

# Privacy & Information Collection Policy

Bayside Family Medical takes its obligations under the Victorian Health Records Act 2001 and the Commonwealth Privacy Act 1988 seriously and takes all reasonable steps in order to comply and protect the privacy of personal information.

## Collection of Information

Bayside Family Medical collects and holds personal health information about you.

The main reason Bayside Family Medical collects information from you is so that we may properly assess, diagnose, treat your illnesses and be proactive in your health care needs. The information we may ask you is very personal but not having this information may restrict our capacity to provide you with the standard of medical care that you expect.

All members of the team involved in your care will have access to your personal information.

This means we may use and disclose the information you provide in the following ways:

- Disclosure to others involved in your health care, including doctors and specialists outside this practice who may become involved in treating you, pathology services, radiology services and in emergency situations. This may occur through referral to other doctors or specialists, or for medical tests and in the reports or results returned to us following the referrals. We also share information with our affiliated medical clinics, so as to enable our doctors to have all relevant information available to them when treating you at our various locations. The current affiliated medical clinic(s) within whom we share information is Bluff Road Medical Centre, 324-328 Bluff Road, Sandringham.
- By law, doctors are sometimes required to disclose information for public interest reasons e.g. mandatory reporting of communicable diseases.
- Disclosure to enable recording on medical registers to improve community health care (for example the diabetes register or pap smear register).
- Administrative purposes in running our medical practice, including our insurer or medical indemnity provider, and quality assurance and accreditation bodies.
- Billing purposes, including providing information to your health insurance fund, Medicare and other organisations responsible for the financial aspects of your care.
- Conducting medical research. You will be informed when such activities are being conducted and your involvement will only take place if you provide express signed consent for each program.
- Assisting with training and education of other health professionals. You will be informed when such activities are being conducted and your involvement will only take place if you provide express consent to your medical practitioner for each program.

## Information Quality

Our goal is to ensure that your information is accurate, complete and up-to-date. To assist us with this, please contact us if any of the details you have provided change. Further, if you believe that the information we have about you is not accurate, complete or up-to-date, contact us and we will use all reasonable efforts to correct the information.

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## Information Security

The storage, use and, where necessary, the transfer of personal health information will be undertaken in a secure manner that protects patient privacy. We will take all reasonable steps to protect the security of the personal information that we hold. This includes appropriate measures to protect electronic materials stored and generated in hard copy. It is necessary for medical practices to keep information after a patient's last attendance for as long as required by law or is prudent having regard to administrative requirements.

## What happens if you choose not to provide the information?

You are not obliged to provide us your personal information. However, if you choose not to provide Bayside Family Medical with your personal details such as name, address, date of birth etc we may not be able to provide you with the full range of our services.

## Treatment of Children

The rights of children to the privacy of their health information, based on the professional judgment of the doctor and consistent with law, might restrict access to the child's information by parents or guardians.

## Access

Patients have a general right of access to all health information held about them.

The following is a list of the health information to which individuals have a right to access:

- The history of the health of the individual, an illness or a disability;
- Any results of examinations or investigations;
- Management plans;
- Services provided;
- Personal information collected in connection with the donation of body parts, organs or substances; and
- Genetic information which could be predictive of health.

Bayside Family Medical is required to provide the individual with access in the format requested by the individual

Bayside Family Medical could refuse access if :

- It would pose a serious threat to anyone's life or health;
- It would have an unreasonable impact on someone else's privacy;
- It would be unlawful to provide access, or denial is authorised by law;
- It might prejudice an investigation of possible unlawful activity;
- Denying access is required and authorized by or under law.

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If access is refused on the grounds of serious threat to the patients' life or health, the patient can ask for a second opinion – this process is described in the Complaint Handling Process section.

## Discretionary refusal of access

The doctor may choose not to provide access where:

- It would have an unreasonable impact on the privacy of other people;
- The request is frivolous or vexatious;
- The information relates to existing or anticipated legal proceedings between the practice or doctor and the information would not ordinarily be obtainable by the process of discovery in those proceedings;
- It would reveal the practice's intentions in relation to negotiations with the individual (other than re the provision of a health service), in such a way as to expose us unreasonably to disadvantage;
- It would be likely to prejudice a law enforcement function by or on behalf of a law enforcement agency;
- The individual has already unsuccessfully made a request for the information, and there are no reasonable grounds for making the request again.

Where there are direct inconsistencies between the Victorian Health Records Act and the Commonwealth Privacy Act, the Commonwealth law will prevail.

## Request for Access

Patients do not have to give reasons for requesting access.

The privacy legislation does not require immediate handing over of a record or a test result. Access should however be provided within a reasonable time (no longer than 45 days).

If a patient requests access to a test result (whether before the doctor has had the opportunity of consulting with the patient, or after) the doctor should handle this situation in accordance with usual clinical practice. A hard copy of test results may be given to the patient after consultation with their doctor.

Where a patient requests access to a test report from 12 months (or more) ago, after appropriate clinical investigations had occurred, the request should still be referred to the doctor to handle in accordance with usual clinical practice.

Where a patient requests more detailed access, for example a copy of the entire file or a chance to view a large portion of the file, this would normally require written application for access as described below.

If the patient requests a copy of the file, then Bayside Family Medical must comply – an accurate summary can only be supplied.

The original records, are the property of Bayside Family Medical.

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

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Patients can only be given access to their medical record while their doctor is present to explain and discuss the record. No patient will be allowed unsupervised access to their record.

## The access process:

The request should initially be referred to the patient's regular GP, who will determine whether the information can be provided 'simply, freely and easily', or whether to ask the patient to complete a written request for access to their medical records

Where the GP decides that a more formal level of access is required, the GP shall ask the patient to write to the Bayside Family Medical specifically requesting what they require

Examples of information that could be provided 'simply, freely and easily' might be a list of current medications, a copy of a test result, or a summary of medical conditions

If the patient needed to see the GP for other reasons this could perhaps be dealt with during a standard consultation, in which case no additional charge would apply. If the patient did not need to see the GP a standard fee (described below) would apply.

## Types of Access and Costs

The types of access available, and relevant costs, are outlined below.

A range of fees (as set by the Health Records Act) are payable to cover Bayside Family Medical's costs in providing access.

### Accurate Summary

- The usual fee for a consult of comparable duration, or
- \$25 per 15 minutes or part thereof,

Whichever is the greater, plus GST, however the fee must not exceed \$80.

There is no Medicare rebate available for this fee and this should be noted on the private account.

### Copy

- 20 cents per A4 black & white page (photocopied or printed from computer), plus
- Reasonable costs if not A4, or if in color, plus
- Reasonable costs incurred in assessing and collating the information

(ie. time spent by doctor and or staff), but not exceeding \$20.

There is no Medicare rebate available for this fee and this should be noted on the private account.

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## Viewing file with explanation by GP

- The usual fee for a consult of comparable duration.

## Changes to the medical record:

If a patient finds that the information held on them is not accurate or complete, the patient may have that information amended accordingly by their GP.

## Disclosure of Health Information to Medical Defence Organizations and Lawyers

Doctors may be obliged to disclose patient information relating to adverse outcomes to their Medical Defence Organization, insurer, medical experts or lawyers, without obtaining patient consent, so long as the disclosure is within the reasonable expectations of the patient.

## Complaint Handling Process

The patient's GP would usually be the first appropriate person to discuss any complaints. Most issues can be resolved simply through discussion with the patient.

Only on failure to reach common ground would the Privacy Commissioner be asked to investigate a complaint.

Brochures entitled "Problem with a health service or concerns about your privacy" are available in the waiting rooms

Contact details for Privacy Commissioner:

Privacy Hotline: 1300 363 992

Website: [www.privacy.gov.au](http://www.privacy.gov.au)

Email: [privacy@privacy.gov.au](mailto:privacy@privacy.gov.au)

Fax: 02 9284 9666

Level 8

Piccadilly Tower

133 Castlereagh St

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Contact Details for the Victorian Health Service Commissioner are

Hotline 1800 136 066  
[www.health.vic.gov.au/hsc](http://www.health.vic.gov.au/hsc)  
Fax 03 8601 5219  
Email [hsc@dhs.vic.gov.au](mailto:hsc@dhs.vic.gov.au)  
Level 30  
570 Bourke Street  
Melbourne 3000

## **Second opinion of refusal of access**

When advised that access has been refused on the grounds of serious threat to the individual's life or health, the individual can ask for a 'second opinion'. The individual may nominate any health service provider who has consented to being nominated.

The Bayside Family Medical must accept this nomination if they provide the same kind of service as a GP and have the ability to interpret and understand the health information. The clinic must give a copy of the file to the nominated health service provider within 14 days. That person then looks at the file, discusses it with the usual doctor at Bayside Family Medical, and makes a decision as to whether it poses a threat to the individual's life or health. If the second opinion is that there is no threat, access must be provided in the form of inspection, but a copy does not have to be provided.

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