



Exceptional People. Exceptional Care.

Policy

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Our Mission	Our Vision	Our Values
In the spirit of the Sisters of Mercy, Mater Health Services offer compassionate service to the sick and needy, promotes an holistic approach to healthcare in response to changing community needs and foster high standards in health-related education and research. Following the example of Christ the healer, we commit ourselves to offering these services without discrimination.	In the Mercy tradition, Mater will be renowned as a leader in the delivery of exceptional healthcare and experienced by all as a community of compassion.	Mercy Dignity Care Commitment Quality
		 <small>Exceptional People. Exceptional Care.</small>

Affirmation

This governance document is consistent with the Mater Values and supports the Mater's Mission and Vision by establishing and mandating appropriate controls to support the delivery of health care services.

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1 Document Controls

1.1 Document Revision History

Version	Date	Description
1	04/03/2014	Initial Draft

1.2 Document Review and Approval

Person Name / Committee	Position (if applicable)	Function (Owner Approve Review)
Sallyanne Wissmann	Director Information Management	Document Owner/Review
Allan Maraj	Manager Risk & Compliance	Review
Anne-Maree Schneider	Privacy Coordinator	Review
Corporate Policy Governance Committee		Approve

1.3 References

Internal Documents

Document Type	Document ID (with link)	Document Title
Governing	Nil	
Supporting	PR-IID-100033 WI-IID-100016	Information Privacy Procedure Privacy Office Work Instructions
Related	CF-IID-000165 PY-IID-100029 NF-IID-100015	Consent to Inpatient Privacy Alert Form Patient Alert Policy Patient Health Information Request Form

External Documents

1	The Privacy Act 1988 (C'lth)
2	National Safety and Quality Health Service Standards; ISBN: 978-1-921983-04-7; September 2012;
3	Privacy Amendment (Enhancing Privacy Protection) Act 2012
4	Australian Privacy Principles guidelines (March 2014 issued by Office of the Australian Information Commissioner)

2 Introduction

2.1 Purpose

This policy sets out Mater's policy in relation to the management of personal information.

2.2 Scope and Context

This Policy applies to all persons who have access to personal information collected by the Mater and all persons about whom personal information is collected.

Compliance with this policy is mandatory.

2.3 Definitions

Term	Definition
APP	Australian Privacy Principle
Health Information	means: (a) information or an opinion about: (i) the health or a disability (at any time) of an individual; or (ii) an individual's expressed wishes about the future provision of health services to him or her; or (iii) a health service provided, or to be provided, to an individual; that is also personal information; or (b) other personal information collected to provide, or in providing, a health service; or other 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.
Mater People	Anyone who carries out work for Mater Health Services including employees, contractors, subcontractors, visiting medical officers, employees of labour hire companies (e.g. nursing agency staff), outworkers, apprentices and trainees, students, volunteers, and Person(s) Conducting a Business or Undertaking who are individuals if they perform work for Mater Health Services. The term Mater People may refer to one or more individuals. The term 'Mater Person' is the singular of 'Mater People'. .
Personal Information	means information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not
Permitted General Situation	See Appendix A
Permitted Health Situation	See Appendix A

Sensitive Information	<p>(a) information or an opinion about an individual's:</p> <ul style="list-style-type: none"> (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual preferences or practices; or (ix) criminal record; <p>that is also personal information; or</p> <p>(b) health information about an individual.</p>
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2.4 Legislative Compliance

- All persons to whom this policy applies are required to comply with the provisions of the Privacy Act 1988 (C'th) and the Australian Privacy Principles contained therein.

2.5 Industry Standards

- National Safety and Quality Health Service Standards; ISBN: 978-1-921983-04-7; September 2012; Standard 1 – Governance for Safety & Quality in Health Service Organisations (1.1 & 1.19.2)

3 Principles

The following set of principles describes the objectives and outcomes of the policy:

3.1 Principle 1: Compliance with applicable Legislation

All Mater employees, all persons who provide services to or on behalf of the Mater, all persons who have access to personal information collected by the Mater and all persons about whom personal information is collected are required to comply with the provisions of the Privacy Act 1988 (C'ith) including the Australian Privacy Principles (“**APPs**”) and all other legislation which applies to the Mater.

3.2 Principle 2: Open and Transparent Management

The Mater will manage personal information in an open and transparent way and will take all reasonable steps to implement practices, procedures and systems that will enhance accountability for its information handling practices and assure community trust and confidence in those practices.

3.3 Principle 3: Availability of this Policy and Notification Statements

The Mater will make a copy of this policy available at no cost to those who require a copy and will use its best endeavours to make it available in the format required. Notification Statements outlining the Principles and Requirements of this Policy will be displayed in all publicly accessible areas of the Mater.

3.4 Principle 4: Consent

Personal Information will only be collected, used or disclosed with consent unless otherwise required or authorised by law. Consent may be either express or implied.

3.5 Principle 5: Integrity and Security

Personal Information will be stored and handled in such a manner as to ensure that it is not subject to any unauthorised access, use or disclosure. Mater will use its best endeavours to ensure that all personal information is accurate, up-to-date, complete and relevant.

4 Policy Requirements

The following are the specific requirements of this policy.

4.1 Collection of Personal Information

4.1.1 Types of Personal Information collected

As a health service provider, Mater collects a wide range of personal information including demographic information (eg name, address, date of birth), general health information, mental health information, sexual information, information about family members and/or associates, information about personal and social circumstances, financial information, legal information, education information, employment information and a wide range of information necessary for the purposes of carrying out its functions.

4.1.2 How is Personal Information Collected

Mater collects personal information from a variety of sources including the individuals to whom the information relates, family members and associates, other health care providers, community service organisations, law enforcement agencies, schools, insurance companies, Federal & State Government agencies, employers, and other individuals and/or entities who may have information relevant to the Mater's activities. As a general principle, where personal information is not collected directly from the individual concerned, Mater will take reasonable steps to ensure that the individual is informed about the collection unless the individual has previously expressly or impliedly consented to the collection. Personal information will only be collected in a manner that is lawful and fair.

Information collected by the Mater may be in either an electronic or paper format.

4.1.3 The Purposes of Collection of Personal Information

Mater collects Personal Information for the purposes of carrying out its functions as a health services provider, employer, business operator (eg Child Care services, retail outlets), landlord, tenant, education provider, charity and other associated functions. Information may also be collected where a Permitted Health Situation or Permitted General Situation exists. (Appendix A sets out the criteria for Permitted Health Situations or Permitted General Situations)

4.2 Use and Disclosure of Personal Information

4.2.1 General

Mater will only use and/ or disclose information for the purpose(s) for which it was collected unless otherwise required or authorised by law. Health Information will only be used for the Primary purpose of collection and any directly related Secondary purpose. Mater may be required by the legal process (subpoena, search warrant, Notice of Discovery) to disclose personal information. Mater will also use or disclose personal information where it is authorised by law such as for research purposes or for the purpose of assisting law enforcement authorities. Information may also be used or disclosed where a Permitted Health Situation or Permitted General Situation exists. (Appendix A sets out the criteria for Permitted Health Situations or Permitted General Situations)

4.2.2 Overseas Use or Disclosure

Generally, Mater will only transfer personal information overseas where the individual expressly consents to such transfer. However, given the significant amount of electronic information collected by the Mater and that many software vendors and service providers are outside of Australian boundaries, personal information may be transferred outside of Australia in the course of managing that information. Before transferring any information outside of Australia the Mater will take reasonable steps to ensure that:

- Any service provider who will be handling the information will be contractually bound to comply with the Australian Privacy Act: and
- The country to which the information is to be transferred has a system of Privacy protection at least equal to the Australian system and incorporates a means of taking action for any breaches of Privacy.

Countries to which information is currently transferred for the purposes of management of personal information include New Zealand, the United States of America, the United Kingdom, the member nations of the European Union, the Philippines and Singapore.

4.3 Access to and Correction of Personal Information

4.3.1 Access

As a general rule, all persons have a right to access their personal information held by the Mater. There are some circumstances where the Mater is permitted to deny access to personal information such as where the access would have an unreasonable impact on the privacy of others or where granting access is unlawful or denying access is required or authorised by law. Other grounds are set out in the APPs. The Mater is allowed to impose reasonable charges for providing access.

4.3.2 Correction of Personal Information

Mater will take reasonable steps to ensure that all personal information it holds is accurate, up-to-date, complete, relevant and not misleading. Individuals may apply to the Mater to correct any personal information held by the Mater and the Mater will consider all such requests. If the Mater does not amend the information as requested, we will provide written reasons for the refusal to amend the information.

All requests for Access or Correction are to be directed to the Mater Privacy Office whose contact details are set out below.

4.4 Privacy Office

Mater has an established Privacy Office which has primary responsibility for ensuring compliance with the Privacy Act and dealing with all issues arising in relation to Privacy. As a general rule all staff must contact the Privacy Office for advice if there are any concerns relating to Privacy. All requests for access or correction must be referred to the Privacy Office. A patient may contact the Privacy Office for information in relation to personal information held by the Mater about them.

4.5 Complaints

Mater has established processes for dealing with Complaints relating to Privacy. Where the Complaint is in relation to the handling of Patient Information, all complaints must be directed to the Mater Patient Representative. All other Privacy Complaints must be directed to the Privacy Coordinator. All Complaints will be acknowledged and a response will be provided as soon as practicable. If you are not satisfied with the management of the complaint or the response, you may request that the complaint be reviewed by the Chief Executive Officer. You may at any time also lodge a complaint with the Office of the Australian Information Commissioner.

5 Contact Details

5.1 Mater Privacy Office

Privacy Coordinator,
Privacy Office,
Mater Health Services
Raymond Terrace, South Brisbane 4101
Tel: 07 3163 2666 Fax: 07 3163 8104
email: privacyoffice@mater.org.au

The Office is located on Level 2 of the Mater Adult Hospital

5.2 Patient Representative

Mater Patient Representative,
Mater Health Services
Raymond Terrace, South Brisbane 4101
Tel: 07 3163 8303 Fax: 07 3163 8753
email: patientrepresentative@mater.org.au

5.3 Office of the Australian Information Commissioner

Tel: 1300 363 992. If calling from outside Australia call: + 61 2 9284 9749.

If you are deaf, or have a hearing or speech impairment, contact is through the [National Relay Service](#):

- Teletypewriter (TTY) users phone 133 677 then ask for 1300 363 992.
- Speak and Listen users phone 1300 555 727 then ask for 1300 363 992.
- Internet relay users connect to the [National Relay Service](#) then ask for 1300 363 992.

If you do not speak English, or English is your second language, and you need assistance to communicate, call the [Translating and Interpreting Service](#) on 131 450 then ask for 1300 363 992.

Note: These calls can be made for a local call cost from fixed residential landlines anywhere in Australia, but calls from mobile and pay phones may incur higher charges.

Email
enquiries@oaic.gov.au

Facsimile
+61 2 9284 9666

Post

Sydney Office
GPO Box 5218 Sydney NSW 2001

Canberra Office
GPO Box 2999 Canberra ACT 2601

Web

<http://www.oaic.gov.au/privacy/making-a-privacy-complaint>

6 Appendix A

Mater Health Services is an APP entity for the purposes of these definitions.

16A Permitted general situations in relation to the collection, use or disclosure of personal information

- (1) A *permitted general situation* exists in relation to the collection, use or disclosure by an APP entity of personal information about an individual, or of a government related identifier of an individual, if:
- (a) the entity is an entity of a kind specified in an item in column 1 of the table; and
 - (b) the item in column 2 of the table applies to the information or identifier; and
 - (c) such conditions as are specified in the item in column 3 of the table are satisfied.

Permitted general situations			
Item	Column 1 Kind of entity	Column 2 Item applies to	Column 3 Condition(s)
1	APP entity	(a) personal information; or (b) a government related identifier.	(a) it is unreasonable or impracticable to obtain the individual's consent to the collection, use or disclosure; and (b) the entity reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety.
2	APP entity	(a) personal information; or (b) a government related identifier.	(a) the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in; and (b) the entity reasonably believes that the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.
3	APP entity	Personal information	(a) the entity reasonably believes that the collection, use or disclosure is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing; and (b) the collection, use or disclosure complies with the rules made under subsection (2).
4	APP entity	Personal information	The collection, use or disclosure is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim.
5	APP entity	Personal information	The collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute

Permitted general situations			
Item	Column 1 Kind of entity	Column 2 Item applies to	Column 3 Condition(s)
			resolution process.
6	Agency	Personal information	The entity reasonably believes that the collection, use or disclosure is necessary for the entity's diplomatic or consular functions or activities.
7	Defence Force	Personal information	The entity reasonably believes that the collection, use or disclosure is necessary for any of the following occurring outside Australia and the external Territories: (a) war or warlike operations; (b) peacekeeping or peace enforcement; (c) civil aid, humanitarian assistance, medical or civil emergency or disaster relief.

16B Permitted health situations in relation to the collection, use or disclosure of health information

Collection—provision of a health service

- (1) A **permitted health situation** exists in relation to the collection by an organisation of health information about an individual if:
- (a) the information is necessary to provide a health service to the individual; and
 - (b) either:
 - (i) the collection is required or authorised by or under an Australian law (other than this Act); or
 - (ii) the information is collected in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.

Collection—research etc.

- (2) A **permitted health situation** exists in relation to the collection by an organisation of health information about an individual if:
- (a) the collection is necessary for any of the following purposes:
 - (i) research relevant to public health or public safety;
 - (ii) the compilation or analysis of statistics relevant to public health or public safety;
 - (iii) the management, funding or monitoring of a health service; and
 - (b) that purpose cannot be served by the collection of information about the individual that is de-identified information; and
 - (c) it is impracticable for the organisation to obtain the individual's consent to the collection; and
 - (d) any of the following apply:
 - (i) the collection is required by or under an Australian law (other than this Act);

- (ii) the information is collected in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation;
- (iii) the information is collected in accordance with guidelines approved under section 95A for the purposes of this subparagraph.

Use or disclosure—research etc.

- (3) A **permitted health situation** exists in relation to the use or disclosure by an organisation of health information about an individual if:
 - (a) the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety; and
 - (b) it is impracticable for the organisation to obtain the individual's consent to the use or disclosure; and
 - (c) the use or disclosure is conducted in accordance with guidelines approved under section 95A for the purposes of this paragraph; and
- (d) in the case of disclosure—the organisation reasonably believes that the recipient of the information will not disclose the information, or personal information derived from that information.

Use or disclosure—genetic information

- (4) A **permitted health situation** exists in relation to the use or disclosure by an organisation of genetic information about an individual (the **first individual**) if:
 - (a) the organisation has obtained the information in the course of providing a health service to the first individual; and
 - (b) the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of another individual who is a genetic relative of the first individual; and
 - (c) the use or disclosure is conducted in accordance with guidelines approved under section 95AA; and
 - (d) in the case of disclosure—the recipient of the information is a genetic relative of the first individual.

Disclosure—responsible person for an individual

- (5) A **permitted health situation** exists in relation to the disclosure by an organisation of health information about an individual if:
 - (a) the organisation provides a health service to the individual; and
 - (b) the recipient of the information is a responsible person for the individual; and
 - (c) the individual:
 - (i) is physically or legally incapable of giving consent to the disclosure; or
 - (ii) physically cannot communicate consent to the disclosure; and
 - (d) another individual (the **carer**) providing the health service for the organisation is satisfied that either:
 - (i) the disclosure is necessary to provide appropriate care or treatment of the individual; or
 - (ii) the disclosure is made for compassionate reasons; and
 - (e) the disclosure is not contrary to any wish:
 - (i) expressed by the individual before the individual became unable to give or communicate consent; and
 - (ii) of which the carer is aware, or of which the carer could reasonably be expected to be aware; and
 - (f) the disclosure is limited to the extent reasonable and necessary for a purpose mentioned in paragraph (d).