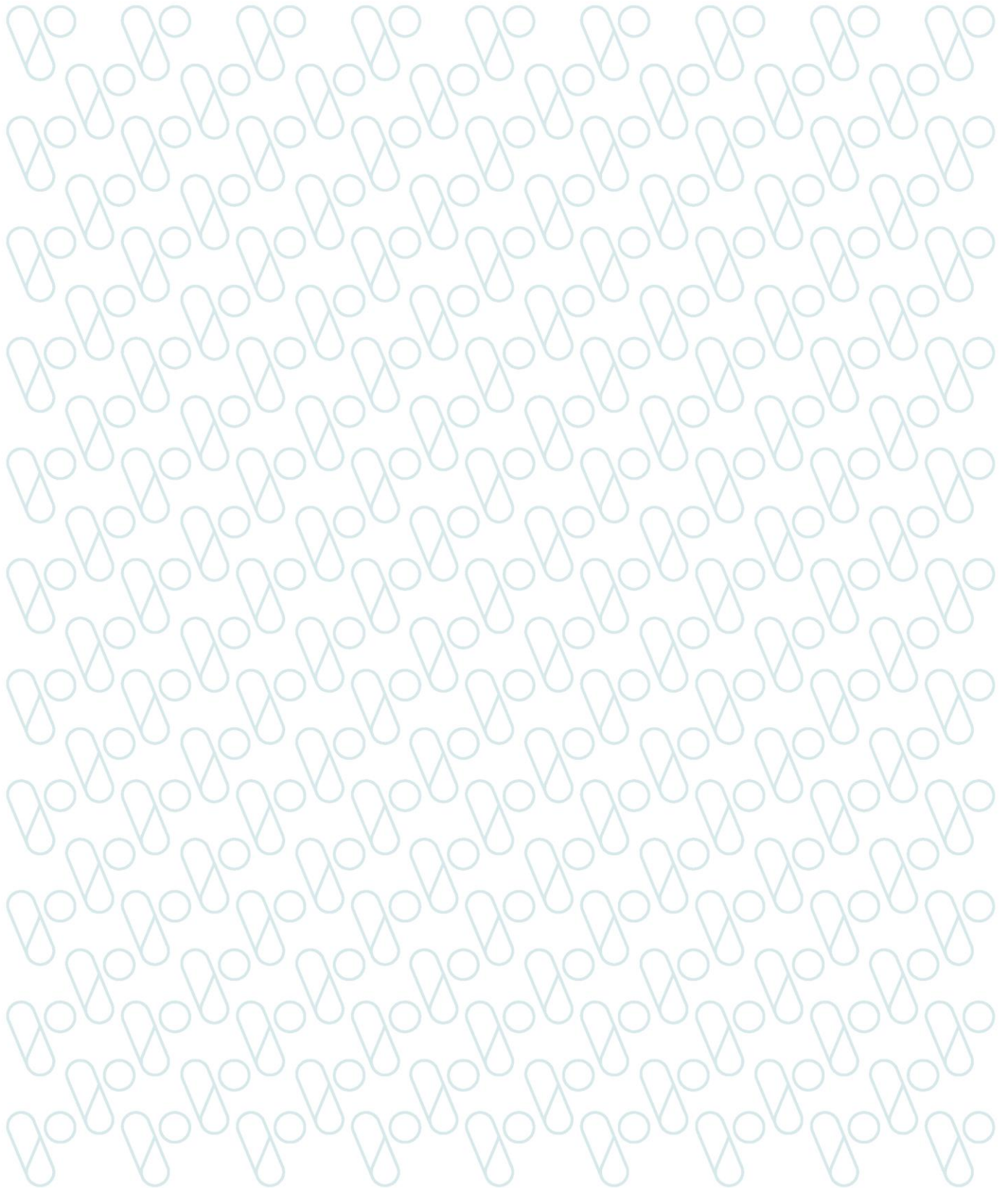

Privacy policy





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Overview

SAFER CARE VICTORIA OVERVIEW

Safer Care Victoria (SCV) is the state's healthcare quality and safety improvement agency. Our mission is to support health services to deliver outstanding healthcare for all Victorians, always. We achieve this by working in collaboration with our stakeholders and partners, including:

- consumers, their families and carers
- clinicians, health service executives and management
- universities and research institutes
- professional colleges and other regulatory authorities
- the Department of Health and Human Services (DHHS) and other government departments and agencies such as the Victorian Agency for Healthcare Information (VAHI) and the Australian Commission on Safety and Quality in Health Care.

We support Victorian health services to improve the quality and safety of the care they provide through our policy, research, project and review work. We share information in order to promote improved healthcare delivery. Any information sharing is undertaken in line with our privacy obligations.

SCV also supports the three Victorian consultative councils:

- Consultative Council on Obstetric and Paediatric Mortality and Morbidity
- Victorian Consultative Council in Anaesthetic Mortality and Morbidity
- Victorian Surgical Consultative Council

These councils collect, analyse and report data relating to death and cases of significant injury, identify avoidable or contributing factors and provide advice and recommendations to inform

research, quality and safety improvements and policy development.

In order to carry out SCV's functions or activities, we collect, use, disclose and handle personal information, including sensitive and health information. We are committed to protecting individuals' personal information in accordance with Victorian legislation, including:

- **Privacy and Data Protection Act 2014**
- **Health Records Act 2001**
- **Charter of Human Rights and Responsibilities Act 2006**
- **Freedom of Information Act 1982**

Further information about SCV and how we manage information is available upon request.

SCOPE

This policy sets out how SCV collects, uses, discloses or otherwise handles personal, sensitive and health information, in accordance with the Information Privacy Principles contained in the *Privacy and Data Protection Act 2014* and the Health Privacy Principles contained in the *Health Records Act 2001*.

This includes information about patients and clinicians, or individuals who choose to provide their information directly to SCV. Employee privacy is addressed in the Victorian DHHS (2017) factsheet: *Collecting and managing employee info*.

AUDIENCE

This policy applies to all people working within, or for, SCV. This includes SCV staff, labour hire, personnel, contractors, sub-contractors, volunteers and those on work experience.

COMPLIANCE

SCV must collect and handle personal information and health information in accordance with Information Privacy Principles in the *Privacy and Data Protection Act 2014* and the Health Privacy Principles contained in the *Health Records Act 2001* unless otherwise required, authorised or permitted by law.

SCV has adopted the Information Privacy Principles the *Privacy and Data Protection Act 2014* and the Health Privacy Principles contained in the *Health Records Act 2001* as minimum standards when dealing with personal and health information. Subject to exceptions provided under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, SCV must not do an act, or engage in a practice, that contravenes an Information Privacy Principle or a Health Privacy Principle in relation to the collection, use, disclosure and handling of personal and health information.

ACCOUNTABLE OFFICER

The Accountable Officer for this policy is the SCV Privacy Officer. The Accountable Officer is responsible for the:

1. Development of this policy
2. Implementation of any supporting protocols, processes and guidelines
3. Ongoing monitoring of compliance with this policy.

GOVERNANCE

Compliance with this policy is overseen by the Director of Strategy and Implementation, Safer Care Victoria.

REVIEW

This policy will be reviewed and updated from time to time to take account of new laws, technology and processes. The review process will be completed by the SCV Privacy Officer with oversight provided by the SCV Chief Executive Officer.

Key definitions

HEALTH INFORMATION

Under the *Health Records Act 2001*, **health information** means information or opinion about an individual's physical, mental or psychological health or disability that is also personal information. This includes information or opinion about an individual's health status and medical history.

Examples of health information collected by SCV include:

- individuals' health status
- diagnosis and medical treatment including interventions
- information relating to care delivery (including leading to harm/death) in health services, such as details of a medical intervention.

PERSONAL INFORMATION

Under the *Privacy and Data Protection Act 2014*, **personal information** means recorded information or opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information. The information or opinion can be recorded in any form.

Examples of personal information collected by SCV include:

- names, dates of birth, photos, resumes, addresses and contact details
- hospital identification numbers.

SENSITIVE INFORMATION

Under the *Privacy and Data Protection Act 2014*, **sensitive information** is a subset of personal information about an individual's racial or ethnic origin, political opinions, religion, philosophical beliefs, sexual preferences or practices, membership of a political association, professional/trade association or trade union, or an individual's criminal record.

Examples of sensitive information collected by SCV include:

- Aboriginal and Torres Strait Islander status
- information relevant to the experience of healthcare delivery (which may include information such as the language spoken or country of birth).

Applying the privacy principles

OPENNESS

SCV is committed to the open and transparent collection and handling of personal and health information. We seek to publish information about our collection and handling policies and processes, including via our website, so that individuals are aware of our approach to information privacy management.

ANONYMITY

Wherever practicable, individuals will be given the option of remaining anonymous when interacting with SCV, for example, when accessing our website. We also seek to de-identify any information we collect in the course of our work. However, it is not always possible to provide anonymity if SCV needs to collect identifying information in order to undertake its functions or activities.

COLLECTION OF INFORMATION

SCV collects and handles personal information, including sensitive and health information, for the following purposes:

- funding, management, planning, monitoring or improvement of the Victorian health system
- undertaking research or compilation or analysis of statistics in the public interest
- coordinating the provision of evidence-based research and guidelines
- coordinating the efforts of clinical networks to reduce clinical variation and issue best-practice guidelines
- reducing avoidable harm by sharing trends and learning from significant harm incident reports
- providing advice to the Minister of Health and the Secretary of DHHS.

Collection of personal information

SCV only collects personal information where it is necessary for our functions or activities or where individuals have chosen to provide their information to us.

We collect personal information (including potentially sensitive and health information) from individuals when they communicate with us via our website (e.g. sending an email query), when they make a complaint about a health service, or when they subscribe to one of our SCV newsletters.

We use EventBrite to manage our event registrations, MailChimp to manage our mailing lists and Survey Monkey to conduct online surveys. Individuals are given the option to opt out of receiving further communications from SCV.

Where it is possible to do so, we collect information directly from individuals.

Collection of health information

SCV only collects health information:

- where it is necessary for our functions or activities
- where individual have chosen to provide their information to us
- when the individual has consented to the collection
- where it is required by law
- when another exception applies under the HPPs contained in the Health Records Act 2001.

PROVIDING A COLLECTION NOTICE

At the point of collection of personal and/or health information (or as soon as possible after it), SCV takes steps to provide individuals with a privacy collection notice. A privacy collection notice contains information to ensure that individuals are aware of:

- the identity and contact details of SCV
- the purposes of collection
- the fact that individuals may seek access to, or correction of, information held about them by SCV
- the organisations to whom SCV usually discloses personal information
- any law that requires SCV to collect personal information
- the main consequences (if any) for the individual if all or part of the information is not provided to SCV.

COLLECTION AND USE OF HEALTH INFORMATION WITHOUT CONSENT

At times, where necessary and authorised by law, SCV collects health information without the consent of the individual in order to perform our functions. Circumstances where this may occur include (but are not limited to):

- where there is no reasonably practicable alternative to collecting the information in order to perform our functions
- where it is impracticable for the organisation to seek the individual's consent to the collection
- using information that is a by-product of service delivery, which health services are required to provide to DHHS (usually included in extracts from their electronic systems). This may include information submitted through the Victorian sentinel event program, reporting deaths to the consultative councils and through the Victorian Admitted Episodes Dataset
- viewing and accessing medical records or investigation reports prepared by health services (e.g. case reviews) in order to undertake our improvement functions.

USE AND DISCLOSURE

Reflecting our broad functions, SCV uses and discloses personal and health information for a range of purposes, including:

- managing grants, contracts and funding agreements
- responding to correspondence from members of the public to SCV, Ministers and Parliamentary Secretaries including complaints made about healthcare provision and the feedback provided
- requests made under the *Freedom of Information Act 1982*
- research for improvement and policy development purposes
- investigating serious incidents in healthcare, for example, through the Victorian sentinel event program
- information collected through the Victorian consultative councils
- planning, monitoring, improving and evaluating SCV functions and services
- undertaking research or compilation or analysis of statistics in the public interest
- meeting legislative requirements
- meeting the reporting requirements of government and external oversight agencies.

SCV may disclose information to third parties where we are authorised or required to by law, for example, this includes reports made to the Australian Health Practitioner Regulation Agency under the *National Law 2009*.

SCV may disclose information to:

- DHHS
- VAHI
- health services
- Australian Health Practitioner Regulation Agency
- Australian Commission on Safety and Quality in Health Care
- the Coroner's Court of Victoria.

DATA QUALITY AND SECURITY

SCV takes reasonable steps to ensure that any personal and health information held is accurate, complete and up to date and is relevant to SCV's current functions and activities.

SCV has adopted security measures designed to protect the personal and health information we hold from misuse, loss, unauthorised access, modification or disclosure.

UNIQUE IDENTIFIERS

SCV will only assign or adopt a unique identifier of an individual if the assignment of the unique identifier is necessary to enable SCV to carry out its functions effectively, or if the assignment or adoption of the unique identifier is otherwise permitted by law.

TRANSBORDER DATA FLOW

If it is necessary for SCV to transfer personal or health information outside of Victoria, the transfer must meet the following criteria:

- the individual has provided consent
- it is not practicable to obtain an individual's consent, the individual would likely give it, and the transfer is for their benefit
- the transfer is required or authorised by law
- the transfer is necessary for the performance of a contract between the individual and SCV, or for the implementation of pre-contractual measures taken in response to the individual's request
- the transfer is necessary for the performance of a contract between the individual and SCV, or for the implementation of pre-contractual measures taken in response to the individual's request
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between SCV and a third party
- SCV reasonably believes that the recipient is subject to a law, binding scheme or binding contract that provides substantially similar protection to the *Privacy and Data Protection Act 2014* or *Health Records Act 2001*.

Contact us

ACCESS AND CORRECTION

Individuals can request access to, or correction of, their personal and health information from SCV. Individuals can contact SCV via the relevant area of SCV (where known) or by contacting us using the details listed in this document.

When contacted, SCV assesses whether it holds information about the individual and any further steps that the individual should take to obtain access to the information. If a query relates to an individual's health information, individuals are advised to contact the relevant public health service provider in the first instance.

MAKING A COMPLAINT

Individuals can make a complaint about a potential privacy incident or breach by contacting SCV's Privacy Officer on privacy@safercare.vic.gov.au. We will investigate and respond to complaints promptly, in accordance with our Privacy Complaints Handling Policy.

If an individual is not happy with SCV's response to a complaint, he or she can make a complaint to:

- the Office of the Victorian Information Commissioner in relation to a complaint relating to personal or sensitive information (PO Box 24274 Melbourne VIC 3001 or by email to privacy@cpdp.vic.gov.au)
- the Health Complaints Commissioner in relation to a complaint relating to health information (online at hcc.vic.gov.au/make-complaint).

MORE INFORMATION

For more information about SCV's approach to privacy management, contact our Privacy Officer on privacy@safercare.vic.gov.au.

To access or correct your information, please contact us at:

Safer Care Victoria
GPO BOX 4057, MELBOURNE, VIC 3001
50 Lonsdale Street, Melbourne, VIC 3000

Email: privacy@safercare.vic.gov.au

EXTERNAL PRIVACY SUPPORT

Further information about information privacy, health privacy and privacy complaints can be found here:

- Office of the Victorian Information Commissioner
- Office of the Health Complaints Commissioner.