

Queensland Injectors Health Network Ltd	
Policy: Privacy	
Business Unit Reference: QulHN	Date adopted: June 2005
Scope: All staff (paid and unpaid)	
Authorised by: QulHN Ltd Board of Management	
Please refer to Policy Development and Review Checklist for criteria of policy development and review	

This policy relates to:		
Legislation or other requirements	Privacy Act 1988 (Cmwlth) Privacy Amendment (Enhancing Privacy Protection) Act (2012) National Privacy Principles 2014 (Cmwlth) Privacy Regulation 2014 (Cmwlth) Right to Information Act 2009 (Qld) Fair Work Act 2009 (Cmwlth) Police Powers and Responsibilities Act, Queensland	
QulHN policies and internal documents	Staff Handbook Client Service Charter Subpoena Policy Client Complaint Policy Police Interactions Policy QulHN Authorisation to Gain or Release Information QulHN Client Engagement in QulHN Services Agreement QulHN Confidentiality Agreement Medical Clinic Privacy and Confidentiality Medical Clinic Privacy Collection Statement Medical Clinic OST Patient Information and Agreement Health Promotion TIDE Authorisation to Gain or Release Information QNSP ATOD 2009 Needle & Syringe Program Policy Treatment Client Engagement in Therapeutic Services Agreement Authorisation to Release Information with Internal Services Australian Records Retention Manual	Directly referenced in policy No No Yes Yes Yes No No No No No No No No No No No Yes

Policy Statement

QulHN is committed to protecting and upholding the rights of individuals to privacy, particularly in the way our staff collect, store and use information about people, their needs and the services provided to them. QulHN wants our clients and stakeholders to have confidence that these responsibilities are taken seriously. This means that QulHN and its staff will make sure no personal information is shared with any person or service, whether deliberately or by omission, unless informed consent has been given or in special circumstances where the law allows or demands an exception.

Purpose

To provide an effective and high-quality service and to maintain appropriate accountability, QulHN must collect, store and sometimes share relevant personal and sensitive information about people. QulHN is committed to protecting privacy and providing clients with information and services relevant to our clients. QulHN complies with the *Privacy Act 1988 (Cth)* (Privacy Act) and the Australian Privacy Principles (APPs). This Privacy Policy (Policy) should be read in conjunction with the Privacy Act and the APPs. Our clients have legislated rights to confidentiality and privacy, and to accessing their own records. It is essential that we protect and uphold these rights, and that we act correctly in those circumstances where the right to confidentiality or privacy may be overridden by other considerations. In order to uphold the rights of clients to confidentiality and privacy clients and other stakeholders need an appropriate level of understanding of:

- how we meet our legal obligations;
- privacy and confidentiality, limits to confidentiality and obtaining clients' consent to share information about them; and
- QuIHN processes for sharing/providing information to people using services.

This privacy policy tells you how QuIHN addresses these and how QuIHN collects and uses information.

The term "Personal Information" in this privacy policy means any information from which your identity is apparent or can be reasonably ascertained. Personal Information may also include the term "Sensitive Information" which includes a sub-set of personal information given a higher level of protection under the *National Privacy Principles* (NPP) and is further explained in this Policy. Sensitive Information is personal information that is also, for example, about racial or ethnic origin, political opinions, political membership, religious beliefs or affiliations, union membership, health information, and biometric information, for instance.

Procedures

1. How this Policy Applies

1.1. This Policy applies to any personal information that QuIHN collects from you:

- via one of our websites;
- via social media;
- via telephone;
- via email;
- via fax
- in person;
- in writing; and/or
- via surveys.

This Policy also applies to personal information QuIHN collects through any and all of its programs and services and from any other third party, about you.

2. QuIHN Responsibilities

2.1. QuIHN will uphold the following responsibilities:

- ensure employees (paid staff and unpaid volunteers/students) and contractors meet legal obligations in relation to protecting the privacy of clients;
- provide clients and other stakeholders with information about their rights regarding privacy and their right to access records containing personal information about themselves and how they can request this; ensure privacy for clients when accessing services; avoid inappropriate verbal and written disclosure of information about individuals (within and outside the organisation); share verbal and written information about a client with agencies and individuals external to the service only when this is necessary and with the written consent of the client (unless the circumstances are such that limits to confidentiality rights apply); determine who reasonably requires authorised access to client information; and restrict access to client information to unauthorised persons;
- provide for clients or former clients to access their own personal information and, when appropriate, enable clients to change the content of records where they believe such records to be inaccurate or misrepresenting;
- make fair and appropriate decisions about permitting or refusing access to personal information; advise clients how to make a complaint about their privacy;
- respond in an accurate and timely manner to requests, including client requests to access their personal information or where release of information is required by law (such as any subpoena, summons or search warrants received); and

- Provide privacy training to staff.

3. The types of Information QuIHN may Collect

- 3.1. QuIHN may collect personal information from you for the purposes of providing services that are designed to assist your health care.
- 3.2. Depending on the circumstances and services of QuIHN you access, you may provide to QuIHN, and QuIHN may collect, personal information such as, but not limited to:
 - name;
 - contact details;
 - date of birth;
 - gender;
 - marital status;
 - residential and postal addresses;
 - your enquiry or complaint details; and
 - the languages you speak.
- 3.3. Some personal information is considered sensitive information and depending on the circumstances and services of QuIHN you access, you may provide to QuIHN, and QuIHN may collect, sensitive information such as, but not limited to:
 - criminal record;
 - any disabilities, illnesses or injuries you may have;
 - family history;
 - Medicare card number;
 - health information;
 - current drugs or treatments used;
 - previous/current medical history, including, where clinically relevant, a family medical history;
 - the name of any health service provider or medical specialist to whom the patient is referred, copies of any letters of referrals and copies of any reports back;
 - racial/ethnic origin; and
 - sexual preferences or practices.

4. Why QuIHN Collect Personal Information

- 4.1. QuIHN will only collect personal information necessary for, or directly related to, its activities and functions and only by fair means.
- 4.2. We collect information to assist in providing appropriate services to you and discharge our duty of care and other legal responsibilities. We also collect information for the normal running of a business, for example, billing purposes.
- 4.3. We are required to collect information in order to provide to you a high standard of health care and appropriate services, to discharge our duty of care and to fulfil all other legal obligations. Additionally there may also be serious complications to your health if we do not know who you are, how to contact you or be able to contact you in a timely manner.

5. Collection and Handling of Personal Information

- 5.1. Clients have the right to have their personal information, details and use of QuIHN services kept confidential and private.
- 5.2. Our staff members are trained to handle your information discreetly and privately. We may collect personal and private information and hold this information on both electronic and hardcopy files. We also engage in a range of security initiatives to protect your information from loss or misuse (password protected electronic storage on our own server infrastructure and secure management of hardcopy records).

- 5.3. When collecting personal information QuIHN will make every reasonable attempt to ensure that clients are aware of:
- the purpose for which information is being collected;
 - to whom the information is usually disclosed; and
 - whether collection is authorised by law.
- 5.4. QuIHN only collects information in a way that is fair, lawful and not intrusive. Information should be as non-obtrusive and objective as possible, yet relevant and up-to-date. Private information not required for the purpose of service provision should not be recorded.
- 5.5. Information about clients rights regarding privacy will be provided in written format (displayed in service areas and/or provided in written material) and wherever possible or required explained to the client.
- 5.6. Consultation and counselling rooms should be used whenever possible when collecting personal or sensitive information from clients. Personal information should be collected in a manner that ensures the audio and visual privacy of clients. Discretion should be used when collecting information from people in the areas where privacy cannot be guaranteed.
- 5.7. Sensitive information will not be collected unless:
- The individual has consented and it is relevant to the provision of their health care;
 - It is required by law;
 - The collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the subject of the information is physically or legally incapable of giving consent; and
 - The collection is necessary for the establishment, exercise or defence of a legal claim.

6. Use and Disclosure of Information

- 6.1. Health providers involved in your treatment and care may receive selected information from your personal health record. These include pathology, hospital, radiology, medical defence organisations, insurers and specialist services. However QuIHN will treat your personal and sensitive information with the utmost respect for privacy requirements and will not release this information to any other parties without your express written approval or where required by law to do so.
- 6.2. In some circumstances QuIHN (including staff in the Better Access Medical Clinic) are legally obliged to disclose information about you in the following circumstances:
- where the Police/Court orders to make records or information available (e.g. subpoenas and search warrants);
 - where you pose a danger to yourself or others; and
 - where a child or young person is suspected of being harmed or is at risk of harm as defined by the Child Protection Act.
- 6.3. The primary purpose of collecting information is to enable QuIHN to provide an appropriate service to clients, to discharge its duty of care and to fulfil all other legal obligations. Important points to note are:
- For administrative and health purposes QuIHN may disclose de-identified information for statistical purposes.
 - Clients may seek access to personal information about themselves, created or held by QuIHN, except where such information might impact on the privacy or safety and wellbeing of another/others (for example, in the case where a case note refers to third party information, this information will be de-identified / removed from copies of file excerpts before viewing).

- QuIHN staff will not disclose personal information to any external third parties without consent. Information may be discussed within QuIHN teams to work together to provide the best outcomes for clients.
- QuIHN staff, in respect to client privacy, will not recognise or disclose that they know QuIHN clients outside a professional setting.
- QuIHN will conform to the State and Commonwealth legal reporting requirements for each state where this program operates. This mainly involves the provision of de-identified data for reporting and statistical purposes.

6.4. The gain or release of information between services is not to occur unless the client has a properly completed written authorisation, most commonly in the form of a QuIHN Authorisation to Gain or Release Information, or in the form of another informed consent from another agency.

6.5. It is not a breach of confidentiality for a matter to be discussed in the normal course of case management with other staff members and volunteers of QuIHN. However, this should be done on a 'needs to know basis' in a private space and in a manner that respects the client's dignity and privacy.

7. Maintenance of Information Quality

7.1. QuIHN will take reasonable steps to make sure that the personal information collected, used or disclosed is accurate, complete and up-to-date.

8. Storage of Client Data

8.1. QuIHN has possession of personal information and will ensure that there are reasonable safeguards against unauthorised access, use, modification or disclosure of the information.

8.2. The following guidelines will be followed for the storage of information:

- Paper records will be kept secure and will be shredded when no longer required;
- Personal information will not be left unattended or discussed in public areas where others may overhear;
- No personal information will be given over the phone unless it has been established that the caller has legitimate grounds (permission from the client) or to access the information and has provided proof of identity;
- No personal information will be left on voicemail / answering systems unless requested by the owner of the information and agreed by the owner of the voicemail / answering system and the voicemail / recording / answering system is secure;
- Fax machines used for transmission of personal and/or health information must be secure;
- Only authorised individuals will receive personal information and are not to forward such information without consent; and

8.3. Reasonable steps will be taken to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which the information may be used or disclosed.

8.4. Employees and other persons who are directly involved with the activities of QuIHN are required to agree in writing to confidentiality obligations via the Confidentiality Agreement.

9. Access and Correction

9.1. All requests for access to information are to be made in writing and directed to the Senior Management Team. Where considered appropriate a file note will be made on the patient / client file outlining who has requested what information, evidence of how the request was considered and how access to the file was provided.

- 9.2. In accordance with the Right to Information Act 2009, QulHN acknowledges that it must give an individual access to their personal information on request. This is limited by a number of considerations. For example:
- In the case where it would pose a threat to the life of any individual;
 - Where the request for access is frivolous or vexatious; or
 - Where denying access is required or authorised by law.
- 9.3. Where providing access would reveal evaluative information generated within QulHN, in connection with a commercially sensitive decision-making process, QulHN may give the individual an explanation for the commercially sensitive decision rather than direct access to the information.
- 9.4. QulHN will allow access to information upon request and within a reasonable timeframe. QulHN will acknowledge right to information requests within 14 calendar days from date of receipt and provide a decision within 30 calendar days from date of receipt.
- 9.5. Clients have the right to request that their file and any file notes, terminology etc be explained to them.
- 9.6. If an individual states or is able to establish that the information is not accurate, complete or up-to-date, QulHN will take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- 9.7. Where an individual and QulHN disagree about whether the information is accurate, complete and up-to-date, and an individual asks QulHN to attach a statement with the information that identifies the information to be inaccurate, incomplete or not up-to-date, QulHN will take reasonable steps to do so.
- 9.8. QulHN will provide reasons for a denial of access or a refusal to correct personal information.

10. Identifiers of Individuals

- 10.1. Generally, QulHN will not adapt, use or disclose, an identifier that has been assigned by a Government agency (e.g. Tax File Number, Health Care Card Number).
- 10.2. QulHN may collect information such as Medicare Card Number, Health Care Card Number, and Private Health Insurance details in the case of billing for medical services.

11. Respect for Anonymity

- 11.1. Where it is lawful and practicable to do so, individuals dealing with QulHN are not expected to identify themselves.

12. Overseas Disclosures

- 12.1. QulHN does not transmit information overseas, however, in such an unlikely event, QulHN will only transfer personal information to a recipient in a foreign country in circumstances where the information will have appropriate protection.

13. Complaints

- 13.1. Complaints about breaches of privacy or confidentiality or complaints regarding access to or correction of information are managed as per the QulHN Complaints Policy.
- 13.2. Privacy complaints can also be made to the Australian Information Commissioner;

Telephone: 1300 363 992
Email: enquiries@oaic.gov.au
Post: Australian Information Commissioner
Office of the Australian Information Commissioner

14. Retention and Destruction of Documents

14.1. Client records are to be kept on file for a minimum of 7 years. For more information on records retention refer to the *Australian Records Retention Manual*.

15. Subpoenas, Summons and Search Warrants

14.2. QuiHN Ltd will treat your personal and sensitive information with the utmost respect for privacy requirements and will not release this information to any other parties without your express written approval or where required by law to do so. In some circumstances QuiHN is legally obliged to disclose information about you in the following circumstances:

- where the Police/Court orders to make records or information available (e.g. subpoenas and search warrants);
- where you pose a danger to yourself or others; and
- where a child or young person is suspected of being harmed or is at risk of harm as defined by the Child Protection Act.

16. QuiHN Website(s)

16.1. QuiHN websites collect two types of information. The first type is anonymous information. The web server makes a record of your visit and logs the following information for statistical purposes:

- the user's server address;
- the user's top level domain name (e.g. com, .gov, .net, .au, etc.);
- the date and time of the visit to the site;
- the pages accessed and documents downloaded;
- the previous site visited; and
- the type of browser used.

16.2. No attempt will be made to identify users or their browsing activities except, in the unlikely event of an investigation, where a law enforcement agency may exercise a warrant to inspect the internet service provider's logs.

16.3. Cookies may be used, among other things, to track the pages you have visited, to remember your preferences and to store personal information about you. If you disable cookies, you may not be able to access certain areas of the website.

16.4. Our websites may contain links to other websites and social media pages including Facebook, Twitter and LinkedIn. We are not responsible for the privacy policies of the entities responsible for those websites and we recommend that you review the privacy policies applicable to any other websites you visit.

17. Audio or Visual Recordings

17.1. Any audio or visual recording of a QuiHN client/stakeholder is to be accompanied by a correctly completed written authorisation. Audio/visual recordings are to be stored securely, and in such a way as to identify all clients/stakeholder in the audio/visual recording with the accompanying authorisation. In making and storing such recordings, staff will not use personal equipment (mobile phones, camera, audio visual equipment) without the express written consent of a member of the Senior Management Team.