

# PRIVACY POLICY

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# Privacy Policy

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# Privacy Policy

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## Policy Statement

SEMPHN's Privacy Policy explains how our organisation protects your privacy 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 clients, prospective clients, stakeholders and anyone else whose private information is collected, stored, used and disclosed to or by SEMPHN, about how:

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

## Scope

This policy applies to all SEMPHN Representatives.

In the event a situation arises where this policy is applicable to any Member of the Board of Directors, the matter will be reported directly to the Chair or representative of the Chair, whose responsibility it will then be to take the appropriate actions to ensure that the matter is resolved.

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## Definitions

Term	Definition
<b>APPs</b>	The Australian Privacy Principles in the Privacy Act 1988 (Cth)
<b>Clinic</b>	A program or service provided by SEMPHN or a third party
<b>Health Information</b>	Information about a person's health, which may include, but not limited to: <ul style="list-style-type: none"><li>the physical, mental or psychological health or disability of an individual</li><li>an individual's wishes about the provision of health services</li></ul>
<b>NDB</b>	Notifiable Data Breaches 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
<b>OAIC</b>	Office of the Australian Information Commissioner
<b>Personal Information</b>	Includes information that can identify an individual, such as their name, address, email address, date of birth, bank account details
<b>Privacy Information</b>	Includes Personal Information and Sensitive Information
<b>Privacy Officer</b>	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 General Manager Human Resources
<b>Sensitive Information</b>	Information about a person that if disclosed inappropriately might lead to discrimination, mistreatment, humiliation or embarrassment. Examples of sensitive information include religion, racial or ethnic origin, political opinions and memberships, philosophical beliefs, sexual preferences and orientation, genetic information, biometric information
<b>SEMPHN</b>	South Eastern Melbourne Primary Health Network. Refers to the organisation working on behalf of the Australian Government to improve health care in the South Eastern Primary Health Network catchment
<b>SEMPHN Representative</b>	Anyone remunerated by SEMPHN, such as Board and Council members, contractors and consultants, all staff members.
<b>We, us and our</b>	SEMPHN

## Responsibilities

<b>General Manager Human Resources</b>	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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## Policy in Practice

### 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.

### Type 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 type of information we collect can include their:

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

#### *Clients*

SEMPHN generally collects information about clients of services delivered by our service providers. SEMPHN collects personal details to facilitate or arrange health services, maintain client 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 not limited to:

- contact details (name, address, telephone number, email address, next of kin)
- age, date of birth, gender, marital status
- driver's licence number, Medicare number
- medical history, treatment records, images, photographs, family medical histories
- referrals to and from other practitioners and their reports
- ethnic origin (for example, to assess your eligibility for free health services)
- banking/credit card details if payments or co-payments are required.

#### *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.

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## *Members*

We collect Personal Information regarding SEMPHN 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 members can exercise their rights.

The type 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, that 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) Information about the general public 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
- financial and personal interests which may give rise to conflicts or be required for insurance purposes
- bank account details (for example for reimbursements)
- qualifications.

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## How we collect your 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 clients.

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).

### *Clients*

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 clients from:

- clients 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.

### *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.

### *Members*

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

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## *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**

### *Collecting information indirectly about an individual for marketing to that individual*

If SEMPHN plans to engage in direct marketing using or disclosing information collected indirectly:

- about that individual, or
- from the individual and the individual would not reasonably expect us to use or disclose the information for marketing purposes,

then SEMPHN must first obtain consent unless an exception applies.

All subsequent direct marketing you receive will include an easy opt-out procedure if at any time you wish us to cease sending you information.

### *Collecting information directly about an individual for marketing to that individual*

If we collect information about you and you would reasonably expect us to use or disclose the information for the purpose of marketing, we will use an opt-out procedure in all our marketing communications. This means you will be able to easily unsubscribe from all future marketing communications.



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## Purpose for which we collect and deal with your information

All the information collected by SEMPHN will be used only for:

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

As a general principle, we use Privacy Information only for:

- the primary purpose for which we collect the information, or
- a secondary purpose related to the primary purpose for which you would reasonably expect us to use the collected information.

We will inform you of the purpose for which we collect your information and explain all the relevant matters of that collection.

We will not use your 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 collect 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 clients.
- We may collect Personal Information about your interests in order to personalise your interactions with us.

### *Clients*

We collect and use 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 your personal information, 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.

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## *Members*

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

We may also supply our membership list to government in order to comply with funding requirements. We also use our 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 collect and use Personal Information from others for our operational, human resources, research referral or other corporate activities.

## **Cross border transfer or disclosure of information**

In the event we engage in cross border transfer of information, such as routing or storing information on cloud servers located overseas or transferring information to an office of our company overseas, we will ensure that adequate security mechanisms are in place to protect your information. For example, we will enter into a contract with the cloud server that ensures the information is for the limited purpose of storing and managing the Personal Information.

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## **Maintaining integrity, currency and safety of your privacy information**

This section explains how SEMPHN holds your Privacy Information, how you can access your Privacy Information, update your Privacy Information, complain about an alleged breach of the APPs 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 disclose your Privacy Information that is later corrected, we will, or else you may ask us to, notify the entity that received the incorrect information about that correction.

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

### *Safety of your information*

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

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## Accessing your information or lodging a complaint

### *Accessing and correcting information*

You are entitled at any time, upon request, to access your Privacy 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 - 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](mailto:info@semphn.org.au)

### Ombudsman Victoria:

(03) 9613 6222

### Office of the Australian Information Commissioner:

1300 363 992

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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 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)

## 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
d2.0	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