

# Nganampa Health Council Incorporated

## Privacy Factsheet

### ***Purpose***

To ensure patients who receive care from Nganampa Health Council (NHC) are comfortable in entrusting their health information to NHC. This policy provides information to patients as to how their personal information (which includes their health information) is collected and used within NHC, and the circumstances in which we may disclose it to third parties.

### ***Background and rationale***

Nganampa Health Council (NHC) is bound by the *Privacy Act 1998* and the Australian Privacy Principles (APP).

NHC collects, uses and stores personal information necessary to provide the services we deliver. The range of services includes the delivery of health services including emergency care, acute care and population health programs the provision of health promotion programs, the provision of environmental health services, health research and staff training.

The APP provide a privacy protection framework that supports the rights and obligations of collecting, holding, using, accessing and correcting personal information. The APP consists of 13 principle-based laws and applies equally to paper-based and digital environments. The APP complements the long-standing general practice obligation to manage personal information in a regulated, open and transparent manner.

This policy will guide NHC staff in meeting these legal obligations. It also details to patients how NHC uses their personal information. The policy must be made available to patients upon request and a copy will be kept on the NHC website.

### ***Practice procedure***

NHC will:

- provide a copy of this policy upon request
- ensure staff and consultants comply with the APP and deal appropriately with inquiries or concerns
- take such steps as are reasonable in the circumstances to implement practices, procedures and systems to ensure compliance with the APP and deal with inquiries or complaints
- collect personal information for the primary purpose of managing a patient's healthcare and for financial claims and payments.

### ***Staff responsibility***

NHC's staff will take reasonable steps to ensure patients understand:

- what information has been and is being collected
- why the information is being collected, and whether this is due to a legal requirement
- how the information will be used or disclosed
- why and when their consent is necessary
- NHC's procedures for accessing and correcting information, and responding to complaints of information breaches, including by providing this policy.

### ***Patient consent***

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NHC will only interpret and apply a patient's consent for the primary purpose for which it was provided. NHC staff must seek additional consent from the patient if the personal information collected may be used for any other purpose.

### ***Collection of information***

NHC will need to collect personal information as a provision of clinical services to a patient at the practice. Collected personal information will include:

- names, addresses and contact details
- Medicare number (where available) (for identification and claiming purposes)
- healthcare identifiers
- medical information including medical history, medications, allergies, adverse events, immunisations, social history, family history and risk factors.

A patient's personal information may be held at NHC in various forms:

- as paper records
- as electronic records
- as visual records – x-rays, CT scans, Ultrasounds, videos and photos
- as audio recordings.

NHC's procedure for collecting personal information is set out below.

1. NHC staff collect patients' personal and demographic information via registration when patients present to NHC for the first time.
2. During the course of providing medical services, NHC's healthcare practitioners will consequently collect further personal information.
3. Personal information may also be collected from the patient's guardian or responsible person (where practicable and necessary), or from any other involved healthcare specialists.

NHC holds all personal information securely, whether in electronic format, in protected information systems or in hard copy format in a secured environment. A separate policy details this storage.

NHC only collects information directly from the patient unless there is authorisation to collect the information from someone else.

Any information that we receive that we did not request is evaluated to determine whether the information should be kept, acted on or destroyed.

If NHC collects or receives information that the patient is not aware of, NHC will notify the patient wherever possible. This will include notifying the patient of the reason for collecting it, what we will do with the information and who else the practice might share this with.

### ***Anonymity and Pseudonymity***

For reasons of patient safety and practicality, providing anonymous health care, or receiving health care under a pseudonym is discouraged.

If a request is made for health care services to be provided anonymously or under a pseudonym, the request will be referred to both the treating Medical Officer and the Health Services Manager to make a determination as to whether the request can be granted. Requests will only be granted in exceptional situations.

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Nganampa Health Council has the ability to record aliases where a patient is known by multiple names.

### ***Use and disclosure of information***

Personal information will only be used for the purpose of providing medical services and for claims and payments, unless otherwise consented to. Some disclosure may occur to third parties engaged by or for NHC for business purposes, such as accreditation or for the provision of information technology. These third parties are required to comply with this policy. NHC will inform the patient where there is a statutory requirement to disclose certain personal information (for example, some diseases require mandatory notification).

NHC will not disclose personal information to any third party other than in the course of providing medical services, without full disclosure to the patient or the recipient, the reason for the information transfer and full consent from the patient. NHC will not disclose personal information to anyone outside Australia without need and without patient consent. Identified patient information is not used for secondary purposes.

Exceptions to disclose without patient consent are where the information is:

- required by law
- necessary to lessen or prevent a serious threat to a patient's life, health or safety or public health or safety, or it is impractical to obtain the patient's consent
- the patient is physically or legally incapable of giving consent, and the health information is disclosed to a responsible person for compassionate reasons or to enable appropriate care of treatment of the patient
- to assist in locating a missing person
- to establish, exercise or defend an equitable claim.
- for the purpose of a confidential dispute resolution process.

NHC has an obligation to notify the South Australian Department of Health if patients have or are suspected of having notifiable diseases. A list of notifiable diseases can be found at [http://www.sahealth.sa.gov.au/wps/wcm/connect/1eb011804cacb284af2abfa496684d9f/RN\\_CRD\\_NotifiableConditions\\_10.09.2012.pdf?MOD=AJPERES&CACHEID=1eb011804cacb284af2abfa496684d9f](http://www.sahealth.sa.gov.au/wps/wcm/connect/1eb011804cacb284af2abfa496684d9f/RN_CRD_NotifiableConditions_10.09.2012.pdf?MOD=AJPERES&CACHEID=1eb011804cacb284af2abfa496684d9f)

Where any patient information is disclosed to a third party, it is recorded in the patient's health record.

De-identified information may be used for evaluating programs and our service delivery, for reporting to Government Departments and other funding providers, for funding submissions, for compiling statistics relevant to public health and for health research. NHC has a separate policy that deals with health research. This policy can be provided on request.

NHC does not undertake direct marketing with patients.

NHC evaluates all unsolicited information it receives to decide if it should be kept, acted on or destroyed.

NHC does not use government related identifiers as the individual's identifier unless

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required by Australian law or court order. NHC does not use or disclose a government related identifier unless necessary to verify the identity of the individual to carry out NHC functions or to meet the obligations to a State or Territory authority.

NHC takes reasonable steps to correct personal information it holds if NHC believes it is incomplete or inaccurate or if the individual requests NHC to correct the information, and will notify third parties of any correction to information previously disclosed where it is reasonable to do so. If NHC refuses to correct personal information, NHC will advise the individual in writing setting out the reasons.

NHC responds to request for correction in a reasonable timeframe and there is no charge for the correction.

NHC staff are trained to deal with collection, use and storage of personal information. Registered health practitioners are engaged as employees or contractors to provide functions of NHC. Health practitioners handle sensitive information and are required to use professional judgement in handling that information. The [Royal Australian College of General Practitioners Handbook for the Management of Health Information in General Practice](#) provide additional professional guidance.

NHC does not send patient information overseas.

### ***Systems and physical layout***

NHC will ensure its systems and procedures maximise privacy as much as is reasonably possible.

This includes ensuring the physical layout of our clinics allows for patient privacy and confidentiality to be maintained, and that our Information Technology systems are secure.

### ***Access, corrections and privacy concerns***

NHC acknowledges that patients may request access to their medical records. NHC will respond within a reasonable time.

NHC will take reasonable steps to correct personal information where it is satisfied the information is not accurate or up to date. From time to time, NHC will ask patients to verify the personal information held by NHC is correct and up to date. Patients may also request that NHC corrects or updates their information.

NHC takes complaints and concerns about the privacy of patients' personal information seriously. If an individual believes NHC has breached any APP, or has a concern about the privacy of their health information, a complaint can be made verbally or in writing to the Executive Director or the Health Services Manager who will ensure the matter is investigated. If NHC believes a breach of any APP has occurred, NHC will notify the individuals concerned as soon as practicable.

The Health Services Manager can be contacted on 08 8954 9045 or 0439 201115.

Should a data breach occur, NHC will follow the Office for the Australian Information Commissioner's (OAIC) Data Breach Notification Guide. This includes notifying the individuals affected and where required by law, notifying the Australian Information Commissioner.

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Patients may also contact the OAIC. Generally, The OAIC will require you to give them time to respond before they will investigate. Further information can be found at [www.oaic.gov.au](http://www.oaic.gov.au) or call the OAIC on 1300 363 992.

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