

WESTMINSTER  
DAY SURGERY

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## PRIVACY POLICY

Westminster Day Surgery respects and upholds individual's rights to privacy protection in accordance with the Australian Privacy Principles (APPs) under the Privacy Act 1988. This privacy policy explains how personal information is collected, held, used, disclosed, secured and otherwise managed, including patient health information. It describes the types of information collected and held by the hospital, the purposes for which it is collected, how to access and correct the information and how to make a privacy complaint.

Personal, sensitive and health information are defined in the Privacy Act as follows:

*Personal information* means 'information or an opinion about an identified individual, or an individual who is reasonably identifiable: whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not'.

*Sensitive information* is a type of personal information that is afforded a higher level of protection by the Privacy Act. It includes health, genetic and biometric information as well as information about race or ethnic origin, political opinions, membership of political, professional or trade associations or trade unions, religious beliefs, sexual orientation or practices and criminal record.

*Health information*, a subset of personal information is also considered to be sensitive information and includes information or an opinion:

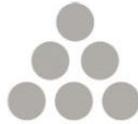
- about an individual's health or disability at any time (that is, past, present or future);
- about an individual's expressed wishes regarding future health services;
- regarding health services provided, or to be provided, to the individual;
- collected whilst providing a health service; or
- collected in connection with the donation or intended donation of body parts and substances.
- information about physical or biological samples, where it can be linked to an individual (for example, where they have a name or identifier attached); and
- genetic information, when this is collected or used in connection with delivering a health service, or genetic information when this is predictive of an individual's health.

A copy of the Patient Privacy Information Sheet (based on this policy) is available to patients who wish to obtain further details about the hospital's patient information management practices.

### Collection of personal information

Westminster Day Surgery collects personal information about individuals including patients, their carers or relatives, health professionals, job applicants, students, contractors, suppliers and vendors. The type of information collected will depend on who the individual is and may include:

- name, address (postal and email) and telephone numbers
- gender
- date of birth
- marital status



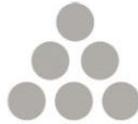
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- employment status
- occupation
- country of birth
- indigenous status
- Next of kin
- payment information such as credit card details
- health fund and health insurance cover details
- Workers compensation or other insurance claim details
- Medicare details
- Department of Veterans Affairs details
- Department of Defence details
- concession card details
- medical history and other health information collected or received by the hospital in the course of providing a health service
- any additional information provided to the hospital by a patient
- information provided to the hospital by medical practitioners during the application for hospital accreditation/credentialing process
- information provided to the hospital by a job applicant
- personal information collected from contractors providing a service to the hospital
- personal information collected from suppliers providing a service to the hospital

Westminster Day Surgery collects personal information directly from the individual concerned where it is reasonably practicable to do so. This may take place when the individual completes documents such as an admission, health insurance claim or other form, provides information over the telephone, is treated at the hospital or applies for a job, accreditation rights or service contract. However, depending on who the individual is, personal information may be collected from third parties such as:

- a responsible person or representative (e.g. next of kin, guardian)
- pathology laboratories
- medical imaging providers
- a health professional who has treated the individual
- an individual's health insurer or other insurer
- an individual's nominated referee in relation to a job application
- other sources when processing job applicants (e.g. police checks, working with children checks and pre-employment medical screening)

Sensitive information about an individual is collected either directly from the individual or from a third party, with the individual's consent (which may be implied or express, depending on the circumstances).



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### **Use and disclosure of personal information**

Westminster Day Surgery will only use or disclose personal information for the primary purposes for which it was collected or for directly related secondary purposes that would be reasonably expected by an individual or that the individual has been previously notified of, or as permitted or required by law. Other purposes require the consent of the individual or their representative. Westminster Day Surgery does not disclose personal information to overseas recipients.

#### Patient information:

Personal and sensitive information about patients is collected and used by the hospital for the following purposes:

- to assist treating doctors, nursing staff and other health care professionals in providing medical treatment and care in a team based environment;
- to assist with any calls made by the patient;
- to inform the 'person responsible' for a patient of appropriate care or treatment when the patient is incapable of giving or communicating consent;
- hospital and service funding, planning, evaluation and complaint-handling
- to effectively administer, manage, monitor and improve services
- for charging, billing and processing health insurance claims and collecting debts,
- to provide information to Medical Practitioners, Registered Nurses and other Health Professionals who provide necessary follow up treatment and ongoing care to patients;
- to enable the provision of education and training to students of the health profession
- to assist in providing practical training and education to Nursing staff;
- to comply with quality and clinical audit activities including benchmarking and clinical indicator reporting in a de-identified form;
- to assist authorised external surveyors during hospital accreditation, certification and private hospital licensing processes;
- to provide data in both an identified and de-identified form in compliance with legislative requirements;
- to conduct patient surveys with the aim of evaluating and improving services;
- to verify an individual's identity;
- to address liability indemnity arrangements and reporting;
- to prepare the defence for anticipated or existing legal proceedings; and
- to enable the hospital and its service providers to comply with legal and regulatory obligations.

#### Job applicants:

The hospital uses personal information from job applicants for the primary purpose of assessing and engaging successful applicants. Information provided by unsuccessful applicants may be stored for possible future recruitment purposes.

#### Health professionals:

Westminster Day Surgery collects personal information about health professionals seeking hospital accreditation for clinical privileges as per the hospital By-laws, for the purpose of verifying the qualifications, experience, professional standing and other relevant professional attributes of a Practitioner.



#### Contractors and suppliers:

The hospital collects personal information about suppliers and contractors that provide services to the hospital, for the primary purpose of assessing their competence, performance and professional suitability to provide a safe, high quality service and to comply with legal and regulatory obligations.

#### **Storage and security of personal information**

Westminster Day Surgery stores personal and health information in both paper and electronic form and takes all reasonable steps to ensure that the personal information it collects, uses or discloses, is accurate, complete and up-to-date.

The hospital takes steps to protect the personal information it holds against interference, misuse, loss and unauthorised access. Paper based and other hard copy documents are stored in a dedicated secure storage area located at the hospital and off-site at an ISO 9001 Certified document storage facility. Personal information is also contained in hospital databases in a secure environment; and such records are only accessible by authorised persons who require access to the personal information for the purpose of carrying out their duties of employment.

The hospital uses technologies and processes such as access control, network firewalls, centralised antivirus systems, encryption and physical security measures to protect individuals' privacy.

Personal and health information is retained for the period of time determined by applicable Australian laws after which it is de-identified or disposed of in a secure manner.

#### **Access to and correction of personal information**

Individuals may request access to the personal information the hospital holds about them. Requests should be made in writing and patients are required to complete a 'Request to Access Patient Information' form, available by contacting the hospital.

Access may be denied to some or all of the personal information in certain circumstances allowed by the Privacy Act or other applicable laws. If Westminster Day Surgery refuses a request for access, the individual will be provided with written notice of the decision, including reasons for denial and how to complain if the individual is not satisfied with the decision.

The hospital endeavours to give access to an individual's personal information in the form they request. However if that is not possible an alternative means of access will be provided. An application fee does not apply but once the request is approved, an administration, photocopying and courier/delivery fee may be charged.

Personal information the hospital gives access to, will be disclosed to the individual's authorised representative or legal adviser where the hospital has been given written authority to do so.

Westminster Day Surgery takes reasonable steps to correct the personal information it holds if it is satisfied that it is inaccurate, incomplete and out of date, irrelevant or misleading. If a patient believes that the personal information the hospital holds needs to be corrected, a 'Request to Amend Patient Information' form



is to be completed (available by contacting the hospital). The hospital will take all steps to record the corrections and place them with the patient's record but under no circumstances does the hospital erase or remove the original health record information.

There may be circumstances in which corrections may have to be refused. If this happens, the individual will be notified in writing of the reasons for the refusal and an explanation provided detailing how they can complain if they are not satisfied.

### **Complaints**

Individuals who have any questions about privacy, this policy or the way personal information is managed at Westminster Day Surgery, or who believe that their privacy rights have been breached should contact the hospital's Chief Executive Officer with their question or complaint.

Westminster Day Surgery will endeavour to acknowledge receipt of a written complaint within 7 days and provide a written response to the complaint within a reasonable time frame. It may be necessary to request further information from the complainant before the matter can be resolved. Any such request will be made in writing. If the individual is not satisfied that Westminster Day Surgery has resolved their complaint, they have the right to make a complaint to the Office of the Australian Information Commissioner (OAIC). If they wish to make a complaint or to find out any more information about their privacy rights the OAIC can be contacted as follows:

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

Telephone number: 1300 363 992

In writing: Office of the Australian Information Commissioner GPO Box 5218, Sydney NSW 2001

Individuals may also make a complaint regarding the handling of their health information to the Office of the Information Commissioner WA:

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

Telephone number: 1800 621 244