

**Title:** Privacy  
**Department:** Support  
**Approved by:** Committee of Management

POLICY



## PURPOSE:

Goulburn Valley Hospice Care Service (GVHCS) collects and handles personal information, which may include sensitive and health information related to patients, carers, families, staff, volunteers and donors.

This information is collected primarily to enable GVHCS to fulfil its responsibilities as a provider of health services, an employer and a not-for-profit organisation conducting fundraising activities and receiving and processing donations.

The policy encompasses the collection, storage, use, disclosure and destruction of personal/health information at GVHCS ensuring best practice privacy and confidentiality methods are used.

## TARGET AUDIENCE:

All staff, volunteers, clients, families, carers and donors.

## DEFINITIONS:

**Personal Information:** When used in this privacy policy, the term “personal information” has the meaning given to it in the Act.

In general terms, it is any information that can be used to personally identify an individual. This may include name, address, telephone number, email address and profession or occupation. If the information collected personally identifies an individual, or they are reasonably identifiable from it, the information will be considered personal information. **Health Information** is also considered personal information.

**Client:** Individuals who receive GVHCS services e.g. clients, families, caregivers, students and where applicable other individuals who provide information to GVHCS e.g. donors.

## Australian Privacy Principles:

From 12 March 2014, the Australian Privacy Principles (APPs) replaced the National Privacy Principles and Information Privacy Principles. These principles apply to private and not for profit health organisations including palliative care services.

The APPs are:

- APP 1 Open and transparent management of personal information.
- APP 2 Anonymity and pseudonymity
- APP 3 Collection of solicited personal information
- APP 4 Dealing with unsolicited personal information
- APP 5 Notification of the collection of personal information
- APP 6 Use or disclosure of personal information
- APP 7 Direct marketing
- APP 8 Cross-border disclosure of personal information
- APP 9 Adoption, use or disclosure of government related identifiers
- APP 10 Quality of personal information
- APP 11 Security of personal information
- APP 12 Access to personal information
- APP 13 Correction of personal information

Prompt Doc No: GVHC0112010 v7.1		Reviewer: Clinical Manager
First Issued: 10/07/2014	Page 1 of 6	Last Reviewed: 19/01/2023
Version Changed: 20/08/2024	UNCONTROLLED WHEN DOWNLOADED	Review By: 19/01/2026

## **POLICY:**

GVHCS recognises the importance of protecting the privacy and rights of individuals in relation to their personal information

GVHCS respects all rights under *The Privacy Act 1988(Cth)* and will comply with the Act and the *Australian Privacy Principles (2014)* and other relevant legislation such as the Health Records Act 2001 (Vic) in respect of the collection, management and disclosure of personal information.

### **Application of Policy:**

#### **What personal information does GVHCS collect and hold?**

The following types of personal information may be collected and held:

- name; mailing or street address;
- email address; telephone number; facsimile number;
- age or birth date;
- profession, occupation or job title
- information about health and health services provided
- financial information
- any additional information relating to an individual that is provided to GVHCS directly or through the GVHCS website

#### **How does GVHCS collect personal information?**

Personal information is collected directly from individuals unless it is unreasonable or impracticable to do so. When collecting personal information from individuals, it may be collected directly:

- during conversations with GVHCS staff including telephone recordings ○ when written information forms are completed
- via electronic means- e-mail, fax, web based applications

GVHCS may also collect personal and health information from another person involved in the care of a client. (e.g. From a carer, a hospital, a doctor or from a person authorised to provide this information on behalf of the client). Personal information is collected with the client's **informed consent** (or that of their authorised representative).

GVHCS will not collect unsolicited information.

#### **What happens if GVHCS cannot collect personal information?**

If personal information as described above is not collected, GVHCS may not be able to provide the requested services or information requested.

#### **For what purposes does GVHCS collect, hold, use and disclose personal information?**

##### **1. Client/Carer Information**

GVHCS collects personal information for the purposes of providing specialist palliative care and for providing de identified information and statistics to the Department of Health (Victoria) and other government and non- government organisations as required, GVHCS may also use this information for quality improvement purposes.

##### **2. Staff and Volunteer Information**

GVHCS collects and stores staff and volunteer information, this information relates to applications for employment/volunteer positions and ongoing employment/volunteers records including next of

kin contact details, performance management records, and records of other contact with the staff member or volunteer.

### 3. Other information

GVHCS collects information from its supporters and donors and does this to recognise and respond to donations, to update our records, keep contact details up to date and provide information such as Newsletters, and to respond to any complaint made.

#### Anonymity

Individuals are not obliged to identify themselves or disclose personal health information when seeking services from GVHCS. However, if an individual declines to identify himself or herself, GVHCS may not always be able to provide the level of service expected or required.

#### Use and Disclosure of information

GVHCS may use and disclose personal information, including health information in the following circumstances:

- For the purpose of providing palliative care and other care related to GVHCS services
- Manage, review, develop and improve GVHCS processes and systems
- Personal information may be disclosed to third parties (GVHCS contractors, other health providers) involved in the client's care or the provision of services, or to other providers of goods and services to GVHCS usually **with the consent** of the client (or their authorised representative) unless otherwise permitted by law e.g. situations involving a serious and imminent threat to the health, safety or welfare of the client or public.

GVHCS:

- Does not disclose personal or health information to any person outside Australia.
- Will not use personal information for direct marketing.
- May use personal information to inform individuals about our fundraising activities.

#### Retention and disposal

All medical records are held for 7 years following the last contact with the client unless the client is a child when records will be held until the minor reaches 25.

Employment and volunteer records are held for 7 years after cessation of service.

Business records e.g. donor information is held for 7 years.

Personal information is destroyed or de-identified when no longer required.

#### Security of Information:

Reasonable steps are taken to ensure personal information is protected from misuse and loss and from unauthorised access, modification or disclosure. GVHCS may hold personal information in either electronic or secure hard copy file. Electronic access is password protected.

**Title:** Privacy  
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POLICY



### **Use of Government Identifiers (e.g. Medicare Number)**

GVHCS will not use any government identifiers as our own identifier of clients.

### **Trans Border Data Flow**

GVHCS will only transfer identified data where it is required by law, where the receiving entity commits to ensuring protection of data as required by the Australian Privacy Principles

### **Client Access to Information**

Access to the information can be sought by writing to the Executive Manager who is the Privacy Officer. In certain circumstances, GVHCS may not permit access to information, for example:

- Legal professional privilege applies
- Access would pose a serious threat to the life or health of the client or other person
- Access would have an unreasonable impact on the privacy of others

If GVHCS does not permit access, the reason for refusal will be provided

### **Correction of Information**

Correction or amendments of personal or health information can be sought. All requests should be directed to the Executive Manager/ Privacy Officer and will be handled in accordance with APP13.1. A written response to a request for correction will be provided.

### **Openness**

GVHCS will take reasonable steps to inform individuals from whom collect personal and health information what information is collected, held, used, disclosed, and how it is protected and how it can be accessed and corrected. This information may be given in writing or verbally depending on the nature of the service. This Privacy Policy will be available to anyone who requests it.

### **Data Quality**

GVHCS will take reasonable steps to ensure that collected personal and health information is accurate, relevant, complete and up to date.

### **Alleged Breach of Australian Privacy Principals**

Any complaint regarding a breach of Australian Privacy Principles should be directed to the GVHCS Privacy Officer (the Executive Manager). A response will be provided within 30 days. If a complainant remains unsatisfied, the complainant may contact the Office of the Australian Privacy Commissioner.

### **Notifiable Data Breaches scheme**

The Notifiable Data Breaches (NDB) scheme under Part IIIC of the **Privacy Act 1988** (Privacy Act) established requirements for entities in responding to data breaches. Entities have data breach notification obligations when a data breach is likely to result in serious harm to any individuals whose personal information is involved in the breach.

An eligible data breach occurs when three criteria are met:

- There is unauthorised access to, or unauthorised disclosure of personal information, or a loss of personal information, that an entity holds

Prompt Doc No: GVHC0112010 v7.1		Reviewer: Clinical Manager
First Issued: 10/07/2014	Page 4 of 6	Last Reviewed: 19/01/2023
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- This is likely to result in serious harm to one or more individuals, and
- The entity has not been able to prevent the likely risk of serious harm with remedial action. • ‘Serious harm’ can be psychological, emotional, physical, reputational, or other forms of harm • Understanding whether serious harm is likely or not requires an evaluation of the context of the data breach

### Who to notify

Any individuals that are at likely risk of serious harm because of a data breach must be notified. The Australian Information Commissioner must be notified

### Notifying affected individuals:

There are three options for notification:

- Notify all individuals whose personal information is involved in the eligible data breach.
- Notify only the individuals who are at likely risk of serious harm; or
- Publish your notification, and publicise it with the aim of bringing it to the attention of all individuals at likely risk of serious harm. There is flexibility in the way to notify individuals.

### OAIC- What to include in a statement to the Australian Information Commissioner

The notification to the Australian Information Commissioner must be in the form of a statement, which includes the following information:

- The identity and contact details of you agency/organisation
- A description of the eligible data breach
- The kind or kinds of information involved in the eligible data breach
- What steps the agency/organisation recommends that individuals take in response to the eligible data breach.

This statement must be provided to the Commissioner as soon as practicable. There is an electronic form for this purpose.

Further information regarding Notifiable Breaches can be found at [The Office of the Australian Information Commissioner](#).

### EVALUATION

- Number of recorded instances of breaches of privacy principles and legislation
- Number and type of incidents relating to storage and destruction of information
- Staff and volunteers understand the implications of privacy legislation and principles.

### KEY ALIGNED DOCUMENTS:

- Consumer Consent Policy
- GVHCS Consumer Consent forms

### KEY LEGISLATION, ACTS & STANDARDS:

- The Privacy Amendment (Enhancing Privacy Protection Act 2012 (Cth) (Amending Act)
- Freedom of information Act 1982 (Vic)

Prompt Doc No: GVHC0112010 v7.1		Reviewer: Clinical Manager
First Issued: 10/07/2014	Page 5 of 6	Last Reviewed: 19/01/2023
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POLICY



- The information privacy ACT 2000 (Vic)
- The Privacy Amendment(Notifiable Data Breaches) Act 2017 OAIC
- [Health Records Act 2001 \(Victoria \)](#)
- Privacy and Data Protection Act 2014 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- ACHS , EQUIP 6 Standard 2.3

#### REFERENCES:

- Amendments to the Privacy Act Health Legal Newsletter March 2014
- [Australian Government Office of the Information Commissioner - Australian Privacy Principles Privacy Fact Sheet January 2014](#)
- [Information sheet – Privacy in Victoria , Commissioner for Privacy and Data Protection April 2016](#)
- [Data breach-preparation and response- A Guide to managing data breaches in accordance with the Privacy Act1988\(Commonwealth\)](#) Office of the Privacy commissioner February 2018

Prompt Doc No: GVHC0112010 v7.1		Reviewer: Clinical Manager
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