

Hillview – Bunyip Aged Care Privacy Policy

Part 1: PRIVACY

1. Protocol:

Hillview – Bunyip Aged Care recognises the importance of protecting the privacy of personal information. Privacy refers to a person's right to keep certain information private. The privacy legislation requires that any person working in the health sector and who is entrusted with information as part of their professional duties treat personal information, such as patient records and employee files, in accordance with the Health Records Act 2001 (Vic) and the *Information Privacy Act 2000 (Victoria)*.

Hillview – Bunyip Aged Care maintains the privacy of personal information through the privacy framework outlined in this and related policies and protocols.

Objectives:

- To protect the privacy of personal information obtained by the organisation;
- To uphold the rights of person/s to keep certain information private;
- To ensure compliance with legal requirements as specified.
- To protect personal information of all Hillview – Bunyip Aged Care employees.

2. Health Privacy Principles:

I. Confidentiality

Confidentiality relates to the secrecy and privilege afforded to information that is shared between a professional person and a client.

Privacy

Privacy is an internationally recognised human right.

- **Information Privacy** or Data Protection is concerned with the control of the collection, use and dissemination of recorded personal information.

Information Privacy incorporates safeguards for all personal information recording and handling activities including the collection, storage, access, transmission, disclosure, use and disposal of personal information in any form or medium.

Personal information is identifiable information in any form (either electronic or paper) which concerns a person's health, medical history, past or future medical treatment and employment details.

II. Collection

Employees, Volunteers and Others

Information relating to employees, volunteers and others working for the Hillview – Bunyip Aged Care will only be collected, stored and used for purpose relating to employment with this organisation.

All methods used to collect information will be fair and lawful, with every effort made not to be intrusive. Once collected, the personal information required will be stored in a secure storage area, accessible only to those authorised to do so.

Residents

The primary purpose for collecting, storing and using personal information relating to residents will essentially be for the planning of care and treatment. This information will be collected and updated every time the person seeks treatment. All methods utilised will be fair and lawful, with every effort made not to be intrusive. Once collected, the personal information required will be recorded in an appropriate, secure storage area.

Staff collecting information will be sensitive to the particular circumstances or cultural requirements of individuals. They will not place undue pressure on or seek to coerce individuals from whom information is being collected. Where a resident decides to withhold information or the consent to share information appropriately, they will be advised that withholding such information may compromise their future care or treatment. Residents will be advised that health care providers have an obligation to record details of services provided.

For further information refer to the policy entitled, “*Personal Information – Collection*”

Source of Personal Information

The preferred method of collecting personal information will be directly from the individual or their authorised representative. However, there are occasions when this will not be possible, for example:

- When the individual is unable to provide their personal data due to a recognised medical condition, mental illness, intellectual disability or some other recognised circumstance or condition. In such a circumstance it is recommended that where possible the information collector seeks to contact the incompetent person’s authorised representative.
- When compliance would prejudice the health, welfare and safety of the individual, another individual or the community.
- When non-compliance is necessary for the maintenance of the law or authorised by law.

For further information refer to the policy entitled, “*Personal Information – Collection*”

III. Use and Disclosure

Personal information may be used and disclosed for the primary purpose for which it was collected. For residents this primary purpose will be the care and treatment provided by this facility. For employees, volunteers and others working for this organisation this primary purpose will be their employment with this organisation.

Information will not be used or disclosed for purposes other than for which it was collected unless:-

- The person has consented
- The secondary purpose is related to the primary purpose and a person would reasonably expect such use or disclosure.
- In circumstances related to public interest such as law enforcement, and public or individual health and safety.

For further information refer to the policy entitled, “*Personal Information – Collection*”

IV. Data Quality

Staff collecting information will take reasonable steps to make sure that the information being collected is accurate, complete, up-to-date and relevant to its functions.

V. Storage, Security and Transmission of Personal Information

All reasonable measures will be undertaken to protect personal information from unauthorised access, improper use, disclosure, unlawful destruction or accidental loss.

For further information refer to the policy entitled, “*Personal Information – Security*”

VI. Openess

Hillview – Bunyip Aged Care has an open policy of providing individuals with information on its privacy policies and procedures. The Privacy Statement and Policy will be available on request for access by all individuals. Information related to the Privacy Policy is included in the Resident Information Booklet and in the Staff Orientation Booklet.

VII. Access, Accuracy and Correction

Hillview – Bunyip Aged Care has an open policy of providing residents and staff members the right of access to their personal information.

The right of access allows the individual to:-

- understand their information by reading, taking notes or copying the information;
- flag incorrect information;
- supplement the medical record; and
- engage in a more informed meaningful discussion with clinicians regarding their health and wellbeing.

Individual rights to access and correct personal health information has been reinforced through the provisions of the *Health Records Act 2001*.

Hillview – Bunyip Aged Care aims to maintain accurate, complete and up to date information. If information is established to be inaccurate, incomplete, misleading or not up to date, where reasonable, procedures to correct the information or to have an amendment attached are to be followed.

For further information refer to the policy entitled, “*Personal Information – Access*”.

VIII. Retention & Disposal of Information

Personal information will only be kept for as long as it is required for the purposes for which it was collected or any directly related purpose, unless there is a legal requirement for the information to be retained. The Public Records Act 1973 sets specific standards on how long certain types of information ought to be retained.

The General Disposal Schedule for Public Health Services Patient Information Records (PROS99/04) will be used for patient Information.

The General Disposal Schedule for General Administrative Records for other records.

IX. Unique Identifiers

Hillview – Bunyip Aged Care will not adopt, use or disclose an identifier that has been assigned by a public sector organisation unless it is required or authorised by law or unless it is in connection with a purpose (or directly related purpose) for which the identifier was assigned. Unique identifiers include Medicare and Social Security numbers.

Hillview – Bunyip Aged Care will assign a unique identifier in the form of an employee number in order to uniquely identify staff members for the purposes of their employment.

X. Anonymity

Hillview – Bunyip Aged Care will provide a service to residents who wish to remain anonymous. Individuals who wish to remain anonymous will be registered by Hillview – Bunyip Aged Care in the format specified by the Australian Standards.

XI. Transborder Data Flow

Hillview – Bunyip Aged Care will only transfer personal information in to a recipient outside of Victoria in circumstances where the information will have appropriate protection eg. the receiving organisation’s compliance with privacy handling protocols or the individual has consented.

XII. Transfer or Closure of the Health Service

If, in the situation of Hillview – Bunyip Aged Care or its services being closed or transferred to another organisation, the process for dealing with its stock or records will be as in accordance with the *Health Privacy Principle 10.2 of the Health Records Act 2001(VIC)*.

3. Desired Outcomes:

The privacy of personal information obtained and held by the organisation is protected;
The rights or person/s to keep certain information private are upheld;
Compliance with legal requirements as specified is maintained;
Personal information of all Hillview – Bunyip Aged Care employees is protected;
Compliance audits of Hillview – Bunyip Aged Care policies, procedures and practices according to the privacy legislation are regularly conducted.

4. References:

Health Records Act (VIC)
Information Privacy Act 2000 (VIC)
Privacy Amendment (Private Sector) Act 2000 (Commonwealth)
DHS “*A Hospital Confidential Checklist*”
DHS “*Information Privacy Principles*” June 1998