

# APP Privacy Policy - Illawarra Radiology Group

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## Introduction

Illawarra Radiology Group respects and upholds the thirteen Australian Privacy Principles (**APP's**) outlined in the Privacy Act (**the Act**). APP's apply to all private and public entities from March 2014.

This APP Privacy Policy explains;

- a) the kinds of personal information that Illawarra Radiology Group holds,
- b) how Illawarra Radiology Group collects and holds personal information,
- c) matters related to anonymity and pseudonymity,
- d) the purpose for which Illawarra Radiology Group holds, collects, uses and discloses personal information,
- e) how an individual may access personal information about the individual that is held by the entity and see the correction of such information,
- f) how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds Illawarra Radiology Group, and how Illawarra Radiology Group will deal with such a complaint,
- g) whether Illawarra Radiology Group is likely to disclose information to overseas recipients,
- h) if the entity is likely to disclose personal information to overseas recipients - the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.

## **Personal Information held by Illawarra Radiology Group**

### **Patients and Prospective Patients**

Information we commonly collect about patients includes but is not limited to:

- name, gender, address and contact details
- medical history
- Medicare, pension, health care card and other government identifiers
- family, social and employment history and circumstances
- health services requested or provided and the outcome or results
- billing information/history
- expressed wishes about the future provision of health services
- details of feedback, complaints, suggestions

### **Referring Clinicians, Practice Managers and Ancillary Staff**

Information we commonly collect about referring clinicians, practice managers and ancillary staff, includes but is not limited to:

- name, address, telephone numbers, fax /email address and other contact details
- details of IT systems and web addresses
- Medicare provider numbers and billing information
- area of specialisation
- employment history
- service delivery preferences, referral patterns and fees paid by referred patients
- information gathered by client services/marketing staff during practice visits/interactions
- expressed wishes about the future provision of health services
- service improvement comments/preferences
- details of feedback, complaints, suggestions

## **Staff**

Information we commonly collect about Staff includes but is not limited to:

- name, address, telephone numbers, email address and other contact details
- employment records
- performance records

## **Employment Applicants**

Information we commonly collect about employment applicants includes but is not limited to:

- name, address, email address and other contact details
- letters of application/expressions of interest and associated correspondence
- Curriculum Vitae/Resume
- referee comments

## **Anonymity and Pseudonymity**

It is impractical for persons to deal with Illawarra Radiology Group anonymously or by using a pseudonym. This is because:

- diagnosis and advice may be seriously impaired
- there would be an unacceptable risk to patient safety and would conflict with Commission for Quality and Safety in Healthcare's Patient Identification Safety Standards
- there may be mismatching of an individual's results
- there is an unacceptable risk of communication breakdown between Illawarra Radiology Group and a patient's treating physician
- it may result in a breakdown in good public health practice
- examination may not be claimed under Medicare or Private Health Funds

## **How Illawarra Radiology Group Collects Personal Information**

Illawarra Radiology Group collects personal information by the following means:

- face to face
- telephone
- email and other electronic means
- fax

## **Solicited vs Unsolicited Information**

Most of the personal information collected by Illawarra Radiology Group is solicited. On occasions Illawarra Radiology Group may receive unsolicited information. When unsolicited information is received the principals outlined in this policy will still apply.

## **How Illawarra Radiology Group Holds Personal Information**

Illawarra Radiology Group commonly holds personal information in the following mediums:

- Electronically
- Hard copy
- Digital audio recordings
- Digital and hard copy images
- Paper based and other hard copy documents located securely within the practice. (All practices have twenty four hour security systems)
- Contained in electronic records in a secure environment; and
- Archived in dedicated secure storage facilities.

## **Security of Personal Information**

We have procedures in place to store personal information securely to protect from misuse and loss, unauthorised access modification or disclosure.

Processes include but are not limited to:

- a) Hard copy documents are located securely within the practice or secure storage centres. All practices have twenty four hour security systems
- b) In electronic databases in a secure environment; and in a dedicated archive storage facility
- c) Records are only accessible by persons who require access to that information for the purpose of carrying out their employment
- d) Hard copy documents securely destroyed using a dedicated third party document destruction service
- e) Incident reporting of data security breaches
- f) Strong corporate governance practices
- g) Staff training
- h) Regular review of policy and procedures.

## How Illawarra Radiology Group Uses Personal Information

Illawarra Radiology Group may collect personal information;

- a) for the primary purpose for which it was collected; or
- b) for directly related secondary purposes which we believe are within your reasonable expectations; or
- c) in a manner for which you have given consent

As required for the provision of our service Illawarra Radiology Group may collect Sensitive Information as defined in the Privacy Act.

### Patients

#### Primary Purposes

- to provide reliable healthcare services
- to link medical records of patients to their healthcare provider
- ensure appropriate testing
- diagnose and interpret results
- allow billing and payments
- if lawfully instructed to reveal information;

#### Secondary Purposes

- for our internal administrative requirements, including for management purposes, funding, service monitoring, planning, evaluation and accreditation activities
- 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 complaint handling and defence of anticipated or existing legal actions
- to our insurers, brokers, lawyers and other experts for the purposes of addressing liability indemnity arrangements or to obtain advices as to our legal or other obligations
- for planning and evaluation of accreditation activities and with our professional bodies
- for teaching purposes, case studies and multidisciplinary clinical team meetings in de-identified form
- for provision of further information about medical advances in pathology/radiology and treatment options

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

#### **Uses Requiring Patient Consent**

Illawarra Radiology Group will obtain your consent if your health information is proposed to be used or disclosed without de-identification for:

- marketing, and to communicate special events
- research

If research is being contemplated, reasonable steps will be taken 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.

### **Referring Clinicians, Practice Managers and Ancillary Staff**

#### **Primary Purposes**

- to provide reliable healthcare services for patients
- to link medical records to patients and their healthcare provider
- ensure appropriate testing
- to diagnose and interpret results
- to tailor services to a referrers needs
- to provide educational material to referrers and their staff

#### **Secondary Purposes**

- direct marketing via email or mail

### **Disclosure of Personal Information**

Illawarra Radiology Group may disclose your personal information

- for the purposes of getting a second medical opinion
- to a third party health provider or service who is providing direct clinical care to a patient
- to a third party health provider within a hospital campus where an individual is being treated
- where it may be more appropriate for a test to be performed by a specialist service
- where there are statutory requirements to report results to registries
- to third parties organisation for billing/accounting purposes



**An individual's right to control the use and disclosure of personal information.**

Illawarra Radiology Group believes that the use and disclosure of personal information in the ways described in this policy will reflect the reasonable expectations of an individual dealing with us.

An individual may understand the advantages and approve of health information being shared between several health service providers, such as Illawarra Radiology Group and individual's referring medical practitioner, as part of their overall health treatment and management.

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

An individual may also not want Illawarra Radiology Group to provide certain health information or does not want their health information to be used or disclosed in a particular way.

Illawarra Radiology Group respects such wishes and will, in accordance with the Act and the APPs, take all reasonable steps to comply with such wishes.

Illawarra Radiology Group strongly encourages patients to obtain their health information, particularly copies of results from their referring medical practitioner. This is likely to best facilitate effective and efficient delivery of treatment and ensures that the referring medical practitioner has an opportunity to clarify any aspects of the results and to answer any questions or concerns a patient may have. It is the referring medical practitioner who makes the diagnosis. Results provided in isolation may be misleading.

## **Integrity of Personal Information**

Illawarra Radiology Group takes reasonable steps to ensure personal information it holds is:

- accurate, complete, well organised and legible
- up to date, in that they reflect the personal information most recently obtained from the individual
- does not contain prejudicial, derogatory or irrelevant statements

### **For Patients**

- All relevant personal information is reconfirmed at each attendance
- Illawarra Radiology Group fulfils regulatory, accreditation and public health requirements on patient identity

### **For referring practitioners, their staff and other third parties**

- Providing mechanisms to update personal information (address, phone, fax, email)
- Receiving feedback via face to face, phone or written contact and updating records accordingly.

## Access to and Correction of Personal Information

### Access

Individuals have the right to access personal information held by Illawarra Radiology Group. An individual does not have to provide a reason for requesting access.

The preferred method for patients to receive results is in consultation with their treating practitioner where the results can be explained in the context of their health management.

Illawarra Radiology Group may request that an individual complete a *Request for Information*, in order to ensure that you are given the correct health information. Proof of identity will be required. Processing of applications is normally completed within 30 days.

Illawarra Radiology Group is not required to provide access to the personal information to the extent that:

- a) Illawarra Radiology Group reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or
- b) giving access would have an unreasonable impact on the privacy of other individuals; or
- c) the request for access is frivolous or vexatious; or
- d) the information relates to existing or anticipated legal proceedings between the Illawarra Radiology Group and the individual, and would not be accessible by the process of discovery in those proceedings; or
- e) giving access would reveal the intentions of the Illawarra Radiology Group in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
- f) giving access would be unlawful; or
- g) denying access is required or authorised by or under an Australian law or a court/tribunal order; or
- h) Illawarra Radiology Group has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity's functions or activities has been, is being or may be engaged in;
- i) giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or
- j) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or
- k) giving access would reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process.

## **Correction**

If an individual believes information held about them is incorrect, incomplete or inaccurate, then the individual may apply for the information to be corrected by contacting the privacy officer.

Illawarra Radiology Group may refuse to correct personal information and will provide a written response that sets out:

- a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and
- b) the mechanisms available to complain about the refusal; and
- c) any other matter prescribed by the regulations.

## **Request to associate a statement or opinion**

- a) If Illawarra Radiology Group refuses to correct the personal information as requested by the individual; and
- b) the individual requests the entity to associate with the information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading;

Illawarra Radiology Group will take such steps as are reasonable in the circumstances to associate the statement in such a way that will make the statement apparent to users of the information.

## **Transborder Data Flow**

In rare instances Illawarra Radiology Group may disclose personal information outside Australia. An individual's privacy will continue to be protected as per APP's.

Instances where transborder disclosure may occur include;

- where an individual is participating in a clinical trial
- when requested by a patient's treating doctor overseas
- when requested by the patient
- when samples are sent overseas for expert opinion/analysis

Each instance where personal information is sent overseas is unique, in most cases the individual will already be aware of, and consent to, transfer. Where reasonable the individual will be notified of the overseas destination however it is not always practical to specify.

## **Use of Personal Information for Direct Marketing**

We may use personal information for marketing directly related to our services. All marketing communication includes instructions on how to opt out of future communications.

An individual may advise us that they do not wish receive direct marketing from us at any time by contacting the privacy officer.

We will not disclose your personal information to a third party for any marketing purposes.

## **Privacy Complaints Process**

If an individual feels that Illawarra Radiology Group has acted improperly or breached the APP's they may make a complaint. Complaints may be lodged in any form (written, verbal email etc.) to the Illawarra Radiology Group's Privacy Officer. Where reasonable, Illawarra Radiology Group will respond to privacy complaints within 30 days.

If the complainant is unsatisfied with the response from Illawarra Radiology Group they may lodge a complaint with the Office of the Australian Information Commissioner.

### **Illawarra Radiology Group Privacy Officer Contact Details**

PO Box 84

Westmead NSW 2145

P: 02 8844 1700

E: [clientservices@casimaging.com.au](mailto:clientservices@casimaging.com.au)

W: [www.irg.com.au](http://www.irg.com.au)

### **Office of the Australian Information Commissioner (OAIC)**

GPO Box 2999

Canberra ACT

2601

P: 1300 363 992

E: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

W: <http://www.oaic.gov.au/>

### **OAIC Online Privacy Complaint Form**

<https://forms.business.gov.au/aba/oaic/privacy-complaint-/>