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## Managing Patient Health Information

[Criterion 4.2.1](#) [Criterion 3.1.4](#)

### Practice policy

Clocktower Medical Centre are committed to protecting the privacy of our patients within our practice. Information collected is kept strictly confidential and used only for the medical and health care of patients.

#### PURPOSE:

To ensure patients who receive care from the practice are comfortable in entrusting their health information to our practice. This policy provides information to patients as to how their personal information is collected and used within the practice and the circumstances in which we may disclose it to third parties.

#### SCOPE:

This policy applies to all employees and patients of Clocktower Medical Centre.

**Practice Procedure:** The Practice will:

- Provide a copy of this policy upon request
- Ensure staff comply with the APP and deal appropriately with inquiries or concerns
- Take such steps as are reasonable in the circumstances to implement practices, procedures and systems to ensure compliance with the APP and deal with inquiries or complaints
- Collect personal information for the primary purpose of managing a patient's healthcare and for financial claims and payments
- Our clinic APP is available in hard copy at our reception desk, is included within our new patient's pack and on our website

#### Staff Responsibility

The practice staff will take reasonable steps to ensure patients understand

- What information has been and is being collected
- Why the information is being collected and whether this is due to a legal requirement
- How the information will be used or disclosed
- Why and when their consent is necessary
- The Practice's procedures for access and correction of information, and responding to complaints of information breaches, including by providing this policy

#### Patient Consent

The practice will only interpret and apply a patient's consent for the primary purpose for which it was provided. The Practice staff must seek additional consent from the patient if the personal information collected may be used for any other purpose.

#### COLLECTION, USE AND DISCLOSURE

Clocktower Medical Centre recognises that the information we collect is often of a highly sensitive nature and as an organisation we have adopted the privacy compliance standards relevant to Clocktower Medical Clinic to ensure personal information is protected.

For administrative and billing purposes and to ensure quality and continuity of patient care a patient's health information is shared between the medical practitioners of Clocktower Medical Centre.

Collected personal information will include patient's

- Names, addresses and contact details
- Medicare number for claiming purposes
- Healthcare identifiers
- Medical information including medical history, medications, allergies, adverse events, immunisations, social history, family history and risk factors.

A patient's personal information may be held at the practice in various forms

- As paper records
- As electronic records
- As visuals ie xrays, ct scans, videos & photos
- As audio recordings

The practice's procedures for collecting personal information is set out below:

- Practice staff collect patient's personal and demographic information via registration when patients present to the clinic for the first time. Patients are encouraged to pay attention to the collection statement that they complete as a new patient.
- During the course of providing medical services the practice's healthcare practitioners will consequently collect further personal information.
- Personal information may also be collected from the patient's guardian or responsible person (where practicable and necessary) or from other involved healthcare specialists.

The practice holds all personal information securely, whether in electronic format, in protected information systems or in hard copy in a secured environment.

Personal information collected by Clocktower Medical Centre may be used or disclosed in the following instances:

- For medical defence purposes;
- As required by law in instances of mandatory reporting of communicable diseases;
- Necessary to lessen or prevent a serious threat to a patient's life, health or safety or public health or safety, or it is impracticable to obtain patient's consent
- To assist in locating a missing person
- For the purpose the patient was advised during consult with the treating Doctor;
- As required during the normal operation of services provided, i.e. for referral to a medical specialist or other health service provider;
- For the purpose of a confidential dispute resolution process
- Some disclosure may occur to third parties engaged by or for the practice for the Practice for business purposes such as accreditation or for the provision of information technology. These third parties are required to comply with this policy.

The practice will not disclose personal information to any third party other than in the course of providing medical services, without full disclosure to the patient or the recipient, the reason for the information transfer and full consent from the patient.

The Practice will not use any personal information in relation to direct marketing to a patient without that patient's express consent.

The practice evaluates all unsolicited information it receives to decide if it should be kept, acted upon or destroyed.

Clocktower Medical Centre will employ all reasonable endeavors to ensure that a patient's personal information is not disclosed without their prior consent.

#### DATA QUALITY

Patient information collected and retained in our records for the purpose of providing quality health care will be complete, accurate, and up to date at the time of collection. Doctors are reminded to review past medical history at least every 3 years

#### DATA SECURITY

All due care will be taken to ensure the protection of patient privacy during the transfer, storage and use of personal health information.

#### Breaches of Privacy

From 22nd February 2018 the notifiable data breaches scheme requires us to notify particular individuals and the Office of the Australian Information Commissioner about any 'eligible data breaches'. A data breach is eligible if it is likely to result in serious harm to any individuals to whom the information relates. The decision as to whether a data breach is likely to result in serious harm requires an objective assessment, determined by a reasonable person/persons in the entity's position. Not all data breaches are eligible for reporting. For example, if an entity act quickly to remediate a data breach, and as a result of actions the data breach is not likely to cause serious harm, there is no requirement to notify any individuals or the OAIC.

#### Eligible Data Breaches

An eligible data breach is determined when the following three criteria are satisfied:

1. There is unauthorised access to or an unauthorised disclosure of personal information, or a loss of personal information, that an entity holds.
2. Is this breach likely to result harm to one or more individuals and;
3. the entity has not been able to prevent the likely risk of serious harm with remedial action

Please see below attachment showing the responsibilities of maintaining information security and actions following and reporting procedure in the event of a breach of privacy.

#### NOTIFYING THE OAIC

A notification of a breach of privacy that is being reported to the OAIC should:

##### NOT INCLUDE:

1. personal information about the effected individuals

##### SHOULD INCLUDE:

1. A description of the breach
2. the type of information involved in the breach
3. what response the agency or organisation has made to the breach
4. what assistance has been offered to the effected individuals
5. the name and contact details of the appropriate contact person, and
6. whether the breach has been notified to other external contacts

#### HOW TO CONTACT THE OAIC

##### Telephone:

1300 362 992 (local call cost from landlines)

TTY: For hearing impaired persons only-no voice calls  
620 241

##### Post:

GPO Box 5218

Sydney, NSW 2001

##### Facsimile:

+61 2 9284 9666

##### Email:

enquiries@oaic.gov.au

1800



Website: [www.oaic.gov.au](http://www.oaic.gov.au)

Retention of medical records is for a minimum of 7 years from the date of last entry into the patient record unless the patient is a child in which case the record must be kept until the patient attains the age of 25 years of age.

#### ACCESS TO PATIENT INFORMATION AND CORRECTION

The following will apply with regard to accessing personal and private medical information by an individual:

- An individual has the right to request access their own personal information and request a copy or part of the whole record;
- Individuals have the right to obtain their personal information in accordance with the Federal Privacy Act from 20 December 2001 on-wards. Requests must be made in writing and an acknowledgement letter will be sent to the patient within 14 days
- confirming the request and detailing whether the request can be complied with and an indication of any costs associated with providing the information. Time spent and photocopying costs when processing a request can be passed on to the requesting patient. Information can be expected to be provided within 30 days.
- Requests for information prior to 20 December 2001 will be considered by the practice
- Whilst the individual is not required to give a reason for obtaining the information, a patient may be asked to clarify the scope of the request;
- In some instances the request to obtain information may be denied, in these instances the patient will be advised;
- The material over which a Doctor has copyright might be subject to conditions that or restrict further copying or publication without the Doctors permission;
- The practice will take reasonable steps to correct personal information where it is satisfied they are not accurate or up to date. From time to time the practice will ask patients to verify the personal information held by the practice is correct and up to date.
- Patients may also request the Practice corrects or updates their information and patients should must such requests in writing.
- Upon request by the patient, the information held by this clinic will be made available to another health provider.
- Patients will sit in consult with their doctor and go through medical record to ensure it is fully understood and clear before it is given to them, there may be a fee set for this consultation time

#### PARENTS/GUARDIANS AND CHILDREN

To protect the rights of a child's privacy, access to a child's medical information may at times be restricted for parents and guardians. Release of information may be referred back to the treating Doctor where there professional judgement and the law will be applied.

#### COMPLAINTS

The management of Clocktower Medical Centre understands the importance of confidentiality and discretion with the way we manage and maintain the personal information of our patients. The Practice takes complaints and concerns about the privacy of patient's personal information seriously. Patients should express any privacy concerns in writing. The Practice will then attempt to resolve it in accordance with its complaint resolution process. Verbal complaints will be referred to the Practice Manager, a formal complaint can be sent C/O the Practice Manager, the Practice Manager will acknowledge the complaint as it arrives and explain due process. The complaint will be discussed with the person/persons involved, if the complaint is in regard to a student, intern or registrar, the complaint will be discussed with the supervisor of that junior doctor (and their training organisation if the matter is very serious). The supervisor will then sit with them and discuss the issue thoroughly. This is then fed back to the Practice Manager and a response is written and if all agree on response, it is sent to the complainant. If the complainant is not satisfied after receiving this response, it is explained to them that they may seek resolution and register complaint with the Health Commissioner. The contacts details and brochures for the health commissioner are available on our P&P manual, and patients can access brochures and information via our website, in brochures at our reception desk and via our information booklets.

All employees of Clocktower Medical Centre are required to observe the obligations of confidentiality in the course of their employment and are required to sign Confidentiality Agreements. Breach of confidentiality can be cause for immediate termination.

In the instance where you are dissatisfied with the level of service provided within the clinic we encourage you to discuss any concerns relating to the privacy of your information with the Practice Manager or your Doctor.

If the complaint has not been resolved to your level of satisfaction all complaints should be directed to:

The Federal Privacy Commissioner  
Level 8 Piccadilly Tower  
133 Castlereagh St  
SYDNEY NSW 2000  
Privacy Hotline 1300 363 992

SUPPORTING DOCUMENTATION  
National Privacy Principles  
Freedom of Information Act 2001