South Western Eye Care
OPHTHALMIC SURGEONS

South Western Eye Care
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TERMINOLOGY ADOPTED IN THE PRIVACY LAWS

The Health Records and Information Privacy Act 2002 (NSW) regulates the way in which NSW public and private sector organisations **collect, hold, use** and **disclose** an individual's health information. These standards are contained in 15 Health Privacy Principles (HPPs).

The Privacy Act 1988 (Cth) sets the standard for the way in which organisations in the private sector **collect, hold, use** and **disclose personal information.** These standards are contained in the 13 Australian Privacy Principles (APPs). The APPs apply to both public and private sectors.

All **health service** providers in NSW must comply with both state and federal privacy legislation.

HEALTH SERVICE

Health service means an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual, or the person performing it, to:

- Assess, record, maintain or improve the individual's health;
- Diagnose the individual's illness or disability; or
- Dispense on prescription a drug or medical preparation by a pharmacist.

Health service providers can range from hospitals and general practitioners to organisations that may not traditionally have been considered health service providers such as gyms and weight loss clinics.

COLLECTION

An organisation collects personal information if it gathers, acquires or obtains information from any source, by any means, in circumstances where the individual is identified or is identifiable. It includes information that:

- An organisation comes across by accident or has not asked for but nevertheless keeps;
- The organisation receives directly from the individual via registration forms and the consultation process; and
- Information about an individual an organisation receives from third parties such as other health care providers and patholgy labs.

HOLDING

An organisation holds personal information if:

- An organisation is in possession or control of the information, or
- The information is in the possession or control of a person employed or engaged by the organisation in the course of such employment or engagement.

USE

Use of personal information relates to the handling of personal information within the organisation. Examples of uses of information are:

- Adding information to a data base;
- Forming an opinion based on information collected and noting it on a file.

DISCLOSURE

An organisation discloses information when it releases information outside the organisation. Examples of disclosures include:

- When an organisation gives another organisation information under contract to carry out an "outsourced" function;
- When an organisation sells information to another organisation.

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PERSONAL INFORMATION

Personal information means 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.

Personal information must relate to a natural person. A natural person is a human being rather than, for example, a company, which may in some circumstances, be recognised as a legal "person" under the law. Personal information can range from the very sensitive (for example, political beliefs, medical history, sexual preference or medical records) to the everyday (for example, hair colour, address, phone number). The information need not be accurate, it may include opinion and speculation and it may simply be incorrect information. It doesn't matter whether the information is held in a computer database, or in paper records, or in any other medium, provided the information itself makes it clear which individual is identifiable. Whether an individual's identity is reasonably ascertainable will depend on the context and on who holds the information.

HEALTH INFORMATION

Health information means personal information or an opinion about the:

- Health or disability (at any time) of an individual:
- Individual's expressed wishes about the future provision of health services;
- Health services provided or to be provided to an individual that is also personal information or other personal information collected to provide, or in providing a health service:
- 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);
- Personal information that is genetic information arising from a health service provided to the individual in a form that is or could be predictive of the health of the individual or any sibling, relative or descendant of the individual.

Health information can include details such as an individual's name, date of birth, address, billing information and Medicare or individual health care identifiers.

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INFORMATION HANDLING PROCEDURES [Practice Privacy Policy]

South Western Eye Care is committed to providing quality health care for its patients. As a fundamental part of this commitment principals and staff of the practice recognise the importance of ensuring that our patients are fully informed and involved in their health care.

South Western Eye Care , as a NSW health provider in the private sector, bound by the Health Records and Information Privacy Act 2002 (NSW) and the Privacy Act 1988 (Cth) this includes both the Australian Privacy Principles and the NSW Health Privacy Principles. These principles set the standards by which we handle personal information collected from our patients. A copy of both sets of Principles is available for inspection at the reception desk.

As a part of our commitment to providing quality health care it is necessary for us to maintain files pertaining to your health. The files contain the following types of information:

- Personal details (your name, address, date of birth, Medicare number, individual health care identifiers);
- Your medical history;
- Notes made during the course of medical consultations;
- Referrals to other health service providers;
- Results and reports received from other health service providers.

The information held about you is provided by you or arises as a consequence of information provided by you.

Your medical file is handled with the utmost respect for your privacy. The file will be accessed by your medical practitioner, and when necessary, for example in the absence of your usual medical practitioner, by other medical practitioners in the practice. It may also be necessary for our staff to handle your file from time to time to address the administrative requirements of running a medical practice. Our staff members are bound by strict confidentiality requirements as a condition of employment and these requirements will be observed if it is necessary for them to view your records.

At times, to ensure the function of our practice, it may also be necessary to allow external organisations (for quality assurance, accreditation purposes or by IT providers) to access our practice and possibly, to view the medical records.
Any external organisation that provides service or advice to this practice will be aware of the need to preserve the requirement of state and federal privacy legislation and will be bound by a confidentiality agreement.

The practice does not intend to disclose your personal information to overseas recipients unless you have given your consent.

Ordinarily we will not release the contents of your medical file without your consent. However, we advise that there may be occasions where we will be required to release the details of your file irrespective of whether your consent to the disclosure of the information is given.

We advise that as a patient of this practice you have rights of access to any information we hold concerning you. Should you wish to access this information we refer you to our handout entitled "ACCESSING YOUR MEDICAL RECORD".

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As part of our commitment to preserving the confidentiality of the information contained in your medical record we advise that strict secure storage policies are observed in this practice. All reasonable steps are taken to prevent any unlawful interference with your electronic records, which are accessible only by staff of this practice and are protected by a security password. Your paper records are kept in secure filing cabinets and accessible only by practice staff. Each member of staff is well versed in the principles and importance of doctor–patient confidentiality.

Should you, at any time, have a query or complaint in relation to the privacy policies in place at this practice please contact your eye specilaist who will be happy to address any concerns you may have. We advise that it is the practice's policy that any complaint is required to be made in writing and addressed to your eye specialist and marked private and confidential. We advise that we will make our best endeavor to address complaints within 30 days of receipt of your complaint.

Should you be unsatisfied with our response to your privacy complaint, you may lodge a written complaint with the NSW Privacy Commissioner or the Office of the Australian Information Commissioner.

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CONSENT TO COLLECTION OF PERSONAL INFORMATION

Collection of Personal Information, Privacy Act 1988 (Cth) and HRIP Act 2002 (NSW)

South Western Eye Care collects information from you for the primary purpose of providing quality health care. We require you to provide us with your personal details and a full medical history so that we may properly assist, diagnose and treat illnesses and be pro-active in your health care. We will also use the information you provide in the following ways:

- Administrative purposes in running our medical practice
- Billing purposes, including compliance with Medicare and Health Insurance Commission requirements
- Disclosure to others involved in your health care, including treating doctors and specialists outside this medical practice
- Disclosure to other doctors in the practice, locums and by Registrars attached to the practice for the purpose of teaching. Please let us know if you do not want your records accessed for this purpose, and we will note your record accordingly
- Disclosure for research and quality assurance activities to improve individual and community health care and practice management. You will be informed when such activities are being conducted and given the opportunity to opt-out of any involvement

I have read the information above and understand the reasons why my information must be collected. I understand that I am not obliged to provide any information requested of me, but that my failure to do so might compromise the quality of the health care and treatment given to me.

I am also aware that this practice has a privacy policy which contains information about accessing and seeking correction of personal information, privacy complaints handling process, and whether the practice is likely to disclose personal information to overseas recipients.

I am aware of my right to access the information collected about me, except in circumstances where access might be legitimately withheld. I understand I will be given an explanation in these circumstances. I understand that if I request access to information about me, the practice will be entitled to charge fees to cover time and administrative costs which may not be covered by a Medicare rebate.

I understand that if my information is to be used for any purpose other than set out above, my further consent will be obtained.

I consent to the handling of my information by this practice for the purposes set out above, subject to any limitations on access or disclosure that I notify this practice of:

Signed:_____ Date: _____

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ACCESSING YOUR MEDICAL RECORD

As per NSW and Australian government legislation, patients have rights of access to health information held about them by this practice.

Accessing your health information may be as simple as requesting a copy of your latest pathology results from your medical practitioner during the course of a standard medical consultation.

However, more often than not accessing your health information will involve far more work for our staff. We advise that the following procedure has been developed to ensure that all requests for access are dealt with as fairly and efficiently as possible:

1. All requests for access are required to be made in writing, and addressed to the attention of The Practice Manager.
2. Requests for access will be acknowledged in writing within 14 days of the receipt of the request.
3. Applicants will be required to complete the standard consent form, and undertake to be bound by the terms of the document.
4. The total time between the receipt of a request for access and the time when access is granted shall not, ordinarily, exceed 30 days. Where it is not possible for access to be granted within 30 days, you will be notified, in writing, of this and advised when access will be granted.
5. Where access is refused to your medical file you will be advised in writing of the reasons for refusal, and your medical practitioner will contact you to discuss whether there are any means by which access may be facilitated.
6. You will not be permitted to remove any of the contents of your medical file from the medical practice. Should you wish to alter or erase information in the medical record, a separate written request must be submitted
7. Where practicable, a medical practitioner will be present when access is granted to your file so that he or she may go through the contents of your file, and address any concerns that you may have in relation to the information contained within the file. A fee of $x will be charged in relation to this attendance. We advise that a rebate will not be recoverable from Medicare for this service.
8. Should you request copies of any, or all, of the contents of your medical file, the following fees will be applicable: $x
9. Generally patients will be required to collect their records in person. However, in some limited circumstances patients may request that records are provided to another person. This provision will generally only apply where the patient is unable, due to illness or incapacity, to attend the practice in person.
10. If you are collecting a copy of your medical record, or are authorised to collect the record of another person, you may be required to provide identification. Where possible this should be photographic identification.

Should you have any queries in relation to the above our practice staff are happy to address these for you.

Should you wish to make an application for access please approach our reception staff and they will assist you in getting under way with your application.

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REQUEST TO ACCESS MEDICAL RECORDS

I, _____ of _____

request access to or give consent to _____ to access the entire contents of my medical record or the following documents (see form 'A' below).

I understand that the practice has the right to request that I attend a consultation to discuss the medical record. I have been advised of the fees applicable for such a consultation and that there will be no Medicare rebate for this service.

I understand that I will not be permitted to remove the contents of my medical record from the premises of the medical practice, and that I will have to submit a separate written request to alter any of the information contained in the medical record.

I understand that I will be permitted to obtain copies of some or all of the contents of my medical record. Where copies are requested, a fee may be applicable. Further. I understand that copies may not be available at the time of inspection of my medical record and will be made available to me as soon as practicable following the inspection.

Signature of Patient:_____ Date of Birth: _____ Date: _____

Signature of Person Given Consent By Patient: _____ Date: _____

FORM A

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REQUEST TO ALTER MEDICAL RECORDS

I, _____ of _____
request to alter the following documents in my medical record (see form 'A' below).

I understand that the practice has the right to request that I attend a consultation to discuss the medical record. I have been advised of the fees applicable for such a consultation and that there will be no Medicare rebate for this service.

I understand that the practice have the right to refuse to alter information if the practice is satisfied that the information is not incomplete, incorrect, irrelevant, out of date or misleading, or if the request contains information that is incorrect or misleading.

Signature of Patient:_____ Date of Birth: _____ Date: _____

FORM A

Summary of the 15 NSW Health Privacy Principles

A summary of the NSW Health Records and Information Privacy Act 2002 15 Health Privacy Principles (HPPs)

COLLECTION

1. Lawful – only collect health information for a lawful purpose. Only collect health information if it is directly related to the organisation's activities and necessary for that purpose.

2. Relevant – ensure that the health information is relevant, not excessive, accurate and up to date. Ensure that the collection does not unreasonably intrude into the personal affairs of the individual.

3. Direct – only collect health information directly from the person concerned, unless it is unreasonable or impracticable to do so. See the Handbook to Health Privacy for an explanation of "unreasonable" and "impracticable".

4. Open – inform the person as to why you are collecting health information about them, what you will do with the health information, and who else might see it. Tell the person how they can see and correct their health information, and any consequences, if they decide not to provide their information to you.

If you collect health information about a person from someone else, you must still take reasonable steps to ensure that the person has been notified as described above.

STORAGE

5. Secure – ensure that health information is stored securely, not kept any longer than necessary, and disposed of appropriately. Information should be protected from unauthorised access, use or disclosure.

ACCESS & ACCURACY

6. Transparent – explain to the person what health information about them is being stored, why it is being used and any rights they have to access it.

7. Accessible – allow people to access their health information without unreasonable delay or expense.

8. Correct – allow people to update, correct or amend their health information where necessary
(Note: please contact the AMA (NSW) for further guarantee when a patient requests to amend their health record).

9. Accurate – ensure that the health information is relevant and accurate before using it.

USE

10. Limited – only use health information for the purpose for which it was collected, or a directly related purpose that the person would expect. Otherwise, you generally need their consent.

DISCLOSURE

11. Limited - only disclose health information for the purpose for which it was collected, or a directly related purpose that the person would expect. Otherwise, you generally need the individual's consent.

IDENTIFIERS & ANONYMITY

12. Not identified – only identify people by using unique identifiers if it is reasonably necessary to carry out your functions efficiently.

13. Anonymous– give people the option of receiving services from you anonymously, where this is lawful and practicable.

TRANSFERRALS & LINKAGE

14. Controlled – only transfer health information outside New South Wales in accordance with the specific requirements.

15. Authorised – people must expressly consent to participate in any system that links health records across more than one organisation. Only include health information about them, or disclose their identifier for the purpose of the health records linkage system, if they have expressly consented to this.

Summary of the 13 Australian Privacy Principles

A summary of the Commonwealth's Privacy Amendment (Enhancing Privacy Protection) Act 2012- 13 Australian Privacy Principles (APPs)

1. **Open and transparent management of personal information** – entities must have an up-to-date and available privacy policy containing the prescribed information.

2. **Anonymity and Pseudonymity** – individuals must have the option of not identifying themselves, or of using a pseudonym, unless impracticable or unlawful.

3. **Collection of solicited personal information** – entities must not collect personal information unless reasonably necessary for the entity's functions or activities. Individuals must consent to the collection of sensitive information.

4. **Dealing with unsolicited personal information** – where an entity receives personal information which it did not solicit, it must determine whether or not this information could have been collected under APP 3. If not, the information must be de-identified or destroyed.

5. **Notification of collection of personal information** – when collecting personal information, entities must notify individuals of matters such as the purpose of the collection, avenues for access and correction, whether the information is to be disclosed overseas, and all other relevant matters.

6. **Use or disclosure of personal information** – if information was collected for a particular purpose, the entity must not use or disclose the information for another purpose without the individual's consent.

7. **Direct Marketing** – the entity must not use or disclose the information for the purpose of direct marketing unless it would be reasonably expected by the individual at the time of collection.

8. **Cross-border disclosure of personal information** – the entity must take steps to ensure that the overseas recipient does not breach the APPs in relation to the information.

9. **Adoption, use or disclosure of government related identifiers** – an organisation must not adopt, use or disclose government related identifiers unless a permissible exception applies.

10. **Quality of personal information** – an entity must take reasonable steps to ensure personal information collected, used or disclosed is accurate, up-to-date, complete and relevant.

11. **Security of personal information** – an entity must take reasonable steps to protect information from misuse, interference or loss, and from unauthorised access, modification or disclosure.

12. **Access to personal information** – the entity must, upon request, give an individual access to personal information it holds about that individual (unless one of the listed exceptions applies).

13. **Correction of personal information** – the entity must take steps to correct any inaccurate, out-of-date, incomplete, irrelevant or misleading information.