

PRIVACY POLICY

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Privacy Policy

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Privacy Policy

Policy Statement

SEMPHN's Privacy Policy explains how our organisation protects personal information. Along with our Collection Statement, our Privacy Policy lays down the principles by which we collect, store, use and disclose any personal information you provide to us, or we collect from other sources.

Objectives of this Policy

To inform consumers providers stakeholders/funders staff and anyone else whose personal information is collected, stored, used and disclosed to or by SEMPHN, about how:

- we protect that information.
- they can access and correct their personal information held by us.
- they can lodge complaints or make any related enquiry.

Scope

This policy applies to all SEMPHN Representatives.

Definitions

Term	Definition
APPs	The Australian Privacy Principles in the Privacy Act 1988 (Cth)
Clinic	A program or service provided by SEMPHN or a third party
Health Information	Information about a person's health, which may include, but is not limited to: <ul style="list-style-type: none">• the physical, mental or psychological health or disability of an individual• an individual's wishes about the provision of health services
NDB	Notifiable Data Breaches (NDB) scheme in the Privacy Act 1988 (Cth). Under the scheme any organisation or agency the Privacy Act 1988 covers must notify affected individuals and the OAIC when a data breach is likely to result in serious harm to an individual whose personal information is involved
OAIC	Office of the Australian Information Commissioner
Personal Information	Includes information about an identified individual, or an individual who is reasonably identifiable, such as their name, address, email address, date of birth, bank account details
Privacy Officer	The SEMPHN representative to whom members of the public may address any queries and concerns they have about SEMPHN's collection, storage, use and disclosure of any personal information. This role is held by our Executive General Manager Human Resources
Sensitive Information	Is a subset of personal information that is afforded a higher level of protection under the Privacy Act 1988 (Cth). Examples of Sensitive Information include religion, racial or ethnic origin, political opinions and memberships, philosophical beliefs, sexual preferences and orientation, Health Information, genetic information, biometric information
SEMPHN	South Eastern Melbourne Primary Health Network. Refers to the organisation called South Eastern Melbourne Primary Health Network Ltd. that is working on

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	behalf of the Australian Government to improve health care in the South Eastern Primary Health Network catchment
SEMPHN Representative	Anyone remunerated by SEMPHN, such as Board and Council members, contractors and consultants, all staff members.
We, us and our	SEMPHN

Policy in Practice

Definition of Personal Information

For information to be classified as personal information, it must be:

- i. about an identified individual; or
- ii. about an individual who is reasonably identifiable.

The term 'personal information' encompasses a broad range of information. A number of different types of information are explicitly recognised as constituting personal information under the Privacy Act. For example, the following are all types of personal information:

- **sensitive information** – includes information or opinion about an individual's racial or ethnic origin, political opinion, religious beliefs, sexual orientation, or criminal record, provided the information or opinion otherwise meets the definition of personal information
- **health information** – is any personal information about an individual's health or disability. Health information includes information or opinion about an illness, injury, or disability. Examples of health information include notes of symptoms or diagnosis, information about a health service an individual has had or will receive, specialist reports and test results, prescriptions and other pharmaceutical purchases, dental records, genetic information, an individual's wishes about future health services, potential organ donation, or appointment and billing details.
- **credit information** – credit-related personal information means credit information, credit reporting information, credit eligibility information or regulated information as applicable in the context.
- **employee record information** – contains important personal information about each employee, such as their title, position, department, supervisor, start date, salary, home address etc. Additional information would include emergency contact details of a relative or friend in the event of an injury or serious event.

What is *not* personal information?

Information that is not about an identified individual, or an individual who is reasonably identifiable, is not considered to be personal information.

Information that is not 'about' an individual — because the connection with the person is too tenuous or remote - is not personal information.

In most cases, information about deceased persons is not considered to be personal information. Personal information is information about an individual, which means a natural person and does

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not include a deceased person. However, if information about a deceased person includes information or an opinion about a living individual, it will be personal information about that 'living individual'.

De-identified information is not personal information, as it is no longer about an identifiable individual or an individual who is reasonably identifiable. De-identification is a process which involves the removal or alteration of information that identifies a person or is reasonably likely to identify them, as well as the application of any additional protections required to prevent identification.

SEMPHN has an obligation under the **Privacy Act** to only collect and retain personal information when it is necessary for their functions or activities. However, it must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.

Why we collect and hold information about people

SEMPHN collects information about people from the following groups to assist our work in improving the health care system.

Types of information we collect and hold

Health providers and stakeholders

We collect Personal Information about health providers and stakeholders (for example, general practices, health service providers, government agencies), and their employees to better understand and improve the health system.

The types of information we collect can include their:

- name
- contact details
- role/health services provided
- connection with SEMPHN.

Consumers

SEMPHN generally collects information about consumers of services delivered by our service providers. SEMPHN collects personal details to facilitate or arrange health services, maintain consumers' records, manage service demand and in some cases, provide health services.

Where SEMPHN provides a health service, we will collect Health Information and Sensitive Information, so that we can improve health outcomes and deliver appropriate services.

The types of information collected typically include, but are not limited to:

- contact details (name, address, telephone number, email address, next of kin)
- age, date of birth, gender, marital status
- medical history, treatment records, , family medical histories

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- referrals to and from other practitioners and their reports ethnic origin (for example, to assess your eligibility for free health services)

Website visitors

If you visit our website, we will collect information such as your IP address, internet service provider, the web page directing you to our website and your activity on our website. Although this information is usually anonymous, and we do not use it to identify individuals, this information might contain details that identify you because of the nature of internet protocols.

Collecting this information helps us ensure that our information has reached its target audience.

Staff

We collect Personal Information regarding SEMPHN staff members and their representatives in order to comply with our Constitution and to maintain a membership register under the *Corporations Act 2001* (Cth). We need these details so that we can send out notices of general meetings so staff members can exercise their rights.

The types of information collected can include:

- name
- contact details (address, phone, email)
- proxy, attorney or representative appointments
- class of member
- date membership commenced
- date membership ceased (for past members).

Prospective employees and directors

We collect Personal Information about prospective employees and directors, which can include their skills, interests, qualifications and experience. We collect this information to:

- assess their suitability for potential employment or directorships with us
- match them to suitable projects or roles.

Others

We may collect Personal (including Health and Sensitive) Information about the general public in order to facilitate our population planning, research and analysis. This information is generally de-identified as soon as it is collected.

We collect the Personal Information of directors, employees and others in order to facilitate our corporate and administrative functions. The information collected can include:

- name and former names
- contact details (address, phone, email, assistant details)
- date and place of birth

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- financial and personal interests which may give rise to conflicts or be required for insurance purposes
- bank account details (for example for reimbursements)
- qualifications.
- vaccination status
- outcomes of National Police Checks and Working With Children's checks
- tax file numbers and bank account details

How we collect Personal Information

Collecting Personal Information that does not include Sensitive Information

We may collect Personal Information (not including Sensitive Information) through our marketing, business development, operational, human resources, research, or other activities.

We have a general policy to collect Personal Information directly from you, unless it is unreasonable or impracticable to do so.

Collecting Sensitive Information

We will always obtain your consent to collect Sensitive Information (which includes Health Information) about you and where practicable we will obtain your consent in writing.

Health providers and stakeholders

We generally collect Personal Information directly from individuals, however, if you are a health provider or stakeholder, we may collect your Personal Information from colleagues, other health providers, other stakeholders, or consumers.

In some cases, we collect your Personal Information from public sources (for example national health practitioner register, internet) or through your memberships (for example from the RACGP).

Consumers

SEMPHN employees usually collect Personal Information directly from individuals and our service providers unless it is unreasonable or impracticable to do so. We collect Health and Sensitive Information with your consent in a fair and unobtrusive way.

We also collect information about consumers from:

- consumers and their representatives through forms, agreements, mail, email, telephone, in-person inquiries and website inquiries
- our service providers, sub-contractors and practitioners who receive funding from SEMPHN
- referrers and third parties (e.g. specialists and other providers outside the programs)
- publicly available sources of information.

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Website visitors

We collect data from our website using various technologies, including cookies. A cookie is a text file that our website sends to your browser to be stored on your computer that allows us to identify your computer. You can set your browser to disable cookies, although this may mean that our website, or parts of it, may not function properly (or at all) on your computer.

Staff members

We collect members' Personal Information directly from the staff member. If you are a proxy or a representative of a SEMPHN staff member, we collect your details from you or the appointing SEMPHN staff member.

Prospective employees and directors

We generally collect Personal Information directly from the prospective candidate, but may also collect information from recruitment agents, recruiters, referrers, referees, SEMPHN officers/employees, and other relevant parties.

Others

We collect information about directors, employees and others directly from those people.

We may also collect information about them from:

- forms, agreements, general inquiries
- researchers or contractors engaged by SEMPHN
- public sources (e.g. national health practitioner register).

Direct Marketing

In certain circumstances we may use Personal Information we have collected from you to send you marketing communications.

When you expect us to use your Personal Information for marketing purposes

We may use your Personal Information to send you marketing communications if:

- we have collected your Personal information directly from you; and
- you would reasonably expect us to use or disclose the information for the purpose of marketing.

However, we will always use an opt-out procedure in all our marketing communications. This means you will be able to easily unsubscribe from all future marketing communications if you choose to do so.

When you may not expect us to use your Personal Information for marketing purposes

If we have not collected your Personal Information directly from you, or you would not reasonably expect us to use or disclose the information for the purpose of marketing, then we will only use your Personal Information to send you marketing communications if:

- you consent; or
- it is impracticable to obtain your consent.

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However, again, we will always use an opt-out procedure in all our marketing communications. This means you will be able to easily unsubscribe from all future marketing communications if you choose to do so.

SEMPHN will only disclose personal information on a 'need to know' basis to facilitate or arrange health services, maintain consumers' records, manage service demand and in some cases, provide health services.

Purpose for which we use and disclose your information.

All the Personal Information collected by SEMPHN will be used and disclosed only for:

- improving medical services for consumers, particularly those at risk of poor health outcomes; and
- improving co-ordination of care to ensure consumers receive the right care at the right time.

As a general principle, we use and disclose Personal Information only for:

- the primary purpose for which we collect the information; or
- a secondary purpose that is related to the primary purpose, or directly related in the case of Sensitive Information, and for which you would reasonably expect us to use the collected information.

We will let you know why we are collecting your Personal Information and how it will be used and disclosed at the time we collect the information from you.

SEMPHN will only disclose Personal Information to an Authorised individual on a need to know basis to perform their professional duties (e.g., to deliver a health service, initiate a payment, issue the contract). We will not use or disclose your Personal Information for an unrelated secondary purpose unless we obtain your written consent or an exception applies, such as it is impracticable to obtain your consent and we believe that collecting, using or disclosing your information is necessary to lessen a serious threat to the life, health or safety of any individual.

Health providers and stakeholders

We use and disclose Personal Information about employees, volunteers and officers of our service providers and stakeholders:

- to pursue collaborative projects and matters of common interest
- to arrange contracts with them or arrange for the delivery of health services for clients
- to distribute information about our activities and publications by way of direct communications/marketing to improve our health system and the health of our consumers
- to comply with relevant legislation.

We may also use and disclose Personal Information about your interests in order to personalise your interactions with us.

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Consumers

We use and disclose Personal and Health Information in order to:

- provide health services and improve health outcomes
- manage service demands at service providers or programs.

For example, to:

- make appointments and send reminder notices
- communicate with other health practitioners as part of a multidisciplinary team
- maintain our client records and other medical registers
- inform your nominated emergency contacts (next of kin) of a medical condition
- disclose your Health Information to paramedics and health professionals in a medical emergency
- use de-identified information to model or forecast service demand
- liaise with a person's nominated representative or family members where needed
- improve our services through quality improvement activities, audits, surveys and program evaluations.

Staff members

We use and disclose Personal Information of staff members for the purposes of ensuring compliance, to administer membership rights, and to process membership documents.

We may supply our membership list to government in order to comply with funding requirements.

We also use our staff member lists to distribute information about our activities and identify people interested in a directorship.

Prospective employees and directors

We use Personal Information about our prospective employees and directors predominately in order to consider their applications.

Website visitors

We use information about website visits for the purpose of personalising your website visit or to enable remarketing website functionality.

Others

SEMPHN may also use and disclose Personal Information from others for our operational, human resources, research referral or other corporate activities.

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Cross border disclosure of information

In general, we will not disclose an individual's Personal Information to recipients outside Australia unless the individual expressly requests us to do so, and acknowledges that the overseas recipient will not be required to comply with the Australian Privacy Principles (APPs) and we will not be liable for any mishandling of the Personal Information in such circumstances.

We may also disclose an individual's Personal Information to an overseas recipient in certain limited circumstances, for example, if we outsource IT functions to an overseas service provider or store information on cloud servers located overseas. If we do so, we will take all steps that are reasonable in the circumstances to ensure that the overseas recipient does not breach the APPs, unless:

- the overseas recipient is subject to laws similar to the APPs and the individual has mechanisms to take action against the overseas recipient;
- we reasonably believe the disclosure is necessary or authorised by Australian Law; or
- the individual has provided express consent to the disclosure.

Maintaining integrity, currency and safety of your privacy information

This section explains how SEMPHN holds your Personal Information, how you can access your Personal Information, update your Personal Information, complain about an alleged breach of the APPs by SEMPHN or make any related enquiry.

Maintaining currency of your information

SEMPHN relies on accurate and reliable information to deliver necessary and effective services. If we are satisfied that any of the information we have about you is inaccurate, out-of-date, irrelevant, incomplete or misleading, or you request we correct any information, we will take reasonable steps to ensure the information held by us is accurate, up-to-date, complete, relevant and not misleading.

If we correct your information, you may ask us to pass the correction on to any third parties to whom we may have previously disclosed the incorrect information. We will take reasonable steps to do so unless it is impracticable or unlawful to do so.

Should we refuse to correct your information, we will explain the reasons for refusal in writing. We will also show you the complaint procedure if you wish to lodge a formal complaint about our refusal.

Security of your information

All Personal Information is securely stored using appropriate physical and/or electronic security technology, settings and applications, and by ensuring staff members dealing with Personal Information are trained in our privacy policy and procedures. These are designed to protect Personal Information from unauthorised access, modification or disclosure; and from misuse, interference and loss.

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We will take reasonable steps to destroy or de-identify Personal Information that we no longer need for any purpose unless we are required by law to retain it.

Accessing your information or lodging a complaint

Accessing information

You are entitled at any time, upon request, to access your Personal Information held by us. We will respond within a reasonable time after the request is made and give access to the information in the manner requested by you, unless it is impracticable to do so. We are entitled to charge you a reasonable administrative fee for giving you access to the requested information.

Should you be refused access to your information, we will explain the reasons for refusal in writing and any exceptions under the *Privacy Act* or other legal basis relied upon as the basis for such refusal and, if you wish to lodge a formal complaint about our refusal, we will explain the complaint procedure.

Refer to the Contact Information section below.

Lodging a complaint

If you wish to complain about a potential breach of this Privacy Policy or the Australian Privacy Principles, please contact our Privacy Officer. The Privacy Officer will make good faith efforts to investigate the issue and respond within a reasonable period after the complaint is made.

See Contact Information below for more details on how to lodge a complaint.

Notifiable Data Breaches Scheme

The Notifiable Data Breaches (NDB) scheme under the Privacy Act establishes requirements for entities in responding to data breaches. Entities have data breach notification obligations when a data breach is likely to result in serious harm to any individuals whose Personal Information is involved in the breach. We have procedures in place to ensure compliance with the NDB scheme.

Contact Information

Queries, feedback and complaints about SEMPHN's systems and processes for handling personal information may be directed to:

Privacy Officer

South Eastern Melbourne Primary Health Network

Level 2, 15 Corporate Drive

Heatherton Victoria 3202

Phone: 1300 331 981

Fax: 03 8514 4499

Email: info@semphn.org.au

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Ombudsman Victoria:
(03) 9613 6222

Office of the Australian Information Commissioner:
1300 363 992

Responsibilities

General Manager Human Resources	SEMPHN's Privacy Officer who is responsible for addressing any queries and concerns the public may have about SEMPHN's collection, storage, use and disclosure of any personal information.
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Management of this Policy

The General Manager Human Resources is accountable for managing and maintaining this policy, which includes:

- monitoring and reviewing this policy
- simultaneously reviewing all documents directly relating to this policy.

Any major changes to this policy must be:

- endorsed by the Executive Director Data, Evidence & Impact Services
- endorsed by the General Manager Human Resources
- approved by the Chief Executive Officer.

Procedures/Forms/Templates/Checklists

- SEMPHN's Collection Statement
- Request to access client health information form

Legislative Frameworks and Standards

- Privacy Act 1988 (Cth)
- Privacy Regulation 2013 (Cth)
- Income Tax Assessment Act 1936 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)
- Health Records Act 2001 (Vic)
- Health Records Regulations 2012 (Vic)
- Surveillance Devices Act 1999 (Vic)

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References

- Acceptable Use of ICT Policy
- Code of Conduct
- Communications Policy
- Media Policy

Appendices

None

Amendment History

Version	Details of change	Amended by	Date
1.0	New Policy	HR Team	June 2019
1.1	Reviewed and reformatted into plain English. Revised the 'Data Collection Statement' form and the 'Request to access client health information' form.	HR Team	27/04/2020
2.0	Policy revision and policy updated.	General Manager, HR	July 2023