

1. Introduction

1.1 Purpose

The purpose of the Privacy Policy is to outline how RHealth Limited complies with its confidentiality and privacy obligations. RHealth Limited is a health care provider and we are required, by law, to comply with relevant state Acts relating to the handling and management of health records as well as the Federal Privacy Act 1988 which incorporates the 13 Australian Privacy Principles (APP's).

1.2 Legislation

On 12 March 2014, the 13 Australian Privacy Principles (APPs) replaced the National Privacy Principles and Information Privacy Principles. The 13 Australian Privacy Principles (APPs) in Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, amends the *Privacy Act 1988* and include:

- APP 1 — open and transparent management of personal information
- APP 2 — anonymity and pseudonymity
- APP 3 — collection of solicited personal information
- APP 4 — dealing with unsolicited personal information
- APP 5 — notification of the collection of personal information
- APP 6 — use or disclosure of personal information
- APP 7 — direct marketing
- APP 8 — cross-border disclosure of personal information
- APP 9 — adoption, use or disclosure of government related identifiers
- APP 10 — quality of personal information
- APP 11 — security of personal information
- APP 12 — access to personal information
- APP 13 — correction of personal information

RHealth Limited Management is committed to implementing implement practices, procedures and systems that will ensure compliance with the Australian Privacy Principles (APP's).

2. Definitions

Personal Information

'*Personal information*' is any information or an opinion about you where your identity is apparent or can reasonably be ascertained.

Health Information

'*Health information*' is all identifying "personal information" collected to provide a health service.

In the Australian Privacy Principles (APP's) '*Health information*' comes under the definition of '*sensitive information*'.

Consent

'*Consent*' means '*expressed consent or implied consent*'. The four key elements of consent are:

- the client is adequately informed before giving their consent;
- the client gives consent voluntarily;
- the consent is current and specific; and
- the client has the capacity to understand and communicate their consent.

Note: willingly provided information is usually sufficient to imply consent to collection of information; however, RHealth Limited makes a point of seeking written client consent before collecting personal health information.

Expressed Consent

'*Expressed consent*' is given explicitly, either orally or in writing.

Implied Consent

'*Implied consent*' arises where consent may reasonably be inferred in the circumstances from the conduct of the Client and RHealth Limited.

'Solicited' and 'Unsolicited' Personal Information

All personal information received by an APP entity is either solicited or unsolicited personal information. Section 6(1) defines '*solicit*' but does not define '*unsolicited*'. Therefore, personal information received by an entity that does not fall within the definition of '*solicited*' is '*unsolicited*' personal information.

3. Privacy of Personal Information

3.1 Open and Transparent Management of Personal Information (AAP 1)

RHealth Limited makes this Privacy Policy statement and other material available to RHealth Limited Clients to inform them of our policies on management of personal information. Upon request, RHealth Limited staff will let Clients know, generally, what sort of personal information we hold, for what purposes, and how we collect, hold and disclose that information.

This Privacy Policy is available on the RHealth website.

3.2 Anonymity and Pseudonymity (AAP 2)

You have the right to be dealt with anonymously or by using a pseudonym, provided that this is lawful and practicable. It may be impracticable for RHealth Limited to deal with clients who have not identified themselves. However, in the medical context this is not likely to be practical or possible:

- for Medicare and insurance rebate purposes; and
- where a client complains about any aspect of health care/service delivery, which for the purposes of further investigation RHealth Limited would need to know the details of the client involved in the complaint and other details which would enable RHealth Limited to identify the health care and other service providers involved.

3.3 Collection of Solicited Personal Information (APP 3)

RHealth Limited is a provider of health services and therefore, it is necessary for our staff and Doctors to collect information from you that is required for us to provide health services to you. Your health record can help us identify which course of action is likely to be safe and effective for you and may identify health concerns which can receive early intervention and can also reduce the likelihood of repeating tests that you may have had in the past.

We will only ask you for information where we believe it is necessary for us to know that information in the course of provided our services. Further, we will only collect your health information where some specified requirements are met, including:

- a. with your consent; or
- b. when collection is required, authorised or permitted by law or law enforcement purposes; or
- c. the information is received, through an appropriate disclosure by another organisation such as another health service provider with your consent; or
- d. the collection is necessary to prevent or lessen a serious threat to life, health or safety of a Client or the public.

We will ensure that each Client providing personal information is informed about and understands the purpose of collecting the information, to whom or under what circumstances their personal information may be disclosed to another party, and how they can access the information held about them by RHealth Limited.

We will ensure that Clients providing personal information understand the consequences, if any, of providing incomplete or inaccurate information.

3.3.1 What happens if you do not Provide Health Information (APP 3)

If you do not provide us with accurate or complete information when we request it, we may not be able to provide you with a proper level of service.

3.3.2 The Kinds of Personal Information Collected and Held (APP 3)

The types of information collected by staff, Doctors, and other Health Professionals at RHealth Limited generally includes:

- a. your name, date of birth, address, email address, telephone number, ethnicity, demographics, next of kin, emergency contact details;
- b. Medicare, DVA and/or Health Fund details (as applicable);
- c. reason for attendance/symptoms;
- d. medical history;
- e. private health insurance information;
- f. examination and test results;
- g. diagnosis;
- h. treatment and care information; and
- i. admission and registration information.

3.3.3 How we Obtain your Information (APP 3)

RHealth Limited collects information which is:

- a. provided directly by you;
- b. provided on your behalf, with your consent;
- c. received from a health service provider who refers you to an RHealth funded program.

3.4 Dealing with Unsolicited Personal Information (APP 4)

Unsolicited personal information is personal information received by RHealth Limited where RHealth Limited has taken no active steps to collect the information. APP 4 outlines the steps RHealth Limited must take, and will take, if it receives unsolicited personal information.

In some instances, RHealth Limited may have difficulty deciding whether personal information it receives falls within the terms of RHealth Limited's request and is therefore solicited personal information. Where it is unclear whether the information is solicited or unsolicited personal information, RHealth Limited will err on the side of caution and treat the personal information as unsolicited personal information.

3.4.1 — Other Types of Personal Information Held (APP 4)

Other information collected and held by RHealth Limited includes job applications, personnel files and referrer information. All data collected is considered personal information and will only be used for the purpose for which it was collected, or with prior consent from the client will be managed in accordance with the Australian Privacy Principles (APP's).

3.5 Notification of the Collection of Personal Information (APP 5)

RHealth Limited will take all reasonable steps to ensure Clients have access to this Privacy Policy at or before the time of collection of personal information, or as soon as practicable afterwards. This applies to all personal information 'collected' about an individual, either directly from the individual or from a third party.

3.6 How RHealth Limited Uses and Discloses your Information (APP 6)

As a provider of health services, RHealth Limited will usually send correspondence to your referring Doctor and/or other nominated Health professional following any care or treatment received. This is in accordance with the generally accepted health industry practice and intended to inform your referrer of information that may be relevant to any ongoing care or treatment provided by them. If at any time your nominated or referring practitioners' details have changed, please notify our staff so that your records can be updated.

If you do not wish us to provide your information to your referrer please advise one of our staff so we can make the necessary arrangements.

In addition, we use and disclose your health information for the following purposes:

- a. to assist your treating team (Doctors, nursing staff and other Health Professionals) in providing health care to you;
- b. to process private health fund, Medicare and/or DVA claims;
- c. to provide necessary follow up treatment and ongoing care;
- d. to provide you with standard reminders, for example appointments and follow-up care; (These may be made by text message, email, letter or phone to the number or address which you have provided.)
- e. for our internal administrative requirements, including billing; (This may include provision to external debt collection agencies for outstanding accounts.)
- f. Certification and Accreditation activities;
- g. to address liability indemnity arrangements with insurers, medical defence organisations and lawyers;
- h. for the defence of anticipated or existing legal proceedings;
- i. we may use de-identified Client information in our database or document review, as part of the process of research, measuring outcomes, and continual quality improvement;
- j. for a directly-related secondary purpose that would have been within the reasonable expectations of the Client.

RHealth Limited will ensure that personal information will only be used for the purpose it was collected, or that would reasonably be expected by the client providing the information.

If the identified information is to be used for a secondary or unrelated purpose, such as data analysis or research, we will obtain informed consent from the Client. Clients will be given the opportunity to refuse such use or disclosure. If a Client is physically or legally incapable of providing consent, a responsible person (as described under the Act) may do so.

We will only disclose personal information without consent where such disclosure is required by law, or for law enforcement, or in the interests of the Client's or the public's health and safety.

We will keep records of any such use and disclosure.

Information may be disclosed to a responsible person (as described under the Act).

3.6.1 When Information can be Disclosed Without your Consent (APP 6)

We will only disclose your health information to a third party with your consent, unless:

- a. the disclosure is directly related to the primary purpose for collection;
- b. in an emergency situation, where release of information is necessary to aid medical treatment; or
- c. we are required by law to disclose the information (e.g. reporting of communicable diseases).

3.7 Direct Marketing (APP 7)

RHealth Limited will only use or disclose personal information for direct marketing purposes where the individual has either consented to their personal information being used for direct marketing, or has a reasonable expectation that their personal information will be used for this purpose, and conditions relating to opt-out mechanisms are met.

RHealth Limited as a contracted service provider for Commonwealth Government contracts may use or disclose personal information for the purpose of direct marketing if certain conditions are met; however, RHealth Limited will always disclose this to Clients and seek their written approval before using their personal information for marketing purposes.

3.8 Cross-border Disclosure of Personal Information (APP 8)

RHealth Limited will take steps to protect Client privacy if information is to be sent interstate or outside Australia and will only transfer your personal information overseas when:

- you have given written consent; or
- the transfer is necessary for the fulfilment of a contract between you and RHealth Limited; or
- the transfer is for your benefit, but it is impractical to obtain consent; or
- it is believed that the information will be protected by a privacy scheme or legal provisions comparable to those in Australia.

3.9 Adoption, Use or Disclosure of Government Related Identifiers (APP 9)

As required by Australian Privacy Principles (APP 9), RHealth Limited will not use Medicare or Veterans Affairs numbers or other identifiers assigned by a Commonwealth or State Government agency to identify personal information.

3.10 Quality of Personal Information (APP 10)

RHealth Limited will take all reasonable steps to ensure that personal information kept, used or disclosed by RHealth Limited is accurate, complete, and as up to date as practicable.

3.11 Security of Personal Information (APP 11)

All reasonable steps are taken to protect personal information collected from misuse or loss, such as computer password access, access restrictions to work areas, office and building security systems, and adequate computer system virus protections and fire wall, and electronic back-up of client medical records.

3.11.1 How RHealth Limited Holds your Personal Information (APP 11)

RHealth Limited takes all necessary and reasonable steps to ensure that your personal information is accurate, complete, up to date and secure.

We may store your health information in both hard copy and on computer. The storage, use and where necessary, transfer of personal health information will be undertaken in a secure manner that protects Client privacy. Hard copy information is kept under lock and key. Information stored on computer is password protected. Information is collected from first contact through to exit from service and thereafter for the minimum records retention period for disposal as specified by the relevant Primary Health Care Program Contract/Deed (where applicable) and by Queensland Government Archives, as follows:

- **Clinical Records – Adults:** Retain for 10 years after last client service provision or medico-legal action;
- **Clinical Records – Minors (under the age of 18 years):** Retain for 10 years from client attaining 18 years of age; *AND* 10 years after last client service provision or medico-legal action;
- **Notifiable Disease Treatment Records:** Retain for 85 years from client's date of birth; *AND* 10 years after last client service provision or medico legal action.
- **Deceased Patient:** The same requirements as above apply for medical records held in relation to a deceased patient; and
- **Mental Disability:** Medical records for a patient under a mental disability are held until seven years after the patient's death.

After that time, if the medical record is no longer necessary, it will be disposed of securely as required by law. The Client Records Destroyed Register will be held indefinitely.

3.12 Access to Personal Information (APP 12)

You may request access to your personal information held by RHealth Limited. Requests for access should be made in writing. RHealth Limited needs to be satisfied that a request for personal information is made by you or by another person who is authorised to make a request on your behalf. An identity document will need to be sighted to verify your identity or, if you are authorising another person to access on your medical records on your behalf, then a letter of authority and confirmation of your identity will be required prior to release of your personal information.

3.13 Correction of Personal Information (APP 13)

Where necessary, you can also request an amendment to any personal information in your record should you believe that it contains inaccurate information. Such requests should be made in writing. If RHealth Limited does not agree to change your personal information in accordance with your request, you will be notified and we will permit you to make a statement of the requested changes and we will keep the request with your medical records.

There are some circumstances in which access is restricted, and in these cases reasons for denying access will be explained.

RHealth Limited acknowledges the right of children to privacy of their health information. Based on the professional judgement of the Doctor or other Health Professional, and consistent with the law, it might at times be necessary to restrict access to personal health information by parents or guardians.

A fee may be payable where RHealth incurs costs in providing access to client's medical records. If applicable, you will be advised of the fee upon receipt of your request and access will be provided following receipt of payment.

RHealth Limited will use our best efforts to take less than 14 days to respond to your request.

3.13.1 Updating Your Personal Information (APP 13)

If at any time, you believe that any of your personal information, that we store is not accurate or is out of date, please let us know by contacting RHealth Limited on (07) 46381377 or email admin@rhealth.com.au.

4 Privacy Complaints and How RHealth Limited Would Deal with your Complaint

You should feel free to discuss any concerns, questions or complaints about issues related to the privacy of personal information with your Doctor, other Health Professional or RHealth Limited.

RHealth Limited is committed to improving services and welcomes any comments or complaints that our clients may wish to offer in relation to the services we provide. Such feedback helps us to identify the things that we do well or need to improve. We recognise that, handled well, a complaint provides us an opportunity to strengthen our relationships with our Clients. It provides us the opportunity to understand their circumstances and to explore ways to improve our service to them in the future. We will respond to your concerns quickly and in accordance with the RHealth Limited Complaints

Management Procedure (a copy of which you are welcome to sight upon request) and keep you informed of our actions and progress.

Complaints or queries with respect to this Privacy Policy may be lodged electronically via the RHealth Limited website, or in writing by email or by completing a RHealth Limited Client Feedback Form. Alternatively, you may contact:

RHealth Limited Privacy Officer
P O Box 774 Toowoomba Qld 4350
Telephone: (07) 46381377
Email: admin@rhealth.com.au

Under the **Privacy Act 1988** (Privacy Act) you can make a complaint to the Office of Australian Information Commissioner (OAIC) about the handling of your personal information.

For details please visit <https://www.oaic.gov.au/individuals/what-can-i-complain-about>