



The Royal Australian College of General Practitioners has developed a privacy policy template for general practices for compliance with the requirements of the Australian Privacy Principles (APP). It is important each practice uses this template as a guide and adapts its content to their individual procedures.

This template covers:

- practice procedures
- staff responsibilities
- patient consent
- collection of information
- access and collection of information.

The template is designed to complement other practice policies, such as complaint resolution and breach notification procedures.

This template was developed using available resources from the Office of the Australian Information Commissioner (as of February 2014) and was current at time of printing. For more resources, please see the back cover of this resource.

APP privacy policy: Managing patient health information

Date of policy:

Name of practice:

(“Practice”)

Purpose

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

Related standards

RACGP Compliance indicators for the Australian Privacy Principles: an addendum to the computer and information security standards (Second edition).

Background and rationale

The APP provide a privacy protection framework that supports the rights and obligations of collecting, holding, using, accessing and correcting personal information. The APP consist of 13 principle-based laws and apply equally to paper-based and digital environments. The APP complement the long-standing general practice obligation to manage personal information in a regulated, open and transparent manner.

This policy will guide Practice staff in meeting these legal obligations. It also details to patients how the Practice uses their personal information. The policy must be made available to patients upon request.

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.

Staff responsibility

The Practice's 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 of information

The Practice will need to collect personal information as a provision of clinical services to a patient at the practice. Collected personal information will include patients':

- names, addresses and contact details
- Medicare number (where available) (for identification and 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 visual – x-rays, CT scans, videos and photos
- as audio recordings.

The Practice's procedure for collecting personal information is set out below.

1. Practice staff collect patients' personal and demographic information via registration when patients present to the Practice for the first time. Patients are encouraged to pay attention to the collection statement attached to/within the form and information about the management of collected information and patient privacy.
2. During the course of providing medical services, the Practice's healthcare practitioners will consequently collect further personal information.
3. Personal information may also be collected from the patient's guardian or responsible person (where practicable and necessary), or from any other involved healthcare specialists.

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

Use and disclosure of information

Personal information will only be used for the purpose of providing medical services and for claims and payments, unless otherwise consented to. Some disclosure may occur to third parties engaged by or 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 inform the patient where there is a statutory requirement to disclose certain personal information (for example, some diseases require mandatory notification).

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 disclose personal information to anyone outside Australia without need and without patient consent.

Exceptions to disclose without patient consent are where the information is:

- required by law
- necessary to lessen or prevent a serious threat to a patient's life, health or safety or public health or safety, or it is impractical to obtain the patient's consent
- to assist in locating a missing person
- to establish, exercise or defend an equitable claim
- for the purpose of a confidential dispute resolution process.

The Practice will not use any personal information in relation to direct marketing to a patient without that patient's express consent. Patients may opt-out of direct marketing at any time by notifying the Practice in a letter or email.

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

Access, corrections and privacy concerns

The Practice acknowledges patients may request access to their medical records. Patients are encouraged to make this request in writing, and the Practice will respond within a reasonable time.

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 make such requests in writing.

The Practice takes complaints and concerns about the privacy of patients' 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 procedure.

Related resources

Compliance indicators for the Australian Privacy Principles: An addendum to the computer and information security standards (Second edition)

www.racgp.org.au/ehealth/privacy

RACGP Computer and information security standards (CISS) and templates (2013)

www.racgp.org.au/your-practice/e-health/protecting-information/ciss/

The RACGP Privacy handbook & patient pamphlet

www.racgp.org.au/ehealth/privacy

Disclaimer

The template policy is intended for use as a guide of a general nature only and may or may not be relevant to particular practices or circumstances. The Royal Australian College of General Practitioners (RACGP) has used its best endeavours to ensure the template is adapted for general practice to address current and future privacy requirements. Persons adopting or implementing its procedures or recommendations should exercise their own independent skill or judgement, or seek appropriate professional advice. While the template is directed to general practice, it does not ensure compliance with any privacy laws, and cannot of itself guarantee discharge of the duty of care owed to patients. Accordingly RACGP disclaims all liability (including negligence) to any users of the information contained in this template for any loss or damage (consequential or otherwise), cost or expense incurred or arising by reason of reliance on the template in any manner.