



## PRIVACY POLICY

### 1. Commitment

YERIN Aboriginal Health Services Inc is committed to protecting the privacy of the personal information and sensitive information which it collects and holds. We gather such information to allow us to meet our objectives of improving our community's access to primary health care services.

Patients will be assured that their privacy will be protected when visiting our practice; that the information collected and retained in our patient records is correct and up-to date; and that they can access their information for review.

From the 21st December 2001, the Privacy Amendment (Private Sector) Act 2000 extended the operation of the Federal Privacy Act 1988 to include the private health sector throughout Australia. From 12 March 2014, the Australian Privacy Principles (APPs) will replace the National Privacy Principles and Information Privacy Principles

While the new legislation will serve to complement our existing culture of confidentiality and our already established professional practice obligations and to ensure best practice.

No exceptions under the Privacy Act apply to personal information that we hold or to any of our acts or practices.

### 2. Purpose

The purpose of this Privacy Policy is to explain:

- the application of this Privacy Policy to the activities of YERIN
- the kinds of information which YERIN may collect about our clients, employees, contractors and others and how that information is collected and used
- how YERIN can disclose the information so collected
- how individuals can access the information held and
- the processes by which YERIN protects the personal information held.

### 3. Scope

This policy applies to all activities conducted by YERIN and to the actions of its directors, employees, contractors and volunteers.

### 4. Definitions

In this Privacy Policy, the following terms have the following meanings:

**health information** is:

- personal information or an opinion about:
  - an individual's physical or mental health or disability (at any time)
  - an individual's express wishes about the future provision of health services for themselves or
  - a health service provided, or to be provided, to an individual
- other personal information collected to provide, or in providing a health service

**personal information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not



**sensitive information** means

- personal information or an opinion about an individual's:
  - racial or ethnic origins
  - political opinions or political associations
  - philosophical beliefs or religious beliefs or affiliations
  - sexual orientation or practices
  - criminal record
- health information about an individual or
- genetic information about an individual that is not otherwise health information

## **5. How YERIN applies the Australian Privacy Principles [APP]**

### **Overview**

YERIN handles all personal information and sensitive information in a manner which complies with the Australian Privacy Principles. We obtain consent (written or verbal) to collect, store, use and/or disclose this information. YERIN will only collect personal information:

- after a person has consented
- when any secondary use is related to the main reason for collection of personal information or
- in circumstances in which collection is necessitated by the public interest such as law enforcement or public or individual health and safety

YERIN takes reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date and to protect the personal information it holds against loss, unauthorised access, use, modification or disclosure and against other misuse.

### **The Australian Privacy Principles**

#### **Part 1 – Consideration of personal information privacy**

##### **APP1: Open and transparent management of personal information**

YERIN will only collect personal information necessary to undertake our programs, activities or functions. This is managed in an open and transparent way by the maintenance of processes which

- make sure that each individual providing personal information is informed about and understands the purpose of collecting the information,
- disclose to whom and under what circumstances that personal information may be disclosed to another party; and
- allow and provide an individual access to the information held about that person.

This policy will be made available to any person upon request to the General Manager. A general statement describing our approach to privacy is accessible to the public via the YERIN website.

##### **APP2: Anonymity**

YERIN allows individuals the option of not identifying themselves when providing information except when:

- YERIN is required by law or court tribunal order to deal with persons who have identified themselves or
- it is impractical for YERIN to deal with individuals who have not identified themselves or have used a alias.



## **Part 2 – Collection of personal information**

### **APP3: Collection of solicited personal information**

YERIN will only collect personal information that is reasonably necessary to provide a service.

YERIN will make sure that each individual who provides personal information is informed about and understands the purpose of collecting the information and its intended use/disclosure.

### **APP4: Dealing with unsolicited information**

YERIN will not keep personal information received about an individual, unless that person has given permission.

YERIN will from time to time collect commercial information that is already available in the public domain. This includes operating details of primary healthcare providers in the region. YERIN will seek to preserve the accuracy of this information.

### **APP5: Notification of the collection of personal information**

When collecting personal information about an individual, YERIN will first inform the individual and proceed only if the individual consents.

## **Part 3 – Dealing with personal information**

### **APP6: Use of and disclosure of personal information**

We sometimes share your personal information:

- YERIN will only use personal information for the purpose for which it was collected.
- YERIN will only disclose personal information without consent where such disclosure is required by law, or for law enforcement, or in the interests of the individual's or the public's health and safety.
- Individuals will be given the opportunity to refuse such use or disclosure. If an individual is physically or legally incapable of providing consent, a responsible person (as described under the Privacy Act 1988) may do so.
- YERIN will keep records of any such use and disclosure. Information may only be disclosed to a responsible person (as described under the Privacy Act 1988).
- Information sharing for continuity of health care shall be with authorised individuals and organisations on a need to know basis, and be directly relevant to the client's continuity of health care.
- During the course of providing clinical services, through Electronic Transfer of Prescriptions (eTP), MyHealth Record/PCEHR system (via Shared Health Summary, Event Summary) or via Argus secure encrypted messaging platform.
- If information is to be used for a secondary or unrelated purpose, such as service evaluation, further consent is not required provided that the data will be de-identified ie elements of the data will be removed or substituted so as to ensure that an individual's identity cannot be readily determined or recognised.

### **APP7: Direct marketing**

YERIN will not provide personal information to another person or organization for direct marketing except:

- with the express consent of the individual in circumstances where that specific use of the information is intended; or
- when the organisation is a contracted service provider to the Commonwealth and the disclosure of the information is necessarily required to meet an obligation under that contract.



#### **APP8: Overseas disclosure**

YERIN will not provide personal information overseas unless legally required to do so.

#### **APP9: Adoption, use or disclosure of Government related identifiers**

YERIN will not use any Government related identifier (eg Medicare or Veterans' Affairs numbers or similar) as our identifier, nor will we disclose it.

### **Part 4 – Integrity of personal information**

#### **APP10: Quality of personal information**

YERIN takes reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

#### **APP11: Security of personal information**

YERIN takes care to protect and hold securely personal information whether electronic or on paper.

All personal information held by YERIN will be:

- if in paper form, received and stored in a secure, lockable location,
- if in electronic form, password and firewall protected, and externally backed up with a provider contractually bound to confidentiality,
- accessible by staff only on a “need to know” basis, and
- not taken from the YERIN offices unless authorised and for a specified purpose.

YERIN destroys or permanently de-identifies personal information that is no longer required to be held.

### **Part 5 – Access to and correction of personal information**

#### **APP12: Access to personal information**

Individuals may request access to their own personal information. Access will be provided unless there is a sound reason under the Privacy Act 1988 or other relevant law to withhold access.

Situations in which access to information may be withheld may include when:

- there is a threat to the life or health of an individual,
- access to information creates an unreasonable impact on the privacy of others,
- the request is clearly frivolous or vexatious or access to the information has been granted previously,
- there are existing or anticipated legal dispute resolution proceedings, and
- denial of access is required by legislation or law enforcement agencies
- YERIN suspects unlawful activity or conduct of a serious nature
- giving access would reveal evaluative information within YERIN in connection with a commercially sensitive decision making process

YERIN responds to a request to access or amend information within 30 business days of receiving the request.

#### **APP13: Correction of personal information**

We will correct the personal information we hold about a person if it is inaccurate, out of date, incomplete or misleading.



Amendments may be made to personal information to make sure it is accurate, relevant, current, complete and not misleading, taking into account the purpose for which the information is collected and used. If the request to amend information does not meet these criteria, YERIN may refuse the request.

If the requested changes to personal information are not made, the individual may make a statement about the requested changes and the statement will be attached to the record.

YERIN will respond to queries and requests for access and amendment to personal information within 30 days by electronic means or by registered post correspondence.

## 6. Confidentiality of other Information

All information held by YERIN in the course of its activities is confidential. It is appropriate that a decision to release or make public (eg website content) gives due consideration to confidentiality of the information and the appropriateness of wider distribution.

If they are unsure whether information is confidential to YERIN or its clients, employees and stakeholders are to refer to the General Manager before transferring or providing information to an external source.

## 7. Breach of privacy or confidentiality

Employees who are deemed to have breached privacy standards set out in this policy may be subject to disciplinary action as described in YERIN Code of Conduct.

If a client or stakeholder is dissatisfied with the conduct of a YERIN employee or director, this should be raised with the General Manager.

## 8. Responsibilities

YERIN's General Manager is the contact point for all privacy and confidentiality related enquiries and issues (from both external and internal parties). Privacy enquiries can be made by:

- Phone (02) 43 511 040
- Email [enquiries@yerin.org.au](mailto:enquiries@yerin.org.au)
- Website <http://www.yerin.org.au>
- In writing: Yerin Aboriginal Health Service Inc, P O Box 466, Wyong, NSW 2259

The Program Manager and Practice Managers at YERIN are responsible for the development and implementation of the policies, procedures and other governance tools required to comply with organisational and statutory privacy requirements. This will include ongoing enforcement, monitoring and evaluation of YERIN's privacy processes. Both manager's are accountable to the organization's General Manager for compliance.

### Employees and directors

Be familiar with the legislative requirements regarding privacy and the collection, storage and use of personal information.

Understand the organisation's ethical standards regarding the treatment of other confidential information relating to YERIN, its clients, employees and stakeholders.

Act in accordance with organisational systems in place to protect privacy and confidentiality. Comply with Privacy Policy, Procedure and associated governance instruments.

## 9. References

- Privacy Act 1988 (Cth) ("Privacy Act")
- Australian Privacy Principles (Jan 2014)
- Privacy and Personal Information Act 1998 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Freedom of Information Act 1989 (NSW)