



# BIRIPI

## ABORIGINAL CORPORATION MEDICAL CENTRE

### Privacy Policy

#### 1. PURPOSE

Biripi is committed to protecting the privacy and confidentiality of the personal information and sensitive or health information which it collects and holds. This type of information is collected only where it is needed as part of providing our services to the community.

This policy sets out how Biripi complies with the community's expectation of privacy and confidentiality as well as obligations under the Privacy Act 1988 (Cth) and the Health Records & Information Privacy Act 2002 NSW (HRIPA).

#### 2. SCOPE

All personal, sensitive or health information collected by Biripi;

**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
- All information is to be collected from that individual, unless it is unreasonable or impracticable to do so

Employee records are covered by a separate policy. Biripi will keep those records confidential and comply with relevant laws regarding their use and disclosure.

#### 3. RESPONSIBILITIES

All information held or generated by Biripi in the course of its activities is considered confidential. All staff are required to exercise due care and diligence in collecting information and in maintaining confidentiality of all Biripi information.

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

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Acting with a high level of professionalism, employees must ensure that information about their colleagues or clients remains confidential and private. Employees are required to exercise caution and sound judgment in discussing other peoples' personal information.

Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist because of their expertise.

### 4. POLICY STATEMENT

Biripi handles all personal, sensitive or health information in a manner which complies with the Australian Privacy Principles (from the Privacy Act) and the Health Privacy Principles (from HRIPA).

In general, we obtain consent (written or verbal) to collect, store, use and/or disclose this information. Biripi will only collect or disclose 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

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

Health information will be retained for periods as specified under HRIPA s25.

### 5. PRINCIPLES

The following principles shall apply in the collection use and disclosure of personal, sensitive or health information at Biripi.

Biripi will only collect personal information necessary to undertake our programs, activities or functions. The policy about how this will be handled is publicly available. Detailed procedures and systems are in place where required.

Individuals have the option of not identifying themselves when providing information except when Biripi is required by law or court tribunal order to deal with persons who have identified themselves or it is impractical to deal with individuals who have not identified themselves or have used an alias

In limited and special circumstances individuals may be given the option of receiving services anonymously but only where this is lawful and practicable.

When information is collected it will be made clear to the individual what the information will be used for and how it will be disclosed. In general health information will only be used for the purpose for which it was collected or for a directly related purpose, which a person would expect. Otherwise, their consent will be sought to use health information for a secondary purpose

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Information will only be collected if the individual gives permission.

Health information will only be collected directly from the person concerned unless it is unreasonable or impracticable to do so.

Unsolicited personal information will not be collected or kept. Public domain information may be used at times.

At times information may be shared;

- Where it 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 if practicable 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.
- Records will be kept of any such use and disclosure. Information may only be disclosed to a responsible person only after consent of the client is received (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 or other similar secure systems.
- If information is to be used for a secondary or unrelated purpose, such as service evaluation, further consent will not be sought provided that the data is de-identified and will not publish in a generally available publication.

Information will not be provided to any organisation for direct marketing. Except where this is required by law or regulation.

Information will not be provided to anyone overseas. Except where this is required by law or regulation.

Government-related identifiers (number, letter or symbol, or a combination, that is assigned by a government agency to identify the individual or to verify the identity of the individual) will not be used as our identifier nor will we disclose them.

Reasonable steps will be taken to make sure that the personal information it collects, uses or discloses is accurate, complete and up to date.

All reasonable care is taken to protect and hold securely personal information whether electronic or on paper. All personal information held by Biripi will be:

- If in paper form, kept in a secure, lockable location,
- If in electronic form, password and firewall protected, and stored on secure servers for the duration relevant to the data type.
- Accessible by staff only on a "need to know" basis, and
- Not taken from Biripi premises unless authorised and for a specified purpose.

All personal information that is no longer required to be held is securely destroyed or permanently de-identified.

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BIRIPI APMC

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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 HRIPA or other relevant law to withhold access.

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

- The identity of the person requesting the information cannot be verified using photo ID.
- 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,
- Denial of access is required by legislation or law enforcement agencies
- Unlawful activity or conduct of a serious nature is suspected
- Giving access would reveal information of a commercially sensitive nature

Requests to access or to amend information will be responded to within a reasonable period of receiving the request. Biripi reserves the right to insist that the request be in writing and to apply a reasonable charge for providing information in some circumstances.

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.

### 6. APPLICABLE LEGISLATIONS

- 6.1. Privacy Act 1988 (Cth)
- 6.2. Health Records and Information Privacy Act (HRIPA) 2002 NSW
- 6.3. Anti-discrimination Act 1977

### 7. REFERENCES

- 7.1. Release of Information Consent, FOR-HRCS-00020
- 7.2. Client Consent Form, FOR-AGCC-00002
- 7.3. Patient Registration, FOR-HESE-00012

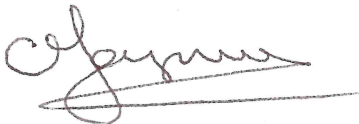
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Document Revision: Do NOT Print this page

REV No	DATE	CHANGE DETAILS	CATEGORY MAJOR /MINOR	SECTION / PAGES	REVISED BY
0	30 Apr 2020	Initial release	New	p. 1-4	C. Faugeras
1	21 Nov 2022	Reviewed and updated Re-formatted to ELT approved format as per PRO-CGOV-00067, changed document ID (was PP HR 037) accdg to PRO-CGOV-00064, [Add document revision table only in p. 5]	Major	p. 1-5	C. Faugeras

Division: <b>HUMAN RESOURCES and CORPORATE SERVICES</b>	Issue Date: 01 December 2022
Written by:	Carole Faugeras
Originator Name and Position: Carole Faugeras (HR and Corporate Manager)	Approver and Position: Angie Stewart (Chief Executive Officer)
Signature: 	Signature: 