

Privacy Policy

Medifirst Noosa Medical Centre.

This privacy policy has been updated from original version/s below to take account of the Australian Privacy Principles (APPs) set out in regulations at September 2013 and to apply from 12 March 2014. Thirteen new APPs are listed in Schedule 1 of the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*, which amends the *Privacy Act 1988*.

Old MNMC privacy policy preamble:
To apply from 21st December 2001 in accordance with *The Privacy Amendment (Private Sector) Act 2000* that extends the operation of the *Privacy Act 1988*. The policy is developed on the basis of the **National Privacy Principles** -NPP's in Appendix 1, Schedule 3 of the Privacy Act 1988.

This policy document is for the reference of patients who make a request relating to their own medical records and for staff of the practice.

This 12-3-2014 updated version of the privacy policy is referenced to the Australian Privacy Principles (APPs) as indicated. The references can be cross-checked for details against the APP Fact Sheet 17 attached.

NPP 1 Collection

APP 1.1; 1.2(a),(b); 1.3; 1.4(a), (c); 3.1;3.2;3.5; 3.6(a),(b); 3.7; 4.1; 4.3; 5.1; 5.2

At Medifirst we collect necessary information for the good practice of medicine and the services we offer.

NPP 2 Use and Disclosure

APP 6.1(a),(b); 6.7(b); 7.1 to 7.8 are not applicable

At Medifirst we collect information to help us provide you with quality medical services that help make and keep you well. Basic personal and family information is needed for billing purposes and the normal financial running of the business.

APP 6.2(a)-(e)

At Medifirst we may disclose selected patient health information when it is needed for your immediate care to Specialists, Hospitals, Carers and Nursing Staff, Pathology and Imaging Service Providers, Health Insurance Commission (Medicare), Dept. of Veterans Affairs (DVA) and other appropriate parties involved in the health care of the patient.

APP 6.2(c); 6.4

We may utilise de-identified data for health research and clinical audit purposes.

APP 6.2(b); 6.5

Medical data held is subject to the laws of Queensland and the Commonwealth of Australia.

NPP 3 Data Quality

APP 1.4(b); 10.1; 10.2

At Medifirst we aim to keep our records up to date, accurate and complete.

Please help us keep your address and other details up to date by notifying the reception staff of changes.

NPP 4 Data Security

APP 11.1; 11.2

At Medifirst we aim to maintain the security and confidentiality of your medical records and information. Our staff are bound by confidentiality (non-disclosure) agreements with Medifirst to protect the privacy of medical records and business data of the practice. Doctors are bound by professional ethics and standards to maintain patient confidentiality according to ancient tradition and common law.

We maintain full computerised medical records. Access to the information in the records is restricted to those with appropriate privileges and involves only staff and doctors of the practice.

We are not and will not be linked to any external database for purposes of sharing or uploading your medical records.

In the future we will increasingly communicate and transmit data with Specialists and Hospitals using the Internet with an encrypted secure data transfer system developed by the Health Insurance Commission known as Public Key Infrastructure (PKI).

Secure safe storage of electronic medical records and backups is kept on and off site and is regularly updated to minimise the risk of loss of data.

NPP 5 Openness

APP 1.2(b)

At Medifirst we will make this Privacy Policy available for perusal to any patient or authorised person requesting it. ***A photocopy or reprint of this Privacy Policy for Medifirst Noosa can be made and given out on the payment of a fee of \$5 plus GST in advance.***

Our staff will be required to know about this policy. A copy of this policy will be kept in the Practice Procedures Manual. We may appoint a Data Custodian or Privacy Officer in the future to handle Privacy Issues if that is deemed necessary.

NPP 6 Access and Correction

APP 1.4(d); 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 13.1; 13.4; 13.5

A person will generally be allowed access to personal information that Medifirst holds about that individual but only if clear visual and documentary proof of the identity of the individual such as a valid drivers licence, passport or similar document is produced in advance, or if the person is well and truly known over time to the attending doctor.

A Medicare Card is not acceptable as proof of identity for the purposes of this policy.

Under the Privacy Principles, Medifirst is unable to formulate a definitive new policy concerning access to the medical records of dependent children and other physically dependent persons or those where an Advance Health Directive is activated or those who have lost testamentary capacity. Such requests will be treated on an individual basis according to the traditional principles of confidentiality and privacy followed by the medical profession at the discretion of the relevant doctor.

Access will generally be possible after a request from the patient either verbally or in writing. Medifirst Noosa staff will acknowledge the request and pass it on to the patient's usual doctor or the actual or acting medical director of Medifirst Noosa.

Access will usually be **possible within 30 days** of the request being made. At Medifirst we will require you to **make an appointment and attend personally for a consultation with your usual doctor** or the medical director of Medifirst Noosa to view your medical record on the computer.

APP12.8; note that 12.7 does not apply

This consultation may attract fees for your doctor with GST and is not covered by Medicare through bulk billing or rebate. The Medifirst policy is for the doctor concerned to set the fee but it is expected to generally be in the range of \$20 to \$50 plus GST depending on time and complexity. Provision for fee reduction due to financial hardship can be negotiated with the doctor concerned.

In addition, if hard copy of the medical record is required by the patient Medifirst will require a minimum non-discountable fee of \$20 plus GST and the fee may be up to \$50 plus GST if the medical record is very large.

APP 12.3; 12.9; 12.10

*The usual doctor or the medical director of Medifirst Noosa will advise the patient verbally or in writing **if Access (or correction) is denied** and will provide the reason. Details will be entered in the patient record. **Under the Australian Privacy Principles there are a number of reasons why Access may be denied, including a serious threat to public health and safety. Medifirst will make the effort to comply with provisions of APP in these matters.***

APP 13.1; 13.2; 13.3

*Medical records generated in the practice are stored electronically in a form that cannot be altered at a later date. This is a legal protection against future tampering with the record that is built into the computer medical records software. **However the record for any particular time can be corrected by adding an Appendix to the record for a particular date in the past.***

If a patient viewing their medical record has an objection over something in the record or something omitted from it and wants it to be changed then the record can be appended. This can be done with the statement of the patient to the effect of correcting or clarifying the disputed information in the record. The information will need to be entered in to the computer record by staff at Medifirst with the appropriate access privileges. We ask that the patient submit in writing the changes and corrections required, then sign and date it as proof of the changes requested and for accuracy in making the Appendix to the record. The patient can verify later that the Appendix has been faithfully entered in the electronic medical record.

NPP 7 Identifiers**APP 9.1; 9.2; 9.3**

At Medifirst we do not use identifiers issued by a Commonwealth Government agency to identify our patient records.

We do use the identifiers such as Medicare numbers and DVA numbers when dealing with government agencies that require them and we may use social security identifiers on prescriptions and documents needed to help you access subsidies and discounts where applicable.

Medicare numbers and DVA numbers are used as part of the patient identification in referral letters to specialists, pathology providers and medical imaging providers involved in direct medical care.

DVA numbers are used on all D904 request forms that are used for referrals and to request all the medically accessible services offered by DVA for eligible persons.

NPP 8 Anonymity**APP 2(a)**

At Medifirst we acknowledge the principle that organisations must give people the option to interact anonymously whenever it is lawful and practicable to do so.

APP 2(b)

We wish to advise that at Medifirst we will not provide our services to persons who insist on anonymity or who use an alias or false identity. The policy applies because we do not believe it is practicable in this general medical practice environment for the organisation to do so.

We will not knowingly be involved in the unlawful use of false identification.

We will attempt prompt referral for any genuinely distressed or ill person to find another agency where appropriate medical services can be accessed according to the particular wishes for anonymity or use of an alias of that person.

NPP 9 Transborder Data Flows

APP 1.4(f),(g); 5.2; 8.1; 8.2

At Medifirst we will only send or transmit sensitive information or medical records to another country with the consent of the patient. Such information will only be sent by sealed envelope or by encrypted and secure Internet connection.

NPP 10 Sensitive Information

APP 3.1; 3.2; 3.3; 3.4; 3.5; 3.6(a),(b); 3.7; 5.1; 5.2; 7.1

At Medifirst we collect sensitive information that is necessary for the provision of medical services and health care for patients. It is to be used only in the provision of health services and for purposes of individual or public health and safety. We assume your consent to collection of the information by your choice of attendance and patronage of this medical facility.

APP 1.4 (e)

How to complain about privacy issues

Contact the Office of the Australian Information Commissioner

www.oaic.gov.au

t: 1300 363 992

e: enquiries@oaic.gov.au

p: GPO Box 5281 Sydney NSW 2001

or GPO Box 2999 Canberra ACT 2601