

# Blackburn Clinic Medical Services Privacy Policy

**Applies to:     Blackburn Clinic**  
**Blackburn Specialist Centre**  
**Blackburn Clinic Carson Suite**

Version 4: 6 September 2022

## Introduction

This privacy policy is to provide information to you, the patient, on how your personal information (which includes your health information) is collected and used within the practice, and the circumstances in which it may be shared with third parties.

## Why and when your consent is necessary

When you register as a patient of any GP who consults from the practice, you provide consent for all the GPs who consult from the practice and for practice staff to access and use your personal information so they can provide you with the best possible healthcare. Only staff who need to see your personal information will have access to it. If your information is needed for use for anything else, we will seek additional consent from you to do this.

## Why is your personal information collected, used, held and shared?

The practice/s will need to collect your personal information to enable your GP to provide healthcare services to you. The main purpose for collecting, using, holding and sharing your personal information is to manage your health. The information is also used for directly related business activities, such as financial claims and payments, practice audits and accreditation, and business processes (eg staff training).

## What personal information is collected?

The information collected about you includes your:

- names, date of birth, addresses, contact details
- medical information including medical history, medications, allergies, adverse events, immunisations, social history, family history and risk factors
- gender and gender identified at birth (necessary for provision of appropriate healthcare), preferred pronouns
- Medicare number (where available) or other government identifiers for identification and claiming purposes
- healthcare identifiers
- health fund details where necessary.

## Dealing with us anonymously

You have the right to deal with the practice/s and doctors anonymously or under a pseudonym unless it is impracticable for this to occur or unless the practice/s and doctors are required or authorised by law to only deal with identified individuals.

## How is your personal information collected?

The practice may collect your personal information in several different ways.

1. When you make your first appointment the practice staff will collect your personal and demographic information via your registration.
2. During the course of providing medical services, your doctor may collect further personal information, including but not limited to information regarding electronic transfer of prescriptions (eTP) and electronic My Health Record information.
3. Your personal information may also be collected when you visit the practice/s website, send us an email or SMS, telephone us, make an online appointment or communicate with us using social media.
4. In some circumstances personal information may also be collected from other sources. Often this is because it is not practical or reasonable to collect it from you directly. This may include information from:
  - your guardian or responsible person
  - other involved healthcare providers, such as specialists, allied health professionals, hospitals, community health services and pathology and diagnostic imaging services
  - your health fund, Medicare, or the Department of Veterans' Affairs (as necessary).

## When, why and with whom is your personal information shared?

Sometimes your personal information is shared:

- with third parties who work with the practice for business purposes, such as accreditation agencies or information technology providers – these third parties are required to comply with APPs and this policy
- with other healthcare providers
- when it is required or authorised by law (eg court subpoenas)
- when it is 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 confidential dispute resolution process
- when there is a statutory requirement to share certain personal information (eg some diseases require mandatory notification)
- during the course of the GP providing medical services, through eTP, My Health Record (eg via Shared Health Summary, Event Summary), or electronic transcription services.

Only people who need to access your information will be able to do so. Other than in the course of providing medical services or as otherwise described in this policy, your GP will not share personal information with any third party without your consent. Other than in the course of providing support to the GPs regarding their medical services and administration of such, the practice will not share personal information with any third party without your consent.

Your personal information will not be shared with anyone outside Australia (unless under exceptional circumstances that are permitted by law) without your consent.

The practice will not use your personal information for marketing any goods or services directly to you without your express consent. If you do consent, you may opt out of direct marketing at any time by notifying our practice in writing.

## How is your personal information stored and protected?

Your personal information may be stored at the practice in various forms including: paper records, electronic records, visual records (X-rays, CT scans, videos and photos), audio recordings.

The practice stores all personal information securely. Paperwork is stored in secure cabinets and our building uses security monitoring and alarms. Where a paper version of a patient history exists, this is

stored offsite at a locked, alarmed and registered storage facility. Only select staff of Blackburn Clinic Medical Services have access to the storage facility. Staff of the storage facility cannot access the specific storage area except in the event of an emergency, where obliged to do so by law or in the event that property, the environment or human life is threatened. Storage facility employees are also bound by a confidentiality agreement.

The practice has systems in place to protect the privacy, security, quality and integrity of the data held electronically. All GPs and members of the practice team are trained in computer use and in security policies and procedures. The management of all practice computers and servers comply with the RACGP's *Computer and information security standards (CISS)* (2nd edition) and the RACGP's *Information security in general practice guide* including:

- Documented policies and procedures for managing computer and information security including passwords, access controls and confidentiality agreements
- Processes to ensure the safe and proper use of internet and email in accordance with practice policies and procedures for managing information security
- Reliable information backup systems to support timely access to business and clinical information
- Reliable protection against malware and viruses
- Reliable computer network perimeter controls
- Managing and maintaining the physical facilities and computer hardware, software and operating system with a view to protecting information security, and
- Reliable systems for the secure electronic sharing of confidential information.

## How can you access and correct your personal information at the practice?

You have the right to request access to, and correction of, your personal information.

The practice acknowledges patients may request access to their medical records. You are required to put this request in writing (using our "Request for access to medical records" form as this outlines the scope/type of access) and the practice will respond within a reasonable time (generally 30 days).

Access to your health information will attract an additional cost, excepting where you need to see your doctor for a medical reason and ask to discuss access to your health information during your consultation.

For those patients who do not have a medical reason to see their doctor, the fees associated with access are described below (note: the fees below apply 1 July 2023-30 June 2024. Fees are increased annually by the Health Complaints Commissioner and we apply their current fees):

### Accurate Summary

- Greater of the usual private billing fee for a consult of comparable duration, **or** \$46.11 per 15 minutes or part thereof, not exceeding \$149.46 (plus GST). There is no Medicare rebate for this fee.

### Copy

- 20 cents per page for A4 black & white page, **plus**
- Reasonable costs if not A4, or if in colour, or if you wish us to supply a CD/DVD, **plus**
- Transporting records held offsite (if applicable) \$19.08, **plus**
- Time for assessing and collating the information (ie. Time spent by doctor and/or staff), \$39.75, **and**
- Plus GST. There is no Medicare rebate for this fee.

### Viewing file with explanation by GP

- An amount equal to the usual private fee for a consult of a comparable duration, plus GST. Section 32(4) of the Health Records Act 2001 provides that in such a case the person giving the explanation may charge the individual a fee that does not exceed their usual fee for a consultation of a comparable duration and does not state whether a Medicare rebate is available for such a consultation.

Please contact the Privacy Officer on phone 03 9875 1111 if you are unsure about which method of

access applies to you.

The practice will take reasonable steps to correct your personal information where the information is not accurate or up to date. From time to time, you may be asked to verify that your personal information held by the practice is correct and current. You may also request that we correct or update your information, and you should make such requests in writing to our Privacy Officer, Blackburn Clinic Medical Services Trust, PO Box 42, Blackburn South VIC 3130.

Access to your medical records may be denied in certain circumstances permitted by law, for example, if disclosure may cause a serious threat to your health or safety. We will always tell you why access is denied and the options you have to respond to the decision.

## How can you lodge a privacy-related complaint, and how will the complaint be handled at the practice?

The practice and the doctors who consult from the practice take complaints and concerns regarding privacy seriously. You should express any privacy concerns you may have in writing to: Privacy Officer, Blackburn Clinic Medical Services Trust, PO Box 42, Blackburn South VIC 3130. We will then attempt to resolve it in accordance with our resolution procedure. We will generally respond within 30 days. The GPs who consult at these practices are independent medical practitioners and therefore, privacy matters that concern an individual GP will be handled by that GP.

You may also contact the Office of Australian Information Commissioner (OAIC). Generally, the OAIC will require you to give them time to respond before they will investigate. For further information visit <http://www.oaic.gov.au> or call the OAIC on 1300 363 992.

You may also contact the Health Complaints Commissioner (HCC) of Victoria – visit <https://hcc.vic.gov.au> or call 1300 582 113.

The HCC handles complaints about: access to services; quality and safety; care and attention; respect, dignity and consideration; communication about treatment, options and costs; the level of involvement in healthcare decisions; access, privacy and confidentiality of personal health information; and complaint handling by the health service provider.

## Privacy and the websites

Please note that use of the Blackburn Clinic, Blackburn Specialist Centre and Blackburn Clinic Carson Suite websites and the online booking services accessible from them may create cookies.

## Policy review statement

Our privacy policy will be reviewed whenever there are changes to relevant legislation and in line with our three yearly accreditation process. Revised policies will be made available on the websites.