

PIVOTAL HEALTH AUSTRALIAN PRIVACY PRINCIPLES (APP) POLICY

PART A – PURPOSE AND CONTEXT

- 1.0 Pivotal Health is committed to ensuring the privacy and confidentiality of all personal information affiliated with Pivotal Health's business undertakings.
- 1.1 Pivotal Health follows the terms and conditions of privacy and confidentiality in accordance to the Australian Privacy Principles (**APPs**) 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 Pivotal Health collects and manages personal information.
- 1.3 The point of contact regarding any queries regarding this policy is the Practice Manager, Emma Kohler; phone 07 3286 1122.

PART B – AUSTRALIAN PRIVACY PRINCIPLES

- 2.0 As a private sector health service provider and under permitted health situations, Pivotal Health is required to comply with the APPs as prescribed under the Act.
- 2.1 The APPs regulate how Pivotal Health may collect, use, disclose and store personal information and how individuals, including Pivotal Health's patients may:
- address breaches of the APPs by Pivotal Health;
 - access their own personal information; and,
 - correct their own personal information.
- 2.2 In order to provide patients with adequate health care services, Pivotal Health 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 Pivotal Health may not be able to provide the 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"; and,

- **"health information"** as defined by the *Privacy Act 1988 (Cth)*. This is a particular subset of "personal information" and means:
 - (a) Information or opinion about the health or disability (at any time i.e. past, present or future) of an individual that can be classified as personal information;
 - (b) Information or opinion about an individual's expressed wishes about the future provision of health services that can be classified as personal information;
 - (c) Information or opinion about health service provided, or to be provided, to an individual, that can be classified as personal information;
 - (d) Other personal information collected to provide, or in providing, a health service;
 - (e) Other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his or her body parts, organs or body substances; or
 - (f) Genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the 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; and or,
- 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.

2.3.3 You have the right to deal with us anonymously or under a pseudonym unless it is impracticable for us to do so or unless we are required or authorised by law to only deal with identified individuals.

PART C – TYPES OF PERSONAL INFORMATION

3.0 Pivotal Health collects information from each individual patient that is necessary to provide the patient with adequate health care services.

3.1 This may include collecting information about a patient's health history, family history, ethnic background or current lifestyle to assist the Pivotal Health 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 the patient through but not limited to the following mediums:

- (g) Health Care Service patient consent form;
- (h) medical treatment form; and or,
- (i) face to face consultation.

4.1 In other instances, Pivotal Health may need to collect personal information about a patient from a third party source. This may include:

- relatives; or,
- other health service providers.

4.2 This will only be conducted if the patient has provided consent for Pivotal Health to collect his/her information from a third party source; or, where it is not reasonable or practical for Pivotal Health to collect this information directly from the 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 Pivotal Health endeavours to store and retain a patient's personal & health information in electronic copy onto our server.

PART E – PURPOSE OF COLLECTION, USE & DISCLOSURE

5.0 Pivotal Health only uses a patient's personal information for the purpose(s) they have provided the information for unless one of the following applies:

- the patient has consented for Pivotal Health to use his/her information for an alternative or additional purpose;
- the disclosure of the patient's information by Pivotal Health 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 Pivotal Health will prevent or lessen a serious and imminent threat to somebody's life or health; or,

- Pivotal Health is required or authorised by law to disclose the patient's information for another purpose.

i. *Health Professionals to provide treatment*

During the patient's treatment at Pivotal Health he/she may be referred to alternative medical treatment/services (i.e. pathology or radiology) where Pivotal Health's staff may consult with senior medical experts when determining a patient's diagnosis or treatment.

Pivotal Health's staff may also refer the patient to other health service providers for further treatment during and following the patient's admission. These services include, but are not limited to:

- Physiotherapy; or,
- Outpatient or community health services; or
- Other medical specialists

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.

Where practices uses automated referral templates to other health providers the practices ensure that only clinical relevant personal information is supplied.

ii. *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 Pivotal Health 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.

iii. *Other Third Parties*

Pivotal Health may provide the patient's 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; or,

- a person exercising a patient's power of attorney under an enduring power of attorney.

Where 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.

iv. Other Uses of Personal Information

In order to provide the best possible environment to treat patients, Pivotal Health 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 and training;
- invoicing, billing and account management;
- to liaise with a patient's health fund, Medicare or the Department of Veteran's Affairs, as necessary; and,
- the purpose of complying with any applicable laws – i.e. in response to a subpoena or compulsory reporting to State or Federal authorities.
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5.1 If at any point or for any of the aforementioned reasons Pivotal Health uses or discloses personal/health information in accordance with the APPs, Pivotal Health 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 the information he/she must engage with the relevant practice manager.

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

Emma Kohler
Practice Manager
07 3286 1122
pm@pivotalhealth.com.au
Monday - Thursday

6.2 Once an individual patient requests access to his/her personal information Pivotal Health will respond within a reasonable period of time to provide the information.

6.3 All personal information will be updated in accordance to any changes to a patient's personal circumstances brought to Pivotal Health attention. All changes to personal information will be subject to patient's consent and acknowledgement.

6.4 If an individual requests access to his/her personal information Pivotal Health will charge \$30. Please note that this fee is associated with administrative costs only.

PART G – COMPLAINTS HANDLING

7.0 How an individual patient may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds the entity, and how the entity will deal with such a complaint.

Further information on privacy legislation is available from:

Office of the Australian Information Commissioner
1300 363 992
www.oaic.gov.au

Office of the Information Commissioner
Queensland – 07 3234 7373
www.oic.qld.gov.au

ACT Health Services Commissioner
02 6205 2222
www.hrc.act.gov.au/health

Health and Disability Services Complaints Office
Western Australia – 1800 813 583
www.hadsco.wa.gov.au/home/index.cfm

Information and Privacy Commission
New South Wales – 1800 472 679
www.ipc.nsw.gov.au/privacy/ipc_index.html

Office of the Health Services Commissioner
Victoria – 1300 582 113
www.health.vic.gov.au/hsc/index.htm

Office of the Information Commissioner
Northern Territory – 1800 005 610
<https://infocomm.nt.gov.au>

Office of the Information Commissioner
Queensland – 07 3234 7373
www.oic.qld.gov.au

Ombudsman Tasmania
1800 001 170
www.ombudsman.tas.gov.au

Health and Community Services Complaints Commissioner (HCSCC)
South Australia – 08 8226 8666
www.hcsc.sa.gov.au

All patients have the right to make a complaint to the practice anonymously. This can be done via a form on our website or via paper based letter posted to the practice.

PART H – PERSONAL INFORMATION AND OVERSEAS RECIPIENTS

8.0 Use of Overseas Parties:

- (a) Pivotal Health 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 Pivotal Health receives any unsolicited personal information that is not deemed appropriate for the permitted health situation, Pivotal Health will reasonably de-identify and dispose of the information accordingly.

9.1 If Pivotal Health holds any personal or health information that is no longer deemed relevant or appropriate for the permitted health situation, Pivotal Health will reasonably de-identify and dispose of the information accordingly.

PART J – ACCESS TO POLICY

10.0 Pivotal Health provides free copies of this Privacy Policy for patients and staff to access, which can be/will be located/provided:

www.pivotalhealth.com.au

Practice Manual Appendices

Hard Copies provided upon request

PART K – REVIEW OF POLICY

11.1 Pivotal Health reviews this policy annually or more frequently 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.

11.2 Notification of any additional review(s) or alteration(s) to this policy will be provided to patients and staff within 14 days notice. If change occurs patients and staff are required by Pivotal Health to review/sign/acknowledge in writing this Privacy policy.