



## PRIVACY POLICY

### 1. INTRODUCTION

#### 1.1 Purpose

The Purpose of the Eye & Laser Centre Privacy Policy is to outline how the Eye & Laser Centre (ELC) Gold Coast complies with its confidentiality and privacy obligations. ELC 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

ELC Management is committed to implementing 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 be reasonably ascertained.

#### Health Information

## *PRIVACY POLICY*

“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:

- a. The patient is adequately informed before giving their consent;
- b. The patient gives consent voluntarily;
- c. The consent is current and specific; and
- d. The patient has the capacity to understand and communicate their consent.

Note: willingly provided information is usually sufficient to imply consent to collection of information; however, ELC makes a point of seeking written patient 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 Patient and ELC

### **“Solicited” and “Unsolicited” Personal Information**

All personal information received by an APP entity is either solicited or unsolicited personal information. Section 6(1) defines ‘solicited’ 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)**

Eye & Laser Centre Gold Coast (ELC) makes this Privacy Policy statement and other material available to ELC Patients to inform them of our policies on management of personal information.

Upon request, ELC staff will let Patients know, generally, what sort of personal information we hold, for what purposes, and how we collect, hold and disclose that information.

This Privacy Policy will be displayed in Reception, available as a handout “Privacy Policy” brochure and will also be on the ELC website.

### **3.2 Anonymity and Pseudonymity (AAP 2)**

## *PRIVACY POLICY*

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 ELC to deal with patients who have not identified themselves. However, in the medical context this is not likely to be practical or possible:

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

### **3.3 Collection of Solicited Personal Information (APP 3)**

Eye & Laser Centre Gold Coast (ELC) is a provider of health services and therefore, it is necessary for our staff and Surgeons or Optometrists 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 providing our services. Further, we will only collect your health information where some specified requirements are met, including in particular:

- a. With your consent; or
- b. When collection is required, authorized or permitted by law or law enforcement purposes; or
- c. The information is received, through an appropriate disclosure by another organization 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 Patient or the public.

We will ensure that each Patient 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 Eye & Laser Centre Gold Coast.

We will ensure that Patients 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 Reception staff, surgeons and optometrists, and other Health Professionals at the Eye & Laser Centre Gold Coast generally includes:

## *PRIVACY POLICY*

- 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. Examination and test results;
- f. Diagnosis;
- g. Treatment and care information; and
- h. Admission and registration information.

### **3.3.3 How We Obtain your Information (APP 3)**

Eye & Laser Centre Gold Coast 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 ELC surgeon or optometrist.

### **3.4 Dealing with Unsolicited Personal Information (APP 4)**

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

In some instances, ELC may have difficulty deciding whether personal information it receives falls within the terms of ELC's request and is therefore solicited personal information. Where it is unclear whether the information is solicited or unsolicited personal information, ELC 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 Eye & Laser Centre Gold Coast 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 patient will be managed in accordance with the Australian Privacy Principles (APP's).

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

ELC will take all reasonable steps to ensure Patients 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 ELC Uses and Discloses Your Information (APP 6)**

As a provider of health services, Eye & Laser Centre Gold Coast (ELC) will usually send correspondence to your referring Doctor/Optomtrist 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

## *PRIVACY POLICY*

provided by them. If at any time your nominated or referring practitioner's 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 (Surgeon, Optometrist, Ophthalmic/Laser Technician, nurse, reception staff) 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 reminder, 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 Patient 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 expectation of the Patient.

Eye & Laser Centre Gold Coast (ELC) will ensure that personal information will only be used for the purpose it was collected, or that would reasonably be expected by the Patient 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 Patient. Patients will be given the opportunity to refuse such use or disclosure. If a Patient 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 Patient'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).

## *PRIVACY POLICY*

### **3.7 Direct Marketing (APP 7)**

ELC 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.

ELC 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; ELC will always disclose this to Patients and seek their written approval before using their personal information for marketing purposes.

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

Eye & Laser Centre Gold Coast (ELC) will take steps to protect Patient privacy if information is to be sent interstate or outside Australia and will only transfer your personal information overseas when:

- a. You have given written consent; or
- b. The transfer is necessary for the fulfilment of a contract between you and Eye & Laser Centre Gold Coast (ELC); or
- c. The transfer is for your benefit, but it is impractical to obtain consent; or
- d. 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), Eye & Laser Centre Gold Coast (ELC) 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)**

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 patient medical records.

#### **3.11.1 How ELC Holds your Personal Information (APP 11)**

Eye & Laser Centre Gold Coast (ELC) 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 Patient 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;

## *PRIVACY POLICY*

- **Clinical Records – Adults:** Retain for 10 years after last patient service provision or medico-legal action;
- **Clinical Records – Minors (under the age of 18 years):** Retain for 10 years from patient attaining 18 years of age; AND 10 years after last patient service provision or medico-legal action;
- **Notifiable Disease Treatment Records:** Retain for 85 years from patient's date of birth; AND 10 years after last patient service provision or medico legal action;
- **Deceased Patient:** The same requirements as above apply for medical records held in relation to 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 Patient 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 Eye & Laser Centre Gold Coast (ELC). Requests for access should be made in writing. Eye & Laser Centre Gold Coast (ELC) needs to be satisfied that a request for personal information is made by you or by another person who is authorized to make a request of your behalf. An identity document will need to be sighted to verify your identity or, if you are authorizing another person to access 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 Eye & Laser Centre Gold Coast (ELC) 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.

ELC acknowledges the right of children to privacy of their health information. Based on the professional judgement of the Surgeon or Optometrist, and consistent with the law, it might at times be necessary to restrict access to personal health information by parents and guardians.

A fee may be payable where the Practice incurs costs in providing access to patient'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.

Eye & Laser Centre Gold Coast (ELC) will use our best efforts to take less than 30 days to respond to your request.

Further details relating to medical records are contained within the ELC Health Records Management Policy and Procedures, a copy of which can be shown to you upon request.

## PRIVACY POLICY

### 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 the ELC Practice Manager at the clinic you attend. All clinic contact details can be found on our website: <http://www.eyeandlasercentre.com.au> .

## 4. PRIVACY COMPLAINTS AND HOW ELC 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 Surgeon or Optometrist, or the Practice Manager.

ELC is committed to improving services and welcomes any comments or complaints that our patients 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 recognize that, handled well, a complaint provides us an opportunity to strengthen our relationships with our Patients. 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 ELC Complaints Management Procedure (a copy of which you are welcome to sight upon request) and keep you informed of our actions and progress.

Complaints and queries with respect to this Privacy Policy may be lodged electronically via the ELC website or email or in writing. Alternatively, you may contact:

ELC Privacy Officer  
Level 4, 2 Short Street  
Southport QLD 4215  
T: 07 5532 8200  
E: [admin@eyeandlasercentre.com.au](mailto:admin@eyeandlasercentre.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 <http://www.oaic.gov.au/privacy/privacy-complaints> .