

Burwood Back Pain

ABN: 36 692 059 537

Effective Date: 21/09/26

1. About this Privacy Policy

Burwood Back Pain is committed to protecting the privacy and confidentiality of the personal and health information entrusted to us by our patients, clients and other individuals.

This Privacy Policy explains how we collect, hold, use, disclose, store and protect personal and health information. We provide chiropractic, physiotherapy, massage, X-ray and imaging and other services. Information collected in connection with these services may constitute sensitive health information. We handle personal and health information in accordance with applicable privacy laws, including the **Health Records and Information Privacy Act 2002 (NSW)** and its Health Privacy Principles, and, where applicable, the **Privacy Act 1988 (Cth)** and Australian Privacy Principles. Where there is any inconsistency between this policy and applicable law, the applicable law will prevail.

2. Information we collect

Depending on the services you receive and how you interact with us, we may collect:

- your name, date of birth, gender and contact details;
- Medicare, private health insurance and other billing information;
- emergency contact and next-of-kin information;
- medical and health history;
- information about symptoms, diagnoses, treatment and medications;
- information about previous and current healthcare providers;
- treatment notes, clinical observations and care plans;
- physiotherapy, chiropractic, massage and other clinical records;
- X-rays, diagnostic images, reports and associated information;
- information about allergies, disabilities and relevant health conditions;
- referral information and correspondence from other healthcare providers;
- information required for workers compensation, motor accident or insurance claims, where applicable;
- information contained in communications with us, including email, SMS and other electronic communications;
- photographs, videos or recordings where these are specifically collected with appropriate consent; and
- information required to manage appointments, payments, administration and the operation of the clinic.

We may also collect limited technical information when you use our website or electronic services, such as IP addresses, device information and website usage information, where applicable.

3. How we collect information

We generally collect information directly from you when you:

- make an appointment;
- complete registration or medical history forms;
- attend the clinic and/or fill out our forms;
- communicate with us by telephone, email, SMS or other electronic means;
- use our website or online booking services; or
- provide information during a consultation or treatment.

Where permitted by law and reasonably necessary, we may also collect information from third parties, such as:

- your referring doctor or other healthcare professional;

- hospitals or other healthcare providers;
- pathology, radiology or imaging providers;
- insurers, workers compensation authorities or motor accident insurers;
- your authorised representative; or
- another person or organisation where you have authorised the collection or where collection is otherwise permitted or required by law.

Where we collect health information from a third party, we will handle that information in accordance with applicable privacy requirements.

4. Why we collect your information

We collect personal and health information where reasonably necessary for purposes including:

- providing healthcare, treatment and other services to you;
- assessing your health and healthcare needs;
- developing and managing your treatment or care;
- maintaining accurate clinical and health records;
- arranging referrals, investigations, imaging and other healthcare services;
- communicating with you about your appointments and treatment;
- processing payments, Medicare or private health insurance claims where applicable;
- managing workers compensation, motor accident or other insurance matters where applicable;
- complying with our legal and regulatory obligations;
- managing the operation, administration and security of the clinic;
- responding to enquiries, complaints and access requests;
- maintaining and improving the quality and safety of our services; and
- using or disclosing information for another purpose where permitted or required by law.

We will not collect health information that is unnecessary or unrelated to the purposes for which it is collected.

5. Notice about collection

When we collect health information directly from you, we will take reasonable steps to explain:

- who we are and how you can contact us;
- why we are collecting the information;
- how we intend to use the information;
- who may receive or access the information;
- your rights to request access to your information;
- whether collection is required or authorised by law; and
- any relevant consequences if you choose not to provide information.

These requirements reflect the transparency obligations under the NSW Health Privacy Principles.

6. Consent

Where appropriate, we will obtain your consent before collecting, using or disclosing your information. Consent may be provided verbally, in writing, electronically or in another legally valid manner, depending on the circumstances. Consent may be required for particular activities, including certain disclosures, photographs, testimonials, marketing communications or other uses that are not reasonably expected as part of providing your healthcare. You may withdraw consent where consent is the basis for the relevant use or disclosure, subject to legal or clinical requirements that may continue to apply. Withdrawing consent does not necessarily affect information already collected or disclosures already made lawfully before consent was withdrawn.

7. Use and disclosure of health information

We will generally use your health information for providing and managing your healthcare and for purposes reasonably connected with those activities.

We may disclose relevant information to other people or organisations where permitted or required by law, including:

- your GP, specialist or other treating healthcare professionals;
- hospitals and other healthcare providers;
- pathology, radiology or imaging providers;
- insurers and relevant claims administrators;
- workers compensation or motor accident authorities;
- legal representatives where legally authorised;
- government agencies or regulatory bodies where required or authorised by law;
- our professional advisers and service providers where necessary and appropriately authorised; and
- another person you have authorised to receive the information.

We will seek to limit disclosures to information that is reasonably necessary and appropriate for the relevant purpose. We will not disclose your health information to family members, friends, employers or other third parties merely because they request it. Where required, we will obtain appropriate authority or consent before making the disclosure.

8. X-rays and diagnostic imaging

Where we provide or arrange X-rays or other diagnostic imaging, the associated images, reports and information will be treated as health information. We may collect, store, access, use and disclose imaging information for purposes including diagnosis, treatment, clinical management, reporting, continuity of care, legal compliance and other purposes permitted by law. Imaging records may be stored electronically and may be accessed by appropriately authorised staff, practitioners and service providers where necessary.

9. Electronic communications and telehealth

We may communicate with you using telephone, email, SMS, online booking systems, telehealth platforms or other electronic communication methods. Electronic communications may carry privacy and security risks. We take reasonable steps to protect information transmitted electronically, but no electronic communication system can be guaranteed to be completely secure. Where appropriate, we may ask you to confirm your contact details or identity before providing health information electronically. You should notify us if your contact details change or if you have particular preferences about how we communicate with you.

10. Appointment reminders and SMS

We may use your contact details to send appointment confirmations, reminders, cancellations, rescheduling notices and other administrative communications. Where required, we will obtain appropriate consent for communications that constitute marketing. You may request that we change or stop particular types of non-essential communications, subject to any communications that we are required to provide for clinical, administrative or legal reasons.

11. Marketing, photographs and testimonials

We will not assume that consent to treatment also constitutes consent to marketing. We will obtain appropriate consent before using identifiable patient photographs, testimonials, videos, case studies or other patient information for marketing or promotional purposes where consent is required. We will not use your health information for unrelated marketing purposes merely because we hold that information. Where you have provided consent for marketing communications, you may withdraw that consent in accordance with applicable law.

12. Storage and security

We take reasonable steps to protect personal and health information against:

- unauthorised access;
- misuse;
- unauthorised modification;
- unauthorised disclosure; and
- other security risks.

Security measures may include:

- user access controls;
- passwords and authentication;
- restricted staff access;
- secure practice-management systems;
- secure cloud storage;
- device and network security;
- backups;
- physical security of paper records;
- staff privacy and confidentiality procedures; and
- secure disposal of information when it is no longer required.

The specific security measures used by the clinic may change as technology and security risks change. NSW guidance requires private health service providers to take reasonable security safeguards appropriate to the circumstances.

13. Third-party service providers

We may use third-party providers to assist with operating the clinic, including providers of:

- practice-management software;
- electronic medical records;
- appointment booking;
- payment processing;
- email and SMS communications;
- IT and cybersecurity services;
- accounting and administration; and
- other business or healthcare support services.

Where these providers handle personal or health information on our behalf, we take reasonable steps to ensure appropriate privacy and security arrangements are in place. Where information is stored or processed outside Australia, additional privacy considerations may apply and we will comply with applicable legal requirements.

14. Data breaches

If we become aware of a data breach involving personal information, we will assess and respond to the incident in accordance with our data breach procedures and applicable law.

Depending on the circumstances, this may include:

1. containing and investigating the incident;
2. assessing the information involved and potential risks;
3. taking steps to reduce or prevent further harm;
4. notifying affected individuals where required; and
5. notifying a regulator or other authority where required by law.

Where the federal Notifiable Data Breaches scheme applies, we will comply with its requirements.

15. Access to your health information

You generally have a right to request access to health information we hold about you. You may make an access request by contacting the owner using the details below. We may need to verify your identity before providing access. Access may be provided in an appropriate form, including electronically, in paper form or, where appropriate, by providing a summary. Under NSW privacy law, private health service providers generally must provide a formal response to an access request within **45 calendar days**. There are limited circumstances in which access may lawfully be refused or restricted. If access is refused, we will provide reasons where required and explain any applicable review or complaint options.

16. Correction of information

If you believe information we hold about you is inaccurate, incomplete, out of date or misleading, you may ask us to correct it. We will consider your request and take reasonable steps to correct information where appropriate. Where information has been corrected, applicable privacy requirements may require us to notify relevant recipients of the correction.

17. Record retention

We retain health information in accordance with applicable legal, clinical and regulatory requirements.

For private NSW health service providers, current NSW guidance states that:

- where health information was collected when the person was an adult, it generally must be retained for **7 years from the last occasion on which a health service was provided**; and
- where health information was collected when the person was under 18, it generally must be retained until the person turns **25**.

Other laws or obligations may require information to be retained for longer. When information can lawfully be destroyed or disposed of, we will take reasonable steps to dispose of it securely. Where records are transferred to another health service provider, we will retain any records required by applicable law concerning the transfer.

18. Use of artificial intelligence and automated systems

We may use software or technology that incorporates artificial intelligence or automated functionality to assist with administrative, clinical or business processes. Where applicable, we will assess the privacy and security implications of using such technology and take appropriate safeguards. From **10 December 2026**, additional federal Privacy Act transparency obligations will apply to certain automated decisions involving personal information where the decision or related action could reasonably be expected to significantly affect an individual's rights or interests. Where these requirements apply to us, our privacy policy will contain the information required by law.

19. Overseas disclosure

Some technology, software or service providers we use may store or process information outside Australia. Where personal or health information is disclosed overseas, we will take reasonable steps to comply with applicable privacy requirements, including any requirements concerning overseas disclosure.

20. Complaints

If you have a concern or complaint about how we have handled your personal or health information, please contact our Privacy Officer in the first instance.

We will:

- acknowledge your complaint;
- investigate it appropriately;
- communicate with you about the outcome where appropriate; and
- take reasonable steps to address any identified privacy issue.

Owner

Name: Anthony Mustica

Phone: 9744 7963

Postal address: 59 Wentworth Rd, Strathfield NSW 2135

If you are not satisfied with our response, you may be able to make a complaint to the relevant privacy regulator, including the **NSW Information and Privacy Commission (IPC)** or the **Office of the Australian Information Commissioner (OAIC)**, depending on the circumstances.

21. Changes to this Privacy Policy

We may update this Privacy Policy from time to time to reflect changes to our services, technology, privacy practices or legal obligations.

The current version will be made available through our clinic and/or website.

Last reviewed: September 2026