

Scope of Policy:	To ensure patient’s privacy is protected at MPPH.
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**DEFINITIONS**

**RESPONSIBILITIES**

Director of Nursing

All staff employed by Monash House Private Hospital

**PROCEDURE**

Monash House Private Hospital is committed to protecting patients’ privacy and information that it collects and uses.

Monash House Private Hospital is required to comply with its obligations under all applicable privacy and health records laws, including the Privacy Act 1988 (and its Australian Privacy Principles) and the Health Records Act 2001 (Vic) (and its Health Privacy Principles). Monash House Private Hospital recognises that the privacy principles under those laws apply to our relationship with patients, employees and service providers. Monash House Private Hospital requires that all health professionals and organisations doing business with us will similarly adhere to those privacy principles.

**What is personal information?**

Personal information means information or an opinion, about an identified individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, whether that information or opinion is true or not and whether that information or opinion is recorded in material form or not. Sensitive Information- is a type of personal information that is afforded a higher level of protection by privacy laws. It includes health genetic and biometric information as well as information about an individual’s racial or ethnic origin, political opinions, religious beliefs or affiliations; political, professional or trade associations or trade unions, philosophical beliefs, sexual orientation or practices and criminal record or health information about an individual.

**Can individuals deal with us anonymously?**

Where it is lawful and practicable to do so, individuals may deal with us anonymously or use a pseudonym (e.g. when enquiring about our services generally). However, in many instances we need to identify you when you deal with us, including to provide our services and to respond to complaints. If we do not receive all of the personal information we request, we may not be able to do these things.

**Why does MPPH collect personal information?**

If an individual is to receive or has received care or a service from Monash House Private Hospital will collect and hold their personal information to:

- Gain an understanding of the individual’s needs so we may provide them with the required service and advice

- The patients past medical history helps Monash House Private Hospital identify which treatments are likely to be safe and effective for the patient and reduces the likelihood of repeating tests that they have had in the past
- Contact the individual to provide advice or information in relation to the way in which the service will be or has been provided
- Improve the quality of Monash House Private Hospital services
- Administer and manage those services including charging, billing and collecting debts
- Where required by law

### **What personal information do we collect and hold?**

The information we collect will depend on who the individual is, such as a patient admitted to our hospital, a health service provider, a next of kin, a guardian or other responsible person, an emergency contact or a person responsible for paying the account and may include an individual's:

- Name, address (postal and email) and telephone numbers
- Gender
- Date of birth
- Marital status
- Occupation
- Religion
- Country of birth
- Indigenous status
- Next of kin
- Payment information such as credit card details
- Health fund and health insurance cover details
- Workers compensation or other insurance claim details
- Medicare details
- Concession card details
- Medical history and other health information we are provided with or we collect in the course of providing our services
- Other details an individual provides for admission to or discharge from our hospital
- Other information we need to provide our services
- About an individual's health or disability at any time (that is past, present or future)
- About an individual's expressed wishes regarding future health services

New information is added to the patient's record every time they attend or have contact with us. In certain circumstances, we are required by Australian laws to collect some of this information, such as Medicare details. This means that personal details related to the patient's attendance (e.g. name, address, Medicare Number, billing information, admission/discharge dates), medical information, notes made by health care personnel, identifiable biological specimens or samples, or genetic information all constitute "health information".

### **How do we collect personal information?**

We will collect personal information directly from the individual concerned where it is reasonably practicable to do so. This may take place when the individual completes documents such as an admission, health insurance claim or other form, provides information over the telephone or online.

According to the Australian Privacy Principles our Hospital must:

- Only collect health information necessary for its functions or activities
- Use fair and lawful ways, that are not unreasonably intrusive, to collect health information

- Collect health information directly from an individual if it is reasonably practicable to do so (there is an exception where it is necessary to obtain an individual's family, social or medical history, which may contain information relating to other persons)
- Take reasonable steps, at the time of collecting health information or as soon as practicable afterwards, to make an individual aware of why the information is being collected, who it may be disclosed to, how it can be accessed etc.
- Take reasonable steps to ensure the individual is aware of the above points even if the information is collected from someone else
- Only collect health information with the express or implied consent of the individual concerned, unless collection is required by law or it is necessary to prevent a serious threat to the life or health of another person.

### **Monash House Private Hospital may collect personal and health information from third parties such as:**

- A patient's representatives (e.g. authorised representative or legal adviser)
- A patient's health service provider
- A health professional who has treated the patient
- The patient's family
- Other sources where necessary to provide a health service
- A patient's My Health Record

### **For what purposes do we use and disclose personal information?**

Monash House Private Hospital uses the personal information it collects and holds to:

- Assess and understand the health and other needs of individuals to provide them with the appropriate services and advice including for admission and discharge to our hospital.
- Continuity of care with other health service providers involved in the patient's treatment or diagnostic services
- Providing a patient with further information about treatment options
- Conveying information to a responsible person (e.g. parent, guardian, spouse) when the patient is incapable or cannot communicate, unless the patient has requested otherwise
- Conveying information to close family members in accordance with the recognised customs of medical practice
- Management, funding, service-monitoring, planning, evaluation and complaint handling
- Quality assurance or clinical audit activities
- Health insurance funding
- Billing and debt recovery
- Health information management and clinical coding
- Addressing liability indemnity arrangements including reporting to the hospital's insurers and legal representatives
- Preparing the defence for anticipated or existing legal proceeding
- Research or compilation or analysis of statistics relevant to public health and safety
- Activities directly related to the provision of health services to a patient where the patient would reasonably expect disclosure
- Undertake accreditation activities
- Assess job applications

### **How to opt out of direct marketing?**

We will only use personal and health information for the purposes of direct marketing and promotional activities with the individual express consent. All direct marketing communications will include the option for an individual to opt out of receiving direct marketing communication. Individuals can opt out at any time.

### **To whom do we disclose personal information?**

We may disclose an individual's personal information to the following third parties for the above purposes to:

- Other health service providers involved in the individual's treatment or diagnostic services
- Private health insurers (some of which are located overseas) and other insurers
- Students of the health profession undertaking clinical placements, but not when an individual has opted out of student teaching activities
- A responsible person (e.g. parent, guardian, spouse) when the individual is incapable or cannot communicate, unless the individual has requested otherwise close family members, in accordance with the recognised customs of medical practice
- Our hospitals' insurers and legal representatives service providers engaged to provide services to our hospital, including manufacturers and suppliers of medical devices, providers of pathology and radiology services, some of whom may be located overseas or interstate.

### **Access to and correction of information:**

Medical records are the property of Monash House Private Hospital. However patients have a right to access them subject to some exceptions allowed by law.

Patients can contact the Privacy Officer at Monash House Private Hospital to request access. A fee may be charged for collating and providing access to personal and health information.

### **Trans border data flows:**

The hospital may only transfer a person's health information overseas when

- The patient has given consent
- The transfer is necessary for the fulfilment of a contract between the patient and the Hospital
- The transfer is for the benefit of the patient but it is impracticable to obtain consent
- It is believed that the information will be protected by a privacy scheme or legal provision comparable to that which exists in this country.

### **How do we manage privacy preferences and capacity?**

Monash House Private Hospital accepts the admission of children under the age of 18 years old (but no younger than 12), therefore children under the age of 18 will be required to have a parent or guardian present when managing privacy preferences.

If an individual lacks capacity to make privacy decisions for themselves, our hospitals will refer to or manage requests for access and consents in relation to personal information with the individual's Enduring Power of Attorney or Substitute Decision-maker.

### **Identifiers:**

In certain circumstances Monash House Private Hospital is required, to collect government identifiers such as Medicare, pension, or Veteran's Affairs numbers. This information will only be used or disclosed in accordance with the law.

### **How do we store and secure personal information?**

Monash House Private Hospital stores personal and health information electronically and in paper form. The security of personal and health information is very important to us and reasonable steps are taken to protect it from misuse or loss and from unauthorised access, modification or disclosure. Some of the ways we do this include:

- Requiring Monash House Private Hospital staff to maintain confidentiality
- Implementing document storage security i.e. Dox electronic medical storage including the auditing processes to ensure the safety and security of data and retrievability
- Imposing security measures for access to our computer systems.

## Privacy policy

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- Providing a discrete environment for confidential discussions and treatment
- Allowing access to personal and health information only where the individual seeking access to their own information has satisfied our identification requirements
- Personal and health information is retained for the period of time determined by law and disposed of in a secure manner.

### **Keeping personal information accurate and up-to-date:**

Monash House Private Hospital takes all reasonable steps to ensure that the personal and health information it collects uses and discloses is accurate, complete and up-to-date. However, the accuracy of that information depends largely on the quality of the information provided to the hospital. It is therefore suggested that patients:

- Let Monash House Private Hospital know if there are any errors in their personal or health information, and
- Keep Monash House Private Hospital up-to-date with changes to their personal information (e.g. Name, address and contact details).

### **How can we be contacted?**

You may contact us in any of the following ways:

By telephone: (03) 8394 0700

By letter: Privacy Officer, Monash House Private Hospital  
271 Clayton Road  
Clayton Vic 3168

Online: Through the feedback form on the patient feedback page of our website

Individuals who have any questions about privacy, this policy or the way we manage personal information or who believe that we have breached their privacy rights should contact the Director of Nursing of Monash House Private Hospital with their question or complaint.

Monash House Private Hospital will endeavour to acknowledge receipt of a written complaint within 7 days and provide a written response to the complaint within a reasonable time frame. It may be necessary to request further information from the complainant before the matter can be resolved. Any such request will be made in writing. If the individual is not satisfied that Monash House Private Hospital has resolved their complaint, they have the right to make a complaint to the Office of the Australian Information Commissioner (OAIC) or the Health Services Commissioner. If they wish to make a complaint or to find out any more information about their privacy rights the OAIC or Health Services commissioner can be contacted as follows:

Australian Information Commissioner

By telephone: 1300 363 992

By email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Online: OAIC privacy complaint form

Health Services Commissioner (Victoria)

By telephone: 1300 582 113

By mail: Health Services Commissioner, 26th Floor, 570 Bourke Street, Melbourne VIC 3000

Online: Health Services Commissioner online complaint form

**ASSOCIATED DOCUMENTS**

doc\_113 Confidentiality Policy

doc\_194 Privacy Legislation

doc\_724 Privacy and Health Information Patient Brochure

doc\_775 Confidentiality of Medical Records

**REFERENCES**

*Health Records Act 2001*

<https://www2.health.vic.gov.au/about/legislation/health-records-act>

*Health Records Regulations 2002*

<https://www2.health.vic.gov.au/about/legislation/health-records-act>

*Freedom of Information Act 1982*

<https://www2.health.vic.gov.au/about/legislation/health-records-act>

*Privacy Act 1988*

[https://amavic.com.au/page/public/Your\\_Privacy/](https://amavic.com.au/page/public/Your_Privacy/)

Victorian State Government. Department of Health and Human Services. (2015)

NSQHS standard 1. Clinical Governance