assessing and collating the information for individuals.

Up to \$10.00 (Plus GST) retrieval costs if the information is held off site.

20 cents per page (Plus GST) for photocopying records.

\$40.00 per quarter hour, up to a maximum of \$200.00 (plus GST) for providing functions as a nominated health service provider ie. reviewing and preparing a summary from another health service providers notes.

For preparing an accurate summary if one does not exist – a total of the following (plus GST) –

An amount calculated by the time taken –

a) based on the usual consultation fee or

b) a rate of \$25.00 per quarter hour (plus GST) , not exceeding \$80.00 (plus GST)

## **RIGHT TO CORRECT HEALTH INFORMATION**

An individual has the right to have their health information corrected if they can establish that it is inaccurate, incomplete, misleading or not up to date.

The individual must make a request in writing indicating their name address and relationship to the patient. The individual needs to establish the information that is inaccurate, incomplete, misleading or not up to date and what the correct information should be.