

# PRIVACY POLICY

## Policy Details

**Document Group:** Information and Records Management

**Assigned Owner:** Risk, Quality and Compliance

**Approved by:** Board of Directors

## 1. Purpose

This policy aims to ensure that all actions by Bendigo Community Health Services (BCHS) and its employees, Board Directors, consultants, contractors and sub-contractors are in accordance with relevant privacy laws and standards in relation to health, personal and organisational information.

## 2. Scope

This policy applies to all BCHS employees, Board Directors, consultants, contractors and sub-contractors.

This policy applies all services, programs and activities across BCHS.

## 3. Definitions

**Privacy:** in the context of this policy, privacy is the right of an individual to be able to control who can see or use information about them.

**Confidentiality:** the obligation for people not to use private information, whether private because of its content or the context of its communication, for any purpose other than that which it was given to them.

**Health information:** information or an opinion about the health or disability of an individual, an individual's expressed wishes about the future provision of health services; and any health services provided or to be provided to an individual; including information collected in connection with the provision of a health service (and therefore includes personal details such as name, date of birth, contact details).

**Personal information:** information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, or an individual who is reasonably identifiable. Personal information includes (but is not limited to) an individual's name, date of birth, contact details and bank account details.

**Organisational information:** all and any administrative, operational, and business information; including organisational documentation and/or information located within BCHS systems; whether directly or indirectly controlled by BCHS; including any information or documentation developed or reviewed by BCHS employees in the duties of their employment; and any other information BCHS employees become aware of or are informed of through the course of their employment.

Refer to BCHS Key Definitions for the definitions of key words used in BCHS policies, procedures and related documents.

PRIVACY POLICY	1	Date of last review: Jan 2024
V4	DOCUMENT UNCONTROLLED WHEN DOWNLOADED	Date of next review: Sept 2024

## 4. Policy Overview

BCHS values privacy and confidentiality and is committed to protecting the privacy and rights of individuals (including clients and employees) in relation to their personal and health information, in addition to their physical privacy when accessing BCHS service and programs, and the privacy and confidentiality of organisational information.

The following legislation guides the management of health and personal information across BCHS:

- Health Records Act 2001 (Vic): regulates the collection and handling of health information in Victoria, through 11 Health Privacy Principles (HPP). This is regulated by the Victorian Health Services Commissioner.
- Privacy Act 1988 (Cth): regulates how most personal information is collected and handled, through 13 Australian Privacy Principles (APP). This is regulated by the Office of the Australian Information Commissioner (OAIC).

The HPPs operate concurrently and are broadly consistent with the APPs.

For further information relating to the My Health Records Act 2012 (Cth) please see BCHS' My Health Record Policy.

For further information relating to the Family Violence Information Sharing Scheme (FVISS) and Child Information Sharing Scheme (CISS) please see BCHS' Information Sharing Scheme Procedure.

BCHS' Privacy Policy aims to:

- Communicate roles and responsibilities in relation to privacy management;
- Guide the organisation in protecting the health and personal information of our clients to the highest standard;
- Provide confidence to the Board, clients, other stakeholders and community.

To support its commitment to this policy BCHS will:

- Ensure all BCHS employees are provided with BCHS' Privacy Policy prior to employment commencing;
- Ensure relevant privacy management information is accessible to BCHS clients;
- Ensure BCHS' Privacy Policy is made available on it's website;
- Maintain relevant procedures which further outline roles, responsibilities and obligations which support effective privacy management;
- Ensure appropriate systems and processes are in place to support effective privacy management, including relating to physical and cyber security;
- Ensure appropriate systems and processes are in place to manage any complaints or feedback in relation to the privacy of their information and/or BCHS' privacy management practices;
- Ensure appropriate systems and processes are in place to identify and promptly investigate any reported or observed breaches of BCHS' Privacy Policy;
- Comply with any direction, guideline, determination, or recommendation made by the Victorian Health Services Commissioner or the OAIC.

The Executive Leader Risk, Quality and Compliance will act as BCHS' Privacy Officer.

## 5. Policy

### Privacy of Client Health and Personal Information

PRIVACY POLICY	2	Date of last review: Jan 2024
V4	DOCUMENT UNCONTROLLED WHEN DOWNLOADED	Date of next review: Sept 2024

All BCHS employees, Board Directors, consultants, contractors, and sub-contractors are responsible for maintaining the privacy, confidentiality and security of health and personal information dealt with in the course of their duties and employment with BCHS.

BCHS' commits to manage all client health and personal information in line with the 11 Health Privacy Principles (HPP) outlined in the Health Records Act (Vic):

Health Privacy Principle (HPP)
HPP 1 – Collection
HPP 2 - Use and Disclosure
HPP 3 - Data Quality
HPP 4 - Data Security
HPP 5 – Openness
HPP 6 - Access and Correction
HPP 7 - Identifiers
HPP 8 – Anonymity
HPP 9 - Trans-border data flows
HPP 10 - Transfer or closure of the practice of a health service provider
HPP 11 - Making information available to another health service provider

BCHS' commits to manage all client health and personal information in line with the 13 Australian Privacy Principles (APP) outlined in the Privacy Act (Cth):

Australian Privacy Principle (APP)
APP 1 – Open and transparent management of personal information
APP 2 – Anonymity and pseudonymity
APP 3 – Collection of solicited personal information
APP4 – Dealing with Unsolicited Personal Information
APP 5 – Notification of the collection of personal information
APP 6 – Use or disclosure of personal information
APP 7 – Direct Marketing
APP 8 – Cross-border disclosure of personal information
APP 9 – Adoption, Use or Disclosure of Government Related Identifiers
APP 10 – Quality of personal information
APP 11 – Security of personal information
APP 12 – Access to personal information
APP 13 – Correction of personal information

Requirements and practical guidance in relation to the HPPs and APPs are outlined in BCHS' Privacy Protection Procedure.

### Collection, Use and Disclosure of Personal Information in Emergencies and Disasters

Where Australia's Prime Minister or the delegated Minister declares an emergency or disaster that affects Australian citizens or permanent residents, either in Australia or overseas, BCHS must comply with requirements around the collection, use and disclosure of personal information with relevant authorities under Part VIA of the Privacy Act (Cth). BCHS' Privacy Officer will oversee the appropriate response to these obligations, where required.

### Collection, Use and Disclosure of Information for Quality and Safety Purposes

BCHS must comply with requirements around the collection, use and disclosure of confidential information for a quality and safety purpose under Part 6B of the Health Services (Quality and Safety)

PRIVACY POLICY	3	Date of last review: Jan 2024
V4	DOCUMENT UNCONTROLLED WHEN DOWNLOADED	Date of next review: Sept 2024

Regulations 2020 (Vic). Where requested, BCHS must provide information to Safer Care Victoria and the Victorian Agency for Health Information (VAHI) as prescribed entities. For BCHS, this includes information relating to in-scope incident reporting through the Victorian Health Incident Management System (VHIMS), overseen by VAHI.

### **Disclosure of Information Overseas**

BCHS will not share personal or health information outside of Australia (unless under circumstances permitted by law) without consent.

BCHS will ensure if personal or health information leaves Victoria, the same privacy protections are owed to the client/s information. BCHS will not transfer any information outside of Victoria without due process.

BCHS will gain consent to transfer information from the client however where it is not practical to gain consent, BCHS will endeavour to ensure that the disclosure is to an organisation that is bound by similar laws and privacy obligations.

### **Physical Privacy of Clients**

BCHS employees must ensure the right of a client to physical privacy.

### **Privacy of Employee and Board Director Information**

Although not required under legislation, BCHS commits to ensuring the privacy and confidentiality of all employee and Board Director personal and health information including information contained in employee HR records.

### **Privacy of Organisational Information**

All BCHS employees, Board Directors, consultants, contractors and sub-contractors are responsible for maintaining the privacy, confidentiality and security of other organisational information (including intellectual property) dealt with in the course of their duties and employment with BCHS.

### **Training**

All BCHS employees will be required to complete mandatory training to ensure they understand their responsibilities and obligations in relation to appropriate privacy management.

## **6. Related Legislation, Regulations and Standards**

Privacy Act 1988 (Cth)  
 Privacy Regulation 2013 (Cth)  
 Health Services Act 1988 (Cth)  
 Health Records Act 2001 (Vic)  
 Health Records Regulations 2012 (Vic)  
 Health Services (Quality and Safety) Regulations 2020 (Vic)  
 Charter of Human Rights and Responsibilities Act 2006 (Vic)

## **7. Related Documents**

Privacy Protection Procedure  
 Disclosure of Client Information Procedure  
 Client-Patient Health Information Recording Procedure  
 Client-Patient Health Information Audit Procedure  
 Document Control and Management Procedure  
 My Health Record Policy  
 Information Sharing Scheme Procedure

PRIVACY POLICY	4	Date of last review: Jan 2024
V4	DOCUMENT UNCONTROLLED WHEN DOWNLOADED	Date of next review: Sept 2024

Code Of Conduct Policy  
 1.03 Consent Procedure  
 9.07 Closed Circuit Television (CCTV) Procedure  
 Client Information Booklet  
 Consumer Rights and Responsibilities Statement  
[OVIC Privacy Laws – Quick Reference Guide](#)

## 8. Responsibilities

### BCHS Board Directors

- Ensure BCHS that has an appropriate privacy management framework in place;
- Demonstrate commitment and leadership in relation to privacy management;
- Ensure they understand their responsibilities and comply with this policy and related documents;

### BCHS Privacy Officer

- Oversee and coordinate BCHS' privacy management framework;
- Oversee the investigation and response to any privacy-related complaints or incidents.

### BCHS Executive Leaders

- Demonstrate commitment and leadership in relation to privacy management;
- Ensure they understand their responsibilities and comply with this policy and related documents;
- Ensure BCHS Senior Leaders understand their responsibilities and comply with this policy and related documents;
- Ensure this policy and related documents are regularly reviewed and maintained in line with applicable legislation, guidelines and standards;
- Ensure that any breaches of this policy are managed in line with Performance Improvement Policy and Procedures.

### BCHS Senior Leaders

- Demonstrate commitment and leadership in relation to privacy management;
- Ensure they understand their responsibilities and comply with this policy and related documents;
- Ensure BCHS employees understand their responsibilities and comply with this policy and related documents;
- Ensure that any breaches of this policy are managed in line with Performance Improvement Policy and Procedures.

### BCHS Employees

- Ensure they understand their responsibilities and comply with this policy and related documents.

### Consultants, contractors and sub-contractors

- Ensure they understand their responsibilities and comply with this policy and related documents.

PRIVACY POLICY	5	Date of last review: Jan 2024
V4	DOCUMENT UNCONTROLLED WHEN DOWNLOADED	Date of next review: Sept 2024