



# Privacy Plan

**PLA1685**

Gold Coast Hospital and Health Service

## Privacy Plan

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## What is this plan?

Information Privacy is about protecting personal information of individuals. GCHHS respects the privacy of patients and acknowledges that patients must be able to trust that Gold Coast Hospital and Health Services (GCHHS) will appropriately handle their personal information.

The *Information Privacy Act 2009* (Qld) (IP Act) regulates how Queensland Government agencies, including GCHHS, must manage personal information and provide individuals with access and amendment rights to personal information.

GCHHS is required to comply with the National Privacy Principles (NPPs) outlined in the IP Act — refer to Appendix 1. These privacy principles include rules about the collection, use, quality, security and disclosure of personal information. They also provide conditions under which personal information may be transferred outside of Australia and dealing with contracted service providers.

This Privacy Plan details the approach GCHHS will take to managing, collecting, using and disclosing personal information in accordance with its various obligations.

## What personal information do we collect?

GCHHS collects, holds, uses and discloses personal information in the process of carrying out its functions and activities.

Personal information is any information or opinion about an individual who may reasonably be identified.

Personal information may be in any form, such as in correspondence, databases, audio recordings, images, alpha-numerical identifiers or communicated in other mediums, including sign language, CCTV footage or social media.

GCHHS holds personal information of clients, patients, suppliers, business partners and employees, such as:

- name
- contact details
- date of birth
- signature
- photographs
- unique physical characteristics (e.g. tattoos, birthmarks)
- financial/bank details
- unique identifying number
- health information
- recruitment information
- cultural background, relationship details and family circumstances
- details of office bearers in funded organisations (i.e. names)
- disability funding and service provision
- complaints and investigations
- information recorded by way of camera surveillance systems (CCTV)
- occupation and employment history
- criminal history

When attending a GCHHS facility, a record is created which contains a patient's name, address and contact details.

Health information may include:

- The nature of the presenting problem, diagnosis and treatment.
- Details about a person's health at any time.
- A person's express wishes about future health services to be provided to them.
- Medicare and other Commonwealth benefit card details for funding purposes.

Additional information is added to a patient's record each time they present at one of our facilities.

Information is generally collected directly from the patient however, there can be circumstances where information is gathered from other people - for example, another hospital or health service, a patient's family member or local doctor.

## What is sensitive personal information?

Sensitive information is personal information that has heightened meaning or value to the individual concerned. The types of sensitive personal information held by GCHHS for patients or employees can include:

- Health information
- race or ethnic origin
- religious beliefs or associations
- philosophical beliefs
- sexual preferences or practices
- criminal records
- political opinions
- membership of a political association
- membership of a professional or trade association
- membership of a trade union.
- Health information is: - personal information about an individual that includes any of the following:
  - the individual's health at any time
  - a disability of the individual at any time
  - the individual's expressed wishes about the future provision of health services
  - a health service that has been provided, or that is to be provided, to the individual
- personal information about the individual collected in order to provide, or in providing, a health service
- personal information about the individual collected in connection with the donation, or intended donation, of any of the individual's body parts, organs or body substances.

GCHHS can only collect sensitive information in certain circumstances and must, before it discloses your sensitive personal information, take reasonable steps to ensure that you can no longer be identified, unless GCHHS is authorised to disclose the information.

## How is my personal information managed?

GCHHS ensures personal information handling practices are transparent and that people are informed when their information is being collected.

GCHHS is committed to ensuring all personal information is managed in accordance with:

- the *Hospital and Health Boards Act 2011* (Qld).
- the *Information Privacy Act 2009* (Qld).
- the National Privacy Principles.
- *Information Standard 18* published by the Queensland Government Chief Information Office; and
- the *Queensland Government Information Security Classification Framework*.

## Legislative obligations under the Hospital and Health Boards Act 2011

The *Hospital and Health Boards Act 2011* (Qld) defines confidential information as ‘...information, acquired by a person in the person’s capacity as a designated person, from which a person who is receiving or has received a public sector health service could be identified.’

Importantly, the definition of confidential information (as opposed to personal information under the IP Act), is about information communicated in confidence. The HHBA defines this as a person who is receiving or has received a public sector health service; and could identify the person.

Under Part 7 of the HHBA Act, there is a strict duty of confidentiality imposed on GCHHS in relation to the protection of confidential information. The HHBA provides that, unless explicitly excepted under the HHBA, a designated person must not disclose, directly or indirectly, confidential information to another person.

A ‘*designated person*’ includes current and previous employees and officers of GCHHS, temporary staff, health professionals, including visiting medical officers, anyone being educated or trained at the health service, and contractors and volunteers carrying out duties on behalf of GCHHS.

Other relevant legislation may also include the *Public Health Act 2005* (Qld) and the *Mental Health Act 2000* (Qld).

## Quality of your personal information

GCHHS takes steps to ensure personal information collected and held is accurate, up-to-date and complete. These steps include maintaining and updating personal information when advised by individuals that their details have changed and at other times as necessary.

## Security of your personal information

GCHHS takes the necessary steps to protect personal information against loss, unauthorised access, use, modification or disclosure, and against other misuse. These steps include, for example, password protection for accessing our electronic systems.

All sensitive documents must have security classifications applied to them and must be protected from unauthorised access by applying correct storage, handling and disposal methods.

When personal information is no longer required, it is destroyed in a secure manner, or deleted according to a Queensland State Archives approved retention and disposal schedule.

## Contracted service providers and your personal information

GCHHS must ensure personal information is safeguarded when disclosed to third parties who offer GCHHS a service. Where the service provider may access personal information, GCHHS is obliged to take reasonable steps to bind the service provider to comply with the privacy principles within the IP Act as part of the contract or service agreement.

## Transferring personal information outside of Australia

GCHHS will only transfer personal information outside of Australia in compliance with the IP Act and for legitimate purposes.

The IP Act allows the transfer of personal information outside of Australia only in certain circumstances, such as:

- where informed consent is given.
- the transfer is authorised or required by law.
- GCHHS is satisfied that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of any individual, or to public health, safety and welfare; or
- if two or more of the following criteria apply:
  - the recipient is subject to equivalent privacy obligations
  - the transfer is necessary to perform a function of GCHHS
  - the transfer is for the benefit of the person to whom the information relates
  - reasonable steps have been taken by GCHHS to ensure the information is protected.

An instance where GCHHS may transfer personal information outside of Australia includes where a member of the public has requested we correspond with them using a web based email service whose servers are located in another country (e.g. Hotmail or Gmail).

## Exceptions to the Information Privacy Act 2009

There are some limited circumstances where GCHHS is not required to comply with the IP Act. For example, the IP Act does not apply to information or statistical data which does not identify individuals. This is because information that does not identify individuals is not 'personal information' under the Act. Before disclosure, all identifiable references must be removed so that the remaining information could not be used to ascertain the identity of an individual.

GCHHS's obligations to maintain privacy can also be affected when an individual has previously published their personal information or provided it for the purpose of publication. However, we must be satisfied that the personal information was published or given to be published by the individual themselves.

As above, the IP Act does not apply to information of deceased persons. The information of deceased persons is instead regulated by the RTI Act and protected as confidential information under the HHBA.

## How does GCHHS use and disclose personal information?

GCHHS only uses your personal information for the purposes for which it was given to us, or for purposes which are directly related to one of our functions or activities. Our functions and activities include, but are not limited to:

- ensuring you receive appropriate treatment and follow-up care, including integrated care planning with your local doctor;
- reporting activities that assist us in monitoring and improving the way we operate;
- professional staff supervision and mentoring;
- medical research programs;
- training and continuing education of clinicians;
- enabling us to bill or recover funds in relation to services supplied; and
- defending legal proceedings which necessitate providing information to a lawyer.

Your personal information is not shared with other government agencies, organisations or anyone else unless certain circumstances apply, for example:

- You (the individual) have consented;
- You would reasonably expect, or have been told, that information of that kind is usually passed to those individuals, bodies or agencies;
- Information which may potentially identify you has been removed so that de-identified information can be used for research or education purposes;
- It is otherwise required or authorised by law;
- It will prevent or lessen a serious and imminent threat to somebody's life or health; or
- It is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

## How can I apply to access or amend my personal information?

### How to apply for access

GCHHS supports your right to apply for access to information held about you.

Information about how you can make an application to apply for access to your personal information is available at [Make a Right to Information request | Queensland Health](#). This includes information about seeking access 'administratively' (which is generally a simpler and quicker method of seeking access) or making a formal access application under the IP Act or the *Right to Information Act 2009* (Qld) (RTI Act).

Access under an administrative arrangement does not affect your right to seek access to the documents under the IP Act or RTI Act. In addition, if your application cannot be processed administratively, it will generally be referred automatically for processing under the IP Act or RTI Act, whichever is appropriate.

### Administrative access to personnel records

If you are a current employee of GCHHS, you are entitled to access your own employee record by directing your request, in writing, to the Workforce Policy and Performance team.

Please note that in some instances, not all information can be provided through this administrative process and you may wish to make an access application under the IP Act or RTI Act. For further information contact the Workforce Policy and Performance team.

### How to make an amendment application

If there is information in your health record that is incorrect, that is, the information is inaccurate, incomplete, misleading or out-of-date; you may apply to have the information amended. Before making a formal amendment application, you should contact the area within GCHHS you had previous contact with as they may be able to amend your personal information without the need for a formal process. The informal option will apply in many cases—for example, where you wish to update your current contact details.

If you do wish to make a formal application, please contact the Privacy Officer at [GC-RTIP@health.qld.gov.au](mailto:GC-RTIP@health.qld.gov.au).

### How to make a privacy complaint

GCHHS takes breaches of privacy very seriously and deals with complaints in accordance with the GCHHS Privacy Complaints Procedure.

If you are receiving, or have received health treatment from us, and consider that we have inappropriately dealt with your personal information, you may lodge an information privacy complaint to the GCHHS Consumer Feedback by email at [GCCFS@health.qld.gov.au](mailto:GCCFS@health.qld.gov.au).

If you are an employee or have had some other dealing with GCHHS and believe that we have not dealt with your personal information in accordance with the privacy principles outlined in the IP Act, you may lodge an information privacy complaint in writing to the Privacy and Confidentiality Contact Officer using the below contact details.

## How to contact us

For any privacy related queries, please direct your enquiries to:

Consumers:

Privacy Liaison Service

Gold Coast Hospital and Health Service

1 Hospital Boulevard

Southport QLD 4215

Ph: (07) 5687 2048

E: [GCPLS@health.qld.gov.au](mailto:GCPLS@health.qld.gov.au)

Employees:

Workforce Policy and Performance

Gold Coast Hospital and Health Service

45 Chisholm Road

Ph: (07) 5687 3226

E: [GCHWorkForcePolicyProject@health.qld.gov.au](mailto:GCHWorkForcePolicyProject@health.qld.gov.au)

For any queries relating to accessing information held by GCHHS or amending personal information, please direct your enquiries to:

Right to Information and Privacy

Gold Coast Hospital and Health Service

1 Hospital Boulevard

Southport QLD 4215

Ph: (07) 5687 3849

E: [GC-RTIP@health.qld.gov.au](mailto:GC-RTIP@health.qld.gov.au)

# Appendix 1

## Quick guide to the National Privacy Principles (NPPs)

### **NPP1: collection**

GCHHS collects only what is necessary for its functions or activities, and does so lawfully, fairly and without unnecessary intrusion. GCHHS must collect personal information from the person it is about wherever possible, and take steps to notify a person about what information is being collected, why (including whether there is a lawful requirement to collect it) and what GCHHS intends to do with it.

### **NPP2: use and disclosure**

Personal information may be used and disclosed in particular circumstances. If certain conditions are met, a person's consent to use and disclose their personal information is not always necessary.

### **NPPs 3 and 4: information quality and security**

GCHHS must take steps to ensure the personal information held is accurate and up-to-date, and is kept secure from unauthorised access, use, modification, disclosure, destruction or loss.

### **NPP5: openness**

GCHHS must set out in a document its policies on the management for personal information and must make the document available to anyone who asks for it.

### **NPPs 6 and 7: access and correction**

You have a general right of access to your own personal information. You also have a right to have such information corrected if it is inaccurate, incomplete or out-of-date.

### **NPP8: anonymity**

Wherever possible, GCHHS allows a person to interact with the department anonymously if they wish to do so.

### **NPP9: sensitive information**

Sensitive information (which includes health information) is a subset of personal information and can only be collected in certain circumstances. GCHHS must take reasonable steps to de-identify sensitive information before disclosing it.