



GEELONG MEDICAL IMAGING PRIVACY POLICY GUIDE FOR PATIENTS

1. INTRODUCTION

The Federal Privacy Act [**Act**] has set out 10 legally binding National Privacy Principles [**NPPs**], which apply to health service providers from 21 December 2001.

The aim of the Act is to ensure standards and protection for the handling of personal information, including health information.

Whilst Geelong Medical Imaging (Here-after GMI) already adheres to patient confidentiality standards set by medical and professional codes of conduct, the Act places a further obligation upon GMI to protect the privacy of our patients' information.

This Policy Guide sets out sets out how GMI may collect, utilize and disclose personal information we obtain about or from you, how we keep that information secure and how you can obtain access to that information.

Definitions

A number of words and expressions are used in this Guide, which have specific meanings under the Act and the NPPs.

“Personal information” & “Health information”

“Personal information” is information about you which identifies or could reasonably identify you.

“Health information” is a subset of personal information and covers:

- Information about you or a third party obtained by GMI from you or a third party in the course of providing a health service; or
- An opinion formed by GMI about you [whether true or not] which is in a form whereby your identity is apparent, or can reasonably be ascertained.

The term “health information” also extends to information about people other than you, such as your family members, that GMI may receive in the course of providing a health service. Health information will most commonly be obtained directly from you, but will also be received from third parties, such as referring medical practitioners or specialists.



2. ACCURACY OF MEDICAL RECORDS

GMI takes all reasonable steps to ensure its medical records:

- Are accurate, complete, well organized and legible;
- Are up to date, in that they reflect the health information most recently obtained about you;
- Do not contain prejudicial, derogatory or irrelevant statements about you.

3. COLLECTION, USE AND DISCLOSURE OF HEALTH INFORMATION

GMI respects your right to know what health information is being collected by GMI and to determine how such information is used or disclosed.

Collection

GMI may collect the following health information about you:

- Name, address and contact details
- Medical history
- Medicare number
- Family, social and employment history and circumstances
- Health services requested or provided and the outcome or results
- Expressed wishes about the future provision of health services

GMI will only collect health information that is necessary for the purpose for which it is collected [see further below under '*use and disclosure*'], and does so in a way that is lawful, fair and not unreasonably intrusive.

Wherever it is reasonable and practicable to do so, health information about you is collected directly from you rather than from third parties. Sometimes GMI collects health information about you from a third party, such as a referring medical practitioner.

Wherever it is lawful and practicable to do so, you have the option of not identifying yourself when requesting a health service from GMI.



Use and disclosure

GMI can only use or disclose your health information:

1. for the **primary purpose** for which it was collected; or
2. for **directly related secondary purposes** which are within your reasonable expectations; or
3. in a manner for which you have given consent

What is the primary purpose?

The most important health information that GMI collects is the results of tests conducted. Such results are usually contained in a radiological image, stored digitally on film, CD rom or GMI PACS, or are reproduced in a report prepared by the radiologist and sent to your referring practitioner.

GMI is usually requested by a referring medical practitioner to perform the tests, obtain the results and to comment on them. However GMI does not perform the actual diagnosis, but guides the referrer as to the likely differentials. Final diagnosis is reasonably expected to be performed by the referrer.

Therefore, the *primary* purpose for which such health information is collected by GMI is to aid in diagnosis.

GMI will usually disclose the health information to the referrer to enable the most accurate diagnosis to be made. This disclosure is within the scope of the primary purpose.

The disclosure of such health information to the referrer is also considered to be a disclosure for a direct related secondary purpose [see further below].

Accordingly, GMI will not normally seek your specific consent to disclose such health information to a referring medical practitioner.

What are directly related secondary purposes?



GMI also uses and discloses health information for a number of directly related secondary purposes, which are purposes which you would reasonably expect, including:

- to provide information to medical practitioners, registered nurses and other allied health professionals who provide treatment, necessary follow up treatment and ongoing health care;
- for internal administrative requirements;
- to process private health fund claims;
- for internal reporting procedures in a de-identified form;
- to provide data in both an identified and de-identified form to State and Federal Government agencies in compliance with numerous legislative requirements [eg BreastScreen, Cancer Council, National Health and Medical Research Council]
- for quality assurance or clinical audit activities where we seek to evaluate and improve the delivery of a particular aspect of our service;
- for complaint handling and defence of anticipated or existing legal activities;
- for planning and evaluation of accreditation activities;
- if lawfully instructed to reveal information.

If your health information is used or disclosed for one or more of these directly related secondary purposes, GMI will not normally seek your specific consent.

Specific uses or disclosures require consent

GMI will obtain your consent if your health information is proposed to be used or disclosed for:

- research & teaching

If research is being contemplated, GMI will take all reasonable steps to ensure you understand what the proposed research involves, the ways in which your health information will be used, and the risks and benefits of agreeing to participate.



Disclosure procedures [see also General Access and Correction]

Because of the nature of the services provided by GMI, special procedures for the secure disclosure of health information, particularly xrays, scans and test results, to you, or third parties, are followed.

- In most cases, the information will be sent directly to your referring medical practitioner as soon as possible after the service.
- You may, of course, personally collect this information at the completion of the service, if available, or return later.
- If you are unable to personally collect this information you may request the information be collected by someone else with your written authorization.
- If you require the information to be delivered by way of mail this will be done by registered post.
- Your consent will be obtained to disclose the information to third parties, such as solicitors.

Your right to control the use and disclosure of your health information

Generally the use and disclosure of health information in these ways will reflect the alignment between the expectations and understanding of GMI and you as to what will be done with the health information collected.

You may already be aware of the advantages and approve of health information being shared between several health service providers, such as GMI and your referring medical practitioner, as part of your overall health treatment and management.

However, sometimes the parties' expectations do not align. For example, you may not want an xray or report to be directly sent to the referring medical practitioner following the service.

You may also not want GMI to provide certain health information or you do not want your health information to be used or disclosed in a particular way.

GMI respects such wishes and will, in accordance with the Act and the NPPs, take all reasonable steps to comply with such wishes.



GMI strongly encourages you to obtain your health information, particularly copies of xrays and test results from your referring medical practitioner. This is likely to best facilitate effect and efficient delivery of your treatment and ensures that the referring medical practitioner has an opportunity to clarify any aspects of the test results and to answer any questions or concerns you have. It is your referring medical practitioner who makes the diagnosis. Test results provided in isolation by GMI may be misleading.

4. GENERAL ACCESS & CORRECTION

Access

You have the right to access health information held by GMI. You do not have to provide a reason for requesting access.

GMI asks that you seek this information in such cases in a written form in order to ensure that you are given the correct health information. Proof of identity will be required.

A receipt for requests for access will be sent to you within 14 days. Processing of applications is normally completed within 30 days.

When an application has been processed, you will be contacted to determine the manner of access.

There are various factors, which will affect the way GMI provides you with access. These factors include:

- The type of information requested;
- The way in which and when you make the request;
- The way GMI stores the information;
- The technology available to you;
- The respective locations of GMI and you;
- Any exceptions that apply to the information requested.



Similarly, there are a number of ways in which GMI can give access, including:

- Letting you inspect all the information GMI holds about you;
- Providing a photocopy of the information requested;
- Letting you take notes on the content of the record;
- Giving you a printout of the information if it is in electronic form;
- Letting you view the information and have a suitably qualified person explain the content;
- Faxing you the information requested;
- Giving you an accurate summary of the information;
- Using any other appropriate method to give you access to the data;
- Letting you take away copies of the information.

No fee is charged for requesting access to health information. A fee may be charged and is allowed under the Act to cover the cost of providing access [eg. For file search, copying or printing records]. GMI will consider your circumstances and capacity to pay for access when determining what charges may apply.

Circumstances when access can be refused

GMI can refuse you access to your health information only if:

- Providing access would pose a serious threat to the life or health of any individual;
- Providing access would have an unreasonable impact on the privacy of other individuals;
- The request for access is frivolous or vexatious;
- Denying access is required or authorized by law.

The Privacy Commissioner's Guidelines on Privacy state:

"A serious threat to the life or health of any individual' may include harm to physical or mental health.

The threat must be significant; for example where there is a serious risk an individual may cause deliberate self-harm or where they may harm others. This may include situations where the health service provider believes the information may cause the individual significant distress that may in turn present a serious risk to the individual's health.



Where the health service provider judges that there is a serious threat, and it is possible to provide the information in another form which would remove this threat [for example, by discussing the information in person], then this option could be offered."

If GMI considers there is a serious threat to the life or health of any individual, we will discuss with you the ways of satisfying your request for information that will not involve the same threat, such as by meeting with you to discuss any issues in person or, with your consent, providing the record to another medical practitioner of your choice.

It will be rare that health information will be withheld because of an unreasonable impact on the privacy of others. There may, for example, be information provided by another family member on a confidential basis, such that it would not be appropriate for you to be told the information or the identity of the person who provided it.

Where legal proceedings have been commenced or are threatened against GMI, documents or other information generated for the purpose of those proceedings may be subject to a claim for legal privilege and do not have to be produced. Withholding access to certain health information in these circumstances is authorised by law.

If GMI deems it necessary to deny your application for health information then we will give you written reasons for denial.

Correction

If you believe health information held about you is incorrect, incomplete or inaccurate, then you may apply for it to be corrected. If it is decided that there are insufficient grounds for correction, then we will tell you and a note will be added to your health information stating that you disagree with it.

5. STORAGE & DATA SECURITY

As GMI is a computer based practice, little paper data is stored [with exception of request forms which must be stored for 18 months by law]. Out of date paper data is shredded and disposed of appropriately. Similarly, any hard copy images are de-identified and then destroyed.



Since internet based images and reports are produced, GMI utilizes a complex series of firewalls, encryption and passwords so that only the referring doctor can view an individual patient's medical reports.

GMI has procedures in place to store your health information:

- a. in paper based and other hard copy documents located securely within practice. All practices have security alarms, which are in operation outside business hours.
- b. in electronic databases in a secure environment; and
- c. in a dedicated archive storage facility.

Such records are only accessible by those persons who require access to that information for the purpose of carrying out their employment.

FURTHER INFORMATION

If you would like more information about privacy in general, please refer to the Privacy Commissioner's website: <http://www.privacy.gov.au/>