

## Privacy Policy

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*Women's and Men's Health Physiotherapy (WMHP)* is committed to the personal privacy of its patients and staff, and will comply with the *Privacy Act 1988* and uphold the *Australian Privacy Principles 2014 (APP's)* and the privacy provisions of all applicable legislation.

The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Privacy Amendment Act) made many significant changes to the *Privacy Act 1988* (Privacy Act). The Privacy Act now includes a set of 13 new harmonised privacy principles that regulate the handling of personal information. These changes commenced on 12<sup>th</sup> March 2014. The Privacy Regulation 2013, made under the Privacy Act, also commenced on 12<sup>th</sup> March 2014. The Privacy Amendment Act is a part of a privacy law reform process that began in 2004.

The following policy covers all personal information we hold, information or an opinion, about an individual whose identity is apparent, or can be reasonably ascertained, from that information or opinion. This policy deals with the collection, use and disclosure of personal and health information as well as access and correction, data security, data retention and transfer of personal information. This includes information we have collected from people through our office, over the phone and over the internet.

### Health information

'Health information' is generally defined in both Federal and State Acts as information or opinion about a patient covering all personal information (wellbeing, disabilities, health services provided or to be provided, and personal information generally). 'Health information' also includes details such as a client's name, address, account details, Medicare number and health service appointments.

### Collecting information

When we collect personal information from an individual, we will ensure that we do so in a fair manner and that we let the individual know where and how to contact our organisation. We will only collect information that is necessary for one or more of our functions or activities. We will advise individuals of the purpose for which their personal information is collected. If collecting sensitive information (as defined under the Act), we will treat it with the utmost security and confidentiality. We will ensure that it is not collected for any purposes, other than those for which we have obtained the individual's consent, unless the law requires otherwise, or other exceptional circumstances prevail as described under the Act. Where an individual chooses not to provide requested information, we will advise that individual of what consequences this non-disclosure may have. For example, withholding certain information may limit our ability to provide relevant treatment and services to individuals.

### Consent

WMHP obtains an individual's consent to collect health information. This consent may be implied or express/explicit. Implied consent refers to circumstances where it is reasonable for the health professional to infer that consent has been given by the client. For example, if a client presents to a physiotherapist and discloses health information which is written down by the physiotherapist during the consultation, this will generally be regarded as the client giving implied consent to the physiotherapist to collect health information for certain purposes. The extent of the purposes will



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usually be evident from the discussion between the physiotherapist and the client during the consultation. Express consent refers to consent that is clearly and unmistakably stated (either in writing, orally, or in another fashion where consent is clearly communicated). Consent to the collection and handling of health information and consent to treatment are two separate authorities provided by the client.

### Use and Disclosure

WMHP will only disclose personal and health information in accordance with the *Privacy Act*.

This means that personal information may be disclosed:

- For the purposes for which we have advised that we are collecting it, and for related purposes
- That the individual would reasonably expect
- Where we have the consent of the individual to do so
- As required by law, for example, health professionals are required to report child abuse (under care and protection laws) and notify the diagnosis of certain communicable diseases (under public health laws).
- If served with a subpoena or other form of Court order requiring the production of documents to the Court they are generally required to supply the documents. If a health professional is concerned about how to proceed, they can seek advice from the Registrar of the Court or Tribunal which issued the order or from a lawyer. If a lawyer or legal source does request patient information report from our practice, the practice does charge a fee to the requesting party.
- Under other circumstances where permitted under the Act.

In the course of our business activities, we may need to disclose some of your personal information to relevant staff if consent to do so is given (express or implied).

### Transfer of information to another health service provider

If a client wants to transfer to a physiotherapist in another practice, they can authorise the disclosure of health information from the original practice to a new practice. We have a specifically designed consent form that the clients signs as evidence that consent to perform this has been obtained. A copy of the health information could be transferred in this way. For medico-legal reasons, our practice retains the original record and provides the new physiotherapist with a summary or a copy. If a summary of the client's health record is provided to the new physiotherapist, a copy of the summary should be kept on file for record purposes.

Client health information that is transmitted electronically over a public network such as the internet can pose significant privacy risks. It is technically possible for a third party to intercept and read emails or for emails to be inadvertently sent to the wrong person. For this reason, we do not transfer client health information via electronic means without patient consent. If the original practice declines to transfer the health information, the client may seek access to the information, request a copy and then take it to the new practice.



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### Training and education

The use of health information for training and education will usually require the client's consent. Where consent is sought, the individual should have a genuine choice and not be pressured to agree. If the practice uses de-identified health information for training, client consent is not required.

### Unauthorised disclosure or access

Our practice is committed to protecting the privacy of individuals, we will view unauthorised disclosure of, or access to, personal information by our employees or contractors, as a serious breach of this policy. Appropriate action (which may include disciplinary or legal action) will be taken in such cases.

### Opt-out

We will always provide individuals with a way of contacting us to register a request to "opt-out" from receiving any group communication.

### Access to personal information

Individuals will be able to access their personal information upon request. However, our practice may occasionally need to deny access to information in accordance with the exemptions contained in the Act.

### Security

Our goal is to protect the personal information collected by our practice and its associations. Personal information will be managed confidentially and securely and destroyed appropriately when no longer required. We will monitor and implement appropriate technical advances or management processes, to safeguard personal information.

### Data quality

We will take all reasonable steps to ensure that the data we collect, use or disclose is accurate, complete and up to date, and has been obtained directly from individuals or other reputable sources.

### Privacy inquiries

Privacy related inquiries or concerns can be directed to our practice.

### Availability and review of policy

Our policy will be reviewed periodically and any amendments will be incorporated into the updated policy. We will make our privacy policy available upon request and will provide access to this policy via our website.

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