

PRIVACY POLICY

PART A – PURPOSE AND CONTEXT

- 1.0 Dr James Orford's Practice is committed to ensuring the privacy and confidentiality of all personal information affiliated with our business undertakings
- 1.1 Dr James Orford's Practice follows the terms and conditions of privacy and confidentiality in accordance with the Australian Privacy Principles as per schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)*, forming part of the *Privacy Act 1988* ("the act")
- 1.2 The purpose of this Privacy Policy is to clearly communicate how Dr James Orford's Practice collects and manages personal information
- 1.3 This Privacy Policy is current as at April 20, 2020. From time to time we may make changes to our policy, processes and systems in relation to how we handle your personal information. We will update this Privacy Policy to reflect any changes. Those changes will be available on our website and in the practice.
- 1.4 The point of contact regarding any queries regarding this policy are:

Dr James Orford – Owner. Email – admin@drjamesorford.com.au

Merryl Willis – Practice Manager. Email – a.m.b.a@hotmail.com

PART B – AUSTRALIAN PRIVACY PRINCIPLES

- 2.0 As a private sector health service provider and under permitted health situations, Dr James Orford's Practice is required to comply with the Australian Privacy Principles as prescribed under the Act
- 2.1 The Australian Privacy Principles regulate how Dr James Orford's Practice may collect, use, disclose and store personal information and how individuals, including Dr James Orford's Practice patients may:
 - Address breaches of the Australian Privacy Principles by Dr Orford's Practice
 - Access their own personal information
 - Correct their own personal information
- 2.2 In order to provide patients with adequate health care services, Dr James Orford's Practice will need to collect and use personal information. It is important to be aware that if the patient provides incomplete or inaccurate information or the patient withholds personal health information, Dr James Orford's Practice may not be able to provide said patient with the services they are requesting
- 2.3 In this Privacy Policy, common terms and definitions include:
 - **Personal Information** as defined by the Privacy Act 1988 (Cth). Meaning "*information or an opinion including information or an opinion forming part of a database, whether true or not, and whether recorded in a material format or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion*"



- **Health Information** as defined by the *Privacy Act 1988 (Cth)*. This is a particular subset of "personal information" and means information or an opinion about:
 - The health or a disability (at any time) of an individual;
 - An individual's expressed wishes about the provision of health services to him or her; or,
 - A health service provided or to be provided to an individual

2.3.1 Personal information also includes '**sensitive information**' which is information including, but not limited to a patient's:

- Race
- Religion
- Political opinions
- Sexual preferences
- Health information

2.3.2 Information deemed '**sensitive information**' attracts a higher privacy standard under the Act and is subject to additional mechanisms for the patient's protection

PART C – TYPES OF PERSONAL INFORMATION

3.0 Dr James Orford's Practice collects information from each individual patient that is necessary to provide said patient with adequate health care services

3.1 This may include collecting information about a patient's health history, family history, cultural/ethnic background or current lifestyle to assist the health care team in diagnosing and treating a patient's condition

PART D – COLLECTION & RETENTION

4.0 This information will, in most circumstances, be collected directly from you via referrals, patient information forms, consent forms, face to face consultations, etc.

4.1 In other instances, Dr James Orford's Practice may need to collect personal information about a patient from a third party source. This may include:

- relatives (eg, next of kin or emergency contacts)
- other health service providers

4.2 This will only be conducted if the patient has provided consent for Dr James Orford's Practice to collect his/her information from a third party source; or, where it is not reasonable or practical for Dr James Orford's Practice to collect this information from said patient. This may include where:

- the patient's health is potentially at risk and his/her personal information is needed to provide them with emergency medical treatment

4.3 Dr James Orford's Practice endeavours to store and retain a patient's personal and health information on the practice secure server. NB - hard copies of any information received is scanned onto the practice server.

4.4 Information stored on the practice secure server will be retained indefinitely

- 5.0 Dr James Orford's Practice only uses a patient's personal information for the purpose they have provided the information for unless one of the following applies:
- The patient has consented for Dr James Orford's Practice to use his/her information for an alternative or additional purpose
 - The disclosure of the patients information by Dr James Orford's Practice is reasonably necessary for the enforcement of criminal law or a law imposing a penalty or sanction, or for the protection of public revenue
 - The disclosure of the patient's information by Dr James Orford's Practice will prevent or lessen a serious and imminent threat to somebody's life or health
 - That Dr James Orford's Practice is required or authorised by law to disclose your information for another purpose

5.1.1 Health Professionals to provide treatment:

During the patient's treatment at Dr James Orford's Practice, he/she may be referred to alternative medical treatment/services, eg, pathology, radiology, etc where Dr James Orford's Practice staff may consult with medical experts when determining a patient's diagnosis and/or treatment

Dr James Orford's Practice staff may also refer the patient to other health service providers for further treatment during and following the patient's admission, eg, physiotherapist, outpatient or community health services, etc

These health professionals will be designated health service providers appointed to use the patient's health information as part of the process of providing treatment. Please note that this process will be conducted whilst maintaining the confidentiality and privacy of the patient's personal information

5.1.2 Alternative Health Services

At any point a patient wishes to be treated by an alternative medical practitioner or health care service that requires access to his/her personal health information, Dr James Orford's Practice requires written authorisation. This written authorisation is to state that the patient will be utilising alternative health services and that these health services have consented for a transfer of personal/health information

5.1.3 Other Third Parties

Dr James Orford's Practice may provide your personal information regarding a patient's treatment or condition to additional third parties. These third parties may include:

- Parent(s)
- Child/ren
- Other relatives
- Close personal friends
- Guardians
- A person exercising a patient's power of attorney under an enduring power of attorney

Where the information is relevant or reasonable to be provided to third parties, written consent from the patient is required.

Additionally, the patient may at any time wish to disclose that no third parties as stated are to access or be informed about his/her personal information or circumstances

5.1.4 Other Uses of Personal Information:

In order to provide the best possible environment in which to treat patients, Dr James Orford's Practice may also use personal/health information where necessary for:

- Activities such as quality assurance processes, accreditation, audits, risk and claims management, patient satisfaction surveys and staff education/training
- Invoicing, billing and account management, including debt collection services
- To liaise with a patient's health fund, Medicare, Department of Veterans Affairs or WorkCover as necessary
- The purpose of complying with any applicable laws, ie, in response to a subpoena or compulsory reporting to State or Federal authorities
- To comply with Government regulations with regards pandemics, eg, contact tracing, etc

5.2 If at any point for any of the aforementioned reasons Dr James Orford's Practice uses or discloses personal/health information in accordance with the Australian Privacy Principles, Dr James Orford's Practice will provide written notice for the patient's consent for the use and/or disclosure

PART F – ACCESS AND CHANGES TO PERSONAL INFORMATION

6.0 If an individual patient reasonably requests access to their personal information for the purposes of changing said information, he/she must engage with the Practice Manager in writing. Please ask the receptionist for a form which you will need to complete and return to Dr Orford's Practice

6.1 The point of contact for patient access to personal information is:

Name - Merryl Willis
Position - Practice Manager
Email - a.m.b.a@hotmail.com
Ph - 07 5441 5700
Day - By appointment - any day during business hours

6.2 Once an individual patient requests access to his/her personal information, Dr James Orford's Practice will respond within a reasonable period of time (30 days) to provide said information. However, Dr Orford has the right to deny you access for any of the following reasons:

- Where Dr Orford is required or authorised to refuse to give the individual access to the personal information by or under the Freedom of Information Act; or any other Act of the Commonwealth, or a Norfolk Island enactment, that provides for access by persons to documents
- Where Dr Orford reasonably believes giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety
- Where giving access would have an unreasonable impact on the privacy of other individuals
- Where the request for access is frivolous or vexatious
- Where the information relates to existing or anticipated legal proceedings between Dr Orford's practice and the individual, and would not be accessible by the process of discovery in those proceedings
- Where giving access would reveal the intentions of Dr Orford's practice in relation to negotiations with the individual in such a way as to prejudice those negotiations
- Where giving access would be unlawful

- Where denying access is required or authorised by or under an Australian law or a court/tribunal order
- Where Dr Orford has reason to suspect unlawful activity, or misconduct of a serious nature, that relates to the Practice's functions or activities has/is or may be engaged in
- Where giving access would be likely to prejudice the taking of appropriate action in relation to the matter
- Where giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body
- Where giving access would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process.

6.3 All personal information will be updated in accordance to any changes to a patient's personal circumstances brought to Dr James Orford's Practice's attention. All changes to personal information will be subject to patient's consent and acknowledgment

6.4 If an individual requests access to his/her personal information, Dr James Orford's Practice will charge \$110. This fee is not claimable from Medicare or a Health Fund

PART G – COMPLAINTS HANDLING

7.0 The management of Dr James Orford's Practice understands the importance of confidentiality and discretion with regards how we manage and maintain the personal information of our patients. The Practice takes complaints and concerns about the privacy of patient's personal information seriously. Patients should express any privacy concerns in writing to the Practice Manager. The Practice will then attempt to resolve it in accordance with its complaint resolution process.

Please ask receptionist for a copy of our complaints handling policy

7.1 All employees of Dr James Orford's Practice are required to observe the obligations of confidentiality in the course of their employment and are required to sign confidentiality agreements

7.2 In the instance where you are dissatisfied with the level of service provided within the clinic we encourage you to discuss any concerns relating to the privacy of your information with the Practice Manager Dr Orford

7.3 If you feel your request has not been adequately dealt with, please contact:

The Office of the Australian Information Commissioner on 1300 363 992

PART H – PERSONAL INFORMATION AND OVERSEAS RECIPIENTS

8.0 Dr James Orford's Practice does not engage with any overseas entities, with which personal or health information would be transferred, appointed or disclosed

PART I – DISPOSAL OF PERSONAL/HEALTH INFORMATION

9.0 If Dr James Orford's Practice receives any unsolicited personal information that is not deemed appropriate for the permitted health situation, Dr James Orford's Practice will reasonably de-identify and dispose of said information accordingly

9.1 If Dr James Orford's Practice holds any personal or health information that is no longer deemed relevant or appropriate for the permitted health situation, Dr James Orford's Practice will reasonably de-identify and dispose of said information accordingly

PART J – ACCESS TO POLICY

10.0 Dr James Orford's Practice provides free copies of this Privacy Policy for patients and staff to access on request

PART K – REVIEW OF POLICY

11.0 Dr James Orford's Practice in accordance with any legislative change will review the terms and conditions of this policy to ensure all content is both accurate and up to date

11.1 Notification of any additional reviews or alterations to this policy will be provided to patients and staff with 1 month's notice. If changes occur, patients and staff are required by Dr James Orford's Practice to review this privacy policy

PART L – PATIENT ACKNOWLEDGMENT

I acknowledge that I have read the aforementioned Privacy and Confidentiality Policy and understand the requirements of Dr James Orford's Practice and myself in how to manage my personal information whilst attending Dr James Orford's Practice

Patient Name:

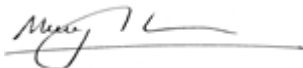
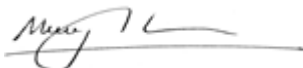

Patient Signature:

Date of Signature:

*** Note to staff – please scan a copy of this into the patient's file and give them this copy to keep*

PART M – VERSION CONTROL

Date	Version No	Reason for update
19/06/18	190618mw	- To meet new data breach response plan requirements - To add information on complaints handling
27/05/19	270519mw	- To check and PDF a copy for uploading to website
20/04/20	200420mw	- To check re Covid-19 and PDF a copy for uploading to website

Date	Approved by Name	Signature	Title
19/06/18	Merryl Willis		Practice Manager
27/05/19	Merryl Willis		Practice Manager
20/04/20	Merryl Willis		Practice Manager