

5.1 Privacy

Policy

The purpose of this policy is to ensure patients who receive care from Mansfield Medical Clinic are comfortable in entrusting their health information to the practice. This policy provides information to patients as to how their personal information (which includes their health information) is collected and used within the practice, how they can access their personal and health information and the circumstances in which we may disclose it to third parties.

The *Australian Privacy Principles* (APP's) provide a privacy protection framework that supports the rights and obligations of collecting, holding, using, accessing and correcting personal information. The APP's consists of 13 principle-based laws and applies equally to paper-based and digital environments. The APP's compliment long-standing general practice obligations to manage personal information in a regulated, open and transparent manner.

Under the *Health Records Act 2001 (Vic)* (the "Health Records Act"), individuals have a right of access to their health information from any health service provider. Right of access is limited in some circumstances, which are listed in the *Health Records Act*.

This policy will guide the staff in this practice in meeting these legal obligations. It also details to patients how the practice uses their personal information. The policy is available to patients on request.

Procedure

Our practice will:

- Provide a copy of this policy upon request.
- Ensure staff comply with the APP's and deal appropriately with enquiries or concerns.
- Take such steps as are reasonable in the circumstances to implement practices, procedures and systems to ensure compliance with the APP's and deal with enquiries or complaints.
- Collect personal information for the primary purpose of managing a patient's healthcare and for financial claims and payments.

Staff responsibility

Mansfield Medical Clinic staff will take reasonable steps to ensure patients understand:

- What information has been and is being collected.
- Why the information is being collected, and whether this is due to a legal requirement.
- How the information will be used or disclosed.
- Why and when their consent is necessary.
- The Practice's procedures for access and correction of information, and responding to complaints of information breaches, including by providing this policy.

Patient consent

The Practice will only interpret and apply a patient's consent for the primary purpose for which it was provided. The Practice staff must seek additional consent from the patient if the personal information collected may be used for any other purpose.

5.1.1 Collection of information

The Practice will need to collect personal information as a provision of clinical services to a patient at the practice. Collected personal information will include patients’:

- Names, addresses and contact details
- Medicare number (where available for claiming purposes only)
- Healthcare identifiers
- Medical information including medical history, medications, allergies, adverse events, immunisations, social history, family history and risk factors.

A patient’s personal information may be held at the Practice in various forms:

- As paper records.
- As electronic records.
- As visual – x-rays, CT scans, videos and photos.
- As audio recordings.

Our Practice’s procedure for collecting personal information is set out below:

- Practice staff collect patients’ personal and demographic information via registration when patients present to the practice for the first time. Patients are encouraged to pay attention to the collection statement on the reverse of the form and information about the management of collected information and patient privacy.
- During the course of providing medical services, the practice’s healthcare practitioners will consequently collect further personal information.
- Personal information may also be collected from the patient’s guardian or responsible person (where practicable and necessary), or from any other involved healthcare providers.

Security

The Practice holds all personal information securely, whether in electronic format, in protected information systems with the use of access restrictions and passwords or in hard copy format in locked cabinets in a secured environment.

5.1.2 Use and disclosure of information

Personal information will only be used for the purpose of providing medical services and for claims and payments, unless otherwise consented to. Some disclosure may occur to third parties engaged by or for the practice for business purposes, such as accreditation or for the provision of information technology. These third parties are required to comply with this policy. The Practice will inform the patient where there is a statutory requirement to disclose certain personal information (for example, some diseases require mandatory notification).

The Practice will not disclose personal information to any third party other than in the course of providing medical services, without full disclosure to the patient or the recipient, the reason for the information transfer and full consent from the patient. The Practice will not disclose personal information to anyone outside Australia without need and without patient consent.

Exceptions to disclose without patient consent are where the information is:

- Required by law.
- Necessary to lessen or prevent a serious threat to a patient’s life, health or safety or public health or safety, or it is impractical to obtain the patient’s consent.
- To assist in locating a missing person.
- To establish, exercise or defend an equitable claim.
- For the purpose of a confidential dispute resolution process.

The Practice will **not** use any personal information in relation to direct marketing.

The Practice evaluates all unsolicited information it receives to decide if it should be kept, acted on or destroyed.

5.1.3 Patient Access, Corrections and Privacy Concerns

Request for Access

The Practice acknowledges patients may request access to their medical records.

Requests for access to or information from patients' medical records are referred to the Practice Manager or Office Assistant. The Partners can also be consulted if needed.

1. Patients are encouraged to attend an appointment with a doctor to discuss the information required.
2. The patient will be required to sign a consent form (Consent form 6) and have their ID confirmed.
3. In instances where the patient is unable or unwilling to attend an appointment the patient is required to make a **signed written request**, and the practice will respond within a reasonable time – not more than 45 days from the date the request is received.
4. MMC will **not** provide patient health information/medical records by email, nor by fax if it is to a private number. We will provide a printed copy only unless it is to another doctor or medical practice in which case it will be provided on a disc.
5. If patient health information is to be mailed, this will be done by "registered mail".
6. If information is collected the patients ID must be confirmed at the time of collection.
7. If the patient requests their medical records be forwarded to another medical practice, the patient should sign a request from the relevant practice. Requests will be sent by disc to another doctor or medical practice.
8. Under special circumstances, such as for an urgent referral where no fax is available, MMC will email the referral to the recipient (who has confirmed their email address) as a password protected pdf document. The password will be provided either verbally, upon verification, or in a subsequent email.

The practice Medical Records Access Policy 5.2 details how and under what circumstances patient personal and/or health information is or may be provided to third parties.

5.1.4 Amending Medical Records

A patient is not permitted to remove any contents of their medical record from the practice. Should a patient wish to amend or delete any personal information, a request must be made in writing to the practice manager.

The Practice will take reasonable steps to correct personal information where it is satisfied it is not accurate or up to date. From time to time, the Practice will ask patients to verify the personal information held by the Practice is correct and up to date. Patients may also request the Practice corrects or updates their information, and patients should make such requests in writing.

Complaints

The Practice takes complaints and concerns about the privacy of patients' personal information seriously. Patients should express any privacy concerns in writing to the Practice Manager or the Privacy Officer, Mansfield Medical Clinic.

You may also contact the Office of the Australian Information Commissioner (OAIC). Generally the OAIC will require you to give them time to respond, before they will investigate. For further information visit www.oaic.gov.au or call the OAIC on 1300 336 002.

See Also:

- [6.0 Patient Feedback & Complaints](#)

Review

This Privacy Policy will be reviewed regularly to ensure it is in accordance with any changes that may occur to our operations. This will take in to account new laws and technology.

Related standards

RACGP Compliance indicators for the Australian Privacy Principles: an addendum to the computer and information security standards (Second edition).

Related resources

- Australian Government - Office of the Australian Information Commissioner
- Privacy Fact Sheet 17 – Australian Privacy Principles
- www.racgp.org.au/ehealth/privacy
- Health Records Act 2001 (Vic)
- Schedule 1 – Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Privacy Act Review Report 2023
- Privacy and Other Legislation Amendment Bill 2024

Drafted	Last Revised/Issue Date	Reviewed By	Complies with	Other Notations:
October 2016			RACGP 4 th Edition	
January 2019	December 2022	R MacWhirter	RACGP 5 th Edition	
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