



## **Privacy Policy and third party consent**

**Revised Sept 2021**

### **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

### **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

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

1. Practice staff collects 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.

### **Third Party consent:**



ABN: 76 143 715 593

When the practice introduces a third-party to the consultation there is a requirement to obtain and document consent from the patient. A patient's privacy must be upheld at all times and observation within the consultation is an area where privacy must be respected. A patient must be given an opportunity to refuse the presence of a third party.

As the health professional we must -

Document the consent and the presence of a third-party within the patient's health record ensuring that those present in a consultation are accurately recorded by the practice. This also includes recording the use and identity of chaperones.

As a practice we will need to ensure that consent is obtained prior to consultation.

It is not acceptable to ask permission in the consulting room, as some patients may not feel comfortable refusing consent in the presence of the third party.

Consent for the presence of a third party is to be sought at the time of making the appointment and also reminded on arrival. Reception staff must document this in the patient medical file.

When medical or nursing students are at the practice signs are to be placed in the reception areas as a reminder for patients and staff.

**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.

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STANDARDS FOR GENERAL PRACTICE 5TH EDITION (RACGP, 2017) STANDARDS FOR GENERAL PRACTICES 5TH EDITION RESOURCE GUIDE (RACGP, 2017)