

## PRIVACY POLICY

### POLICY STATEMENT

Outback Futures is committed to ensuring the privacy, confidentiality, security, accuracy and integrity of personal information regarding all patients and families, staff, individuals, volunteers and students, associated with receiving or providing health services.

Outback Futures complies with the privacy principles within the *Information Privacy Act 2009* (Qld) which includes nine National Privacy Principles (NPP's) and provisions regarding contracted service providers and the transfer of personal information outside of Australia.

The Privacy Policy supports compliance with the *Human Rights Act 2019* (Qld) by facilitating the proper handling and security of personal information and in this way contributing to protection of the human right of privacy and reputation.

### PURPOSE

This Policy sets out the rules that:

- Outline Outback Futures principles relating to Privacy and Confidentiality to ensure compliance with appropriate privacy practices
- Ensure those who deal with the Outback Futures have confidence their information is managed in accordance with relevant legislation
- Ensure Outback Futures staff are aware of their responsibility when handling the personal, sensitive, or confidential information: to collect, use and disclose it only where necessary to perform operational duties, or for other functions permitted by law
- Ensure reasonable steps are taken to ensure personal, sensitive, and confidential information held is kept secure and protected from misuse, loss or unauthorised disclosure and is accurate and up to date.

### SCOPE AND TARGET AUDIENCE

Compliance with the policy is mandatory. This policy applies to all Outback Futures staff / volunteers / contractors to ensure commitment, respect, and promote the privacy and confidentiality of individuals, and information is managed in accordance with the relevant legislation.

## PRINCIPLES

Outback Futures must comply with the National Privacy Principles (NPP), which are:

<b>National Privacy Principles (NPP)</b>	
NPP 1 – Collection of personal information	Outback Futures staff collects, holds, uses and discloses personal information required to effectively carry out its public duties and activities (i.e., for the purpose of delivering safe, quality and effectiveness associated with the provision of healthcare).
NPP 2 - Limits on use or disclosure of personal information	Disclosure of personal information must meet any of the following circumstances: <ul style="list-style-type: none"> <li>• with consent; or</li> <li>• permitted by law; or</li> <li>• supported by a reasonable belief that it is necessary to lessen or prevent harm to individuals or the public; or required for law enforcement.</li> </ul>
NPP 3 – Data quality	The patient information held and collected must be correct and current. Electronic systems are to be updated when consumers advise that their details have changed, or when necessary.
NPP 4 – Data security	Outback Futures staff are obliged to take reasonable steps to protect personal information from misuse, loss and unauthorised access, modification, and disclosure.
NPP 5 – Openness	Outback Futures provides privacy and confidentiality information about how to apply for access to personal information and how to provide feedback.
NPP 6 - Access to documents containing personal information	Patient health information must only be accessed by Outback Futures staff involved in the care of that patient care.
NPP 7 - Amendment of documents containing personal information	Outback Futures encourages consumers and staff to apply to amend documents containing their personal information if they believe it is incorrect.
NPP 8 – Anonymity	Wherever it is lawful and practicable, Outback Futures allows interaction with consumers and staff anonymously if they wish to do so.
NPP 9 – Sensitive Information	Sensitive information can only be collected in certain circumstances (e.g., with consent, collection is required by law etc.)

## NON-COMPLIANCE

If personal information is mishandled, the following are likely consequences, depending on the nature and extent of the privacy breach:

- Loss of trust and confidence - consumers are unlikely to seek health care or give full and honest accounts of their symptoms, which could compromise the care provided
- Disciplinary action
- Reputational harm to Outback Futures
- Increased risk of consumers suffering serious harm
- Consumer complaints (including under the *Human Rights Act 2009 (Qld)*).
- Referral to other government agencies (i.e., Australian Health Practitioner Regulation Agency, Office of the Health Ombudsman, Office of the Information Commissioner Queensland, Crime and Corruption Commission)
- Corrupt conduct investigations

Any suspected or actual breaches of privacy and confidentiality are to be reported to the relevant manager/supervisor as soon as the breach is identified, so that the situation can be managed. In many cases, the consequences of a breach of confidentiality can be mitigated if it is reported and dealt with early.

A privacy breach falls within the misuse of confidential information and includes any allegation that involves:

- Unauthorised access to information
- Unauthorised disclosure of information
- Disclosure of information via an unsecured method of transmission
- Acquire or retain records illegally

## REFERENCES

### Primary Legislation, Policy, Standards or other authority

- *Commonwealth Privacy Act 1988*
- *Human Rights Act 2019*
- *Information Privacy Act 2009 (Qld)*
- *Right to Information Act 2009 (Qld)*
- *Invasion of Privacy Act 1971*
- *Public Records Act 2002*
- *Public Sector Ethics Act 1994*

## DEFINITIONS

Term	Definition
Availability	Information availability refers to how accessible information is for an intended user or audience at the time the information is required.
Confidential Information	Confidential information means information, acquired by a person in the person’s capacity as a designated person, from which a person who is receiving or has received a health service could be identified.
Confidentiality	Confidentiality is the act of not disclosing personal information without authority, i.e., keeping personal information private or in confidence.

<p>Personal Information</p>	<p>Is defined in Section 12 of the Information Privacy Act 2009 and includes information or an opinion about an identifiable living individual (i.e., does not include information about a company or a deceased person). An individual's identity must be reasonably ascertainable from the information, it does not have to be expressly indicated by the information, nor does it have to be true in order for it to be an individual's personal information.</p> <p>Personal information may be in any form, such as in correspondence, databases, audio recordings, images, URN, or any combinations of these. It can also be spoken or communicated in other mediums, including sign language or social media.</p>
<p>Privacy</p>	<p>The right to control access to oneself and includes physical privacy such as ensuring curtains are closed during physical examinations. Privacy also relates to information about oneself. In Queensland, the Information Privacy Act 2009 was created to "provide for the fair collection and handling in the public sector environment of personal information" which regulates the handling of personal information through a set of privacy principles. Personal information is any information about an identifiable person.</p>
<p>Privacy Breach</p>	<p>A privacy breach occurs when there is a failure to comply with one or more of the privacy principles set out in the Information Privacy Act 2009. A privacy breach most commonly, but not exclusively, results in unauthorised access to, or the unauthorised collection, use, or disclosure of, personal information.</p>
<p>Sensitive Information</p>	<p>Is a subset of personal information, it is important because of the heightened meaning or value to the individual concerned; and includes a person's personal information or opinion about any of the following:</p> <ul style="list-style-type: none"> <li>▪ racial or ethnic origin</li> <li>▪ political opinions</li> <li>▪ membership of a political association</li> <li>▪ religious beliefs or affiliations</li> <li>▪ philosophical beliefs</li> <li>▪ membership of a professional or trade association</li> <li>▪ membership of a trade union</li> <li>▪ sexual preferences or practices</li> <li>▪ criminal record or</li> <li>▪ information that is health information about a person.</li> </ul> <p>Note there are some elements of personal information which may be considered sensitive by an individual but may not be considered sensitive under law.</p>