

PRIVACY POLICY

Policy ID	DEIS 006
Prepared by	DEIS Team
Version	3.1
Approval Date	20 August 2025, Board
Approved By	Board of Directors
Next Review Date	August 2026
Policy Sponsor	Executive Director Data, Evidence & Impact Services

Published location	Communication method
☒ Intranet Resource Centre ☒ Board Portal ☐ Folio ☒ Teams Workspace ☐ Other	☐ SEMPHoNics article ☒ LMS offering to all staff ☐ LMS offering to specified staff

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Policy Statement

This Privacy Policy sets out how South Eastern Melbourne Primary Health Network Limited (ABN 65 603 858 751) ("SEMPHN") manages personal information provided to or collected by it. Along with our Collection Statements, our Privacy Policy lays down the principles by which we collect, store, use and disclose any personal information provided to us, or collected from other sources.

Objectives of this Policy

To inform consumers, providers, stakeholders/funders 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; and
- they can lodge complaints or make any related enquiry.

Scope

All SEMPHN Representatives must comply with this policy when handling personal information on behalf of SEMPHN.

This Privacy Policy does not apply to employees or employee records, as the handling of employee records by a private sector employer is exempt from the Privacy Act if it is directly related to the employee's current or former employment relationship. Questions regarding the handling of SEMPHN employee records, can be addressed to our Privacy Officer (Contact details under *Complaints and Enquiries* section below).

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
Credit information	Personal information about an individual relating to credit, including credit reporting information, credit eligibility information or regulated information as applicable in the context.
Health Information	Information about a person's health, which may include, but is not limited to: • 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

Term	Definition
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 Director, Data & Evidence & Impact Services
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 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

Personal Information

For information to be classified as Personal Information, it must be:

- (a) about an identified individual; or
- (b) 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 1988* (Cth) ("Privacy Act"), including Credit Information, Health Information and Sensitive Information, as defined above. Other relevant legislation applicable to SEMPHN includes the Victorian *Privacy and Data Protection Act 2014* and *Health Records Act 2001*.

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. 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 re-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. SEMPHN must also take reasonable steps to destroy or permanently de-identify Personal Information if it is no longer needed for any purpose.

Compliance with the Australian Privacy Principles

SEMPHN is bound by the Australian Privacy Principles ("APPs") contained in the Privacy Act and will collect, use, disclose and retain Personal Information, including any Sensitive Information, in accordance with those Principles.

To ensure Personal Information is managed in accordance with the legislation and with the APPs, SEMPHN have taken reasonable steps to implement policies, procedures and practices to assist staff when handling Personal Information.

SEMPHN may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to SEMPHN's operations and practices and to make sure it remains appropriate to the changing environment. The modified, amended or replaced policy will be posted by SEMPHN to its website in place of the older privacy policy and is available to all staff via our Learning Management System.

Where it is lawful and practicable to do so, we give individuals the option of interacting anonymously. This may involve allocating individuals with a pseudonym. However, in some circumstances we may not be able to assist you if you do not provide us with your Personal Information.

Types of Personal Information we collect and hold

SEMPHN collects and holds a range of personal information, including health and other sensitive information that is reasonably necessary for our functions and activities. This includes information from the following groups:

Health providers and stakeholders

We collect a range of Personal Information, including Health and other Sensitive Information, about health providers and stakeholders with whom we ordinarily interact, which may include the staff of general practices, health service providers and government agencies to better understand and improve the health system.

The types of information we collect can include their:

- full name
- contact details
- qualification/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 (full name, address, telephone number, email address, next of kin / emergency contact)
- age, date of birth, gender, marital status
- medical history, treatment records, family medical histories
- referrals to and from other practitioners
- racial or ethnic origin (including if clients identify as Aboriginal or Torres Strait Islander)

Website visitors

We may also collect information about website visitors when they access our website using technology called 'cookies'. That information includes the pages viewed and the information downloaded, the IP address of the computer or mobile used to visit our website, the page from where the individual visited our website, the type of browser used, unique device identifiers and information about websites visited before the individual visited our website. This can be configured in the browser to disable cookies, but some parts of our website may not function properly (or at all) if cookies are disabled.

Others

We may collect Personal 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 also collect the Personal Information of job applicants, volunteers and contractors in order to facilitate our corporate and administrative functions. The information collected can include:

- full name, date of birth / age, contact details, emergency contact / next of kin;
- nationality, languages spoken;
- resumes, employment histories and qualifications, training records and competency assessments, references, professional development history;

- salary and payment information, including superannuation details;
- complaint records and investigation reports;
- leave details;
- outcomes of National Police Checks and Working With Children's Checks.
- emails and internet browsing history when using SEMPHN email address or resources; and
- sensitive information, including:
 - medical information (e.g. vaccination status); and
 - criminal record.

Exception in relation to employee records

Under the Privacy Act, the Australian Privacy Principles do not apply to an employee record. As a result, this Privacy Policy does not apply to the SEMPHN's treatment of an employee record, where the treatment is directly related to a current or former employment relationship between SEMPHN and an employee. SEMPHN handles staff health records in accordance with the Health Privacy Principles in the Health Records Act.

How we collect Personal Information

Personal Information provided by an individual

SEMPHN will generally collect personal information held about an individual by way of forms filled out by consumers or through our service providers by face-to-face meetings and interviews, emails and telephone calls. On occasions people other than consumers provide personal information. Where this information is regarded as 'sensitive information' under the Privacy Act. This data is securely stored in accordance with this Privacy Policy and accessible only to authorised SEMPHN personnel.

Personal Information provided by other people

In some circumstances SEMPHN may be provided with personal information about an individual from a third party, for example from the internet, the national health practitioner register, or through memberships such as the RACGP. We only collect Personal Information about an individual that is reasonably necessary for our activities and relevant to the purpose for which it is collected.

Information collected from our website

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

Access and Correction of Personal Information

Under the Privacy Act, an individual has the right to seek and obtain access to any personal information which SEMPHN holds about them and to advise SEMPHN of any perceived inaccuracy. There are some exceptions to these rights set out in the applicable legislation.

To make a request to access or to update any personal information SEMPHN holds about an individual, please contact the Privacy Officer (Contact details under *Complaints and Enquiries* section below). SEMPHN may charge a fee to cover the cost of verifying the application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, SEMPHN will advise the likely cost in advance.

SEMPHN reserves the right to refuse access where an exception applies, for example, where releasing the information would unreasonably impact the privacy of another individual. Alternatively, SEMPHN reserves the right to redact the information made available, to protect the privacy of other individuals. We also reserve the right to verify the identity of the person requesting the information and their entitlement to access it. If we cannot provide the individual with access to the information requested, we will provide a written notice explaining the reasons for refusal.

Use of Personal Information

SEMPHN will use Personal Information it collects from an individual for the primary purpose of collection and for improving:

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

SEMPHN will only disclose Personal Information to relevant individuals to enable them to perform their professional duties (e.g. to deliver a health service, initiate a payment, issue the contract). We will not use or disclose Personal Information for an unrelated secondary purpose unless we obtain individual written consent or an exception applies, such as it is impracticable to obtain the individual's consent and we believe that collecting, using or disclosing Personal 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 prospective 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 an individual's interests in order to personalise their interactions with us.

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.

Website visitors

We use information about website visits for the purpose of personalising an individual's website visit or to enable remarketing website functionality.

Others

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

Direct Marketing

We may use Personal Information to send marketing communications if we have collected Personal information directly from an individual and the individual would reasonably expect us to use or disclose the information for the purpose of marketing. If you would like to opt-out of direct marketing, please refer to the contact details listed below. There may be a simple "unsubscribe" (opt out) method in electronic direct marketing material itself. If you opt-out of receiving marketing material from us, we may still otherwise contact you in relation to our existing relationship with you other than for the purposes of direct marketing.

If we have not collected Personal Information directly from a person, or it would not be reasonably expected by a person for their information to be used or disclosed for the purpose of marketing, then we will only use their Personal Information to send them marketing communications if they consent or it is impracticable to obtain their consent.

Sending and Storing Information Overseas

SEMPHN may disclose personal information about an individual to overseas recipients. However, SEMPHN will not disclose/send personal information about an individual outside Australia without:

- Obtaining the consent of the individual (in some cases this consent will be implied); or
- Otherwise complying with the APPs or other applicable privacy legislation.

SEMPHN does not store personal information in overseas cloud services.

Security of Personal 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.

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.

Complaints and Enquiries

If you wish to complain about a potential breach of this Privacy Policy or the Australian Privacy Principles, or you have any enquires related to handling of personal information, please contact our Privacy Officer. We would prefer that the complaint be made in writing (by mail or email) to SEMPHN and addressed as set out below:

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: privacy@semphn.org.au

SEMPHN will promptly acknowledge receipt and will endeavour to deal with the complaint and provide a response to you within a reasonable time period following receipt (generally within 30 days of receipt). Where the complaint requires a more detailed investigation, the complaint may take longer to resolve. If this is the case, then we will endeavour to provide the complainant with progress reports.

We reserve the right to verify the identity of the individual making the complaint and to seek (where appropriate or reasonable) further information from the complainant about the circumstances of the complaint.

Where required by law, we will provide the determination on the complaint to the complainant in writing.

We reserve the right to refuse to investigate or to otherwise deal with a complaint where permitted under law, where such circumstances apply. For example, without limitation, we may refuse to investigate or to otherwise deal with a complaint if we consider the complaint to be vexatious or frivolous.

If you are not satisfied with our response to your complaint, or you consider that SEMPHN may have breached the APPs or the Privacy Act, a complaint may be made to the OAIC.

Office of the Australian Information Commissioner

Postal address: GPO Box 5288 Sydney NSW 2001

Phone: 1300 363 992

Email: foi@oaic.gov.au

Website: www.oaic.gov.au

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.

Responsibilities

Executive Director Data, Evidence & Impact Services	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 Executive Director Data, Evidence & Impact Services 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 Data & Digital Steering Committee
- approved by the SEMPHN Board

Procedures/Forms/Templates/Checklists

- SEMPHN's Collection Statement
- Request to Access Personal Information Form
- Data Breach Response Procedure
- Incident Response Plan (IRP)
- Data Breach Notification Form

Legislative Frameworks and Standards

- Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Family Violence protection Act 2008 (Vic)
- Freedom of Information Act 1982 (Cth)
- Health Records Act 2001 (Vic)
- Surveillance Devices Act 1999 (Vic)

References

- ICT Security Policy
- Acceptable Use of ICT Policy
- Code of Conduct
- Communications and Engagement Policy
- <https://www.oaic.gov.au/privacy/australian-privacy-principles>
- Information Security Governance Framework
- Data Governance Framework

Document 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
3.0	Reviewed and updated to comply with Australian Privacy Principles as suggested by the Privacy Audit.	DEIS Team and Russell Kennedy Lawyers Board Approved	July 2024 18 Sep24
3.1	Annual Review. No changes required to the content of the policy – additions and edits to Legislative Frameworks and Reference docs	DEIS team Board approved	20 Aug25