



SERVICE IMPROVEMENT SYSTEM

Policy:	Privacy Policy	Document No:	POL/IAT/024
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Authorisation:	Chief Information Officer	Date This Version Approved:	6 May 2015
Applicable to:	All of AV		

1. PURPOSE

Ambulance Victoria (AV) will respect and protect the privacy of its patients, members, employees and agents whilst undertaking its work in accordance with its objectives under the *Ambulance Services Act 1986*.

All employees need to be aware of the legislative obligations in relation to the collection, use, disclosure, integrity, access to and storage of personal information. Protecting the privacy of individuals is mandatory under legislation.

2. SCOPE

This policy applies to all activities of AV where personal and/ or health information is collected, used, stored and disclosed. Personal and health information can include, but is not limited to, information which identifies patients, members and employees.

3. RESPONSIBILITY

All AV employees and volunteers (including CERT members, ACOs and auxiliary members) are responsible for complying with this policy.

4. POLICY STATEMENT

AV is bound by the *Information Privacy Act 2000* and the *Health Records Act 2001* in relation to handling personal and health information.

Health information is personal information about the health of another person and the *Health Records Act 2001* requires health information to be handled in accordance with 11 Health Privacy Principles (HPPs). The *Information Privacy Act 2000* requires all other personal information to be handled in accordance with 10 Information Privacy Principles (IPPs).

Whilst the two sets of principles are similar, they are not identical. A summary of the Privacy Principles is attached to this policy.

The following outlines the way in which AV will ensure it meets the key requirements of the Privacy Principles:

4.1 Collection of information (HPP and IPP 1)

AV only collects information necessary to provide patients and employees/volunteers with its service and will collect non-identified information wherever practicable. Personal and/ or health information is also collected:

- If a person has applied for employment with AV;
- As part of an individual's employment with AV (eg. clinical training reports, administration of policies relating to employees, contact details);
- In order to facilitate the provision of counselling to any AV employee/volunteer;
- When reviewing de-identified feedback from employees/volunteers in relation to any psychological services offered;
- When calling 000 and Ambulance Communications Centres. These calls are voice recorded and call line identification is also used to determine the name and address of the caller;
- In relation to the AV membership scheme and where a member has a family membership, personal information relating to that member and his/her dependants is collected;
- If a person elects to make a donation or bequest.

Personal and health information will generally only be collected from the individual. AV may collect personal and health information from a third party if the following situations exist:

- The individual authorises collection from a third party.
- It is considered necessary to obtain information from a third party because there is a reasonable belief that the information is necessary for AV to provide the service to the individual.
- Where it is necessary to prevent serious and imminent harm or to provide emergency care where the individual may be unable to respond. In this instance the details will be verified by the individual as soon as is practicable.
- To verify specific information about an individual where an AV employee remains in doubt.
- To gather information about an individual who is unable to understand or respond appropriately to questions or comprehend their significance.
- Where it is necessary for the conduct of proceedings before any court or tribunal or to comply with any applicable law.

- Where the information is being gathered as part of the recruitment or selection process associated with an application for employment or promotion.

When collecting personal or health information from an individual, reasonable steps must be taken to notify the individual about:

- The identity of the organisation (ie. AV).
- What the information will be used for.
- Who the information is likely to be disclosed to and how it will be stored.
- Any law requiring the information to be collected.
- The main consequences if the information is not provided.
- Their rights to access the information.

4.1.1 Taking of photographs or video footage

The taking of photographs by employees or volunteers at accident scenes or incidents is prohibited for any purpose other than when authorised for a research activity approved by an AV-endorsed ethics committee.

This includes the use of video, digital or mobile cameras and phones fitted with cameras and refers to still images as well as any video footage.

Filming or photography approved by the General Manager Regional Services or the Media Director is exempt from clause 4.1.1.

4.2 Use and disclosure of information (HPP and IPP 2)

4.2.1 Use of information

Stringent steps are to be taken to ensure the confidentiality, integrity and availability of personal information.

Personal and health information may be used for the following purposes:

- To dispatch an ambulance, to assist in research and for the further training of paramedics and/or other ambulance employees. Wherever possible personal information is de-identified when used for teaching (clinical) purposes or for evaluating services.
- For accounting purposes, to enable an account to be sent to the patient or relevant authority responsible for that account.
- For ambulance membership, the personal information is used to send membership literature and communications and to reconcile an account for ambulance services.
- To process an application for employment with AV, including referee and police checks.

- To efficiently manage the employment, salary, conditions of employment, workers compensation and other insurance claims, of its employees, including the provision of Peer Support services and welfare services for employees.
- For research projects with external organisations and agencies only after they have been approved by a hospital, university or government-based ethics and research process.
- To promote other services and opportunities AV believes may be of interest or of value to our members. This may include information about AV's own products and services and donation and bequest opportunities or the products and services of other organisations with which AV has developed a community service partnership. A customer may opt-out of receiving this information by contacting 1300 366 141.

4.2.2 Disclosure of information

AV may use or disclose information about an individual for the primary purpose for which the information was collected, or a secondary purpose that is related to the primary purpose that a person would reasonably expect. If the use and disclosure is not related to the primary purpose of collection the individual must generally consent to the use and disclosure.

Personal information may be provided to organisations that assist AV in providing a service to customers. Where AV has a contractual relationship with a third party, privacy provisions are included in the contract.

Information may be provided to the following organisations:

- To another health care organisation / provider, eg. hospital.
- To other organisations where that organisation is responsible for payment of an account eg: Transport Accident Commission, Victorian WorkCover Authority, Health Funds.
- To another health professional or organisation where AV is required to do so by law. For example AV has an obligation to report notifiable diseases to the Department of Health.
- If a person has, or has had, an AV membership, personal information will be given to and held by the organisations contracted by AV or other relevant third parties to provide the services necessary for the operation of the membership scheme.
- To service providers contracted by AV, such as for the collection of patient outcome data and patient satisfaction surveys.
- AV collates statistical data from information we have collected and from time to time may provide this to other government departments, agencies or statutory authorities in order to further collaborative arrangements or the efficient and effective provision of services to the community at large. In most cases, data will be de-identified and aggregated before it is disclosed to third parties. Information will

always be de-identified wherever possible and will be subject to contractual arrangements if deemed necessary in order to protect the information provided.

4.2.2.1 Radio transmission of information

Radio transmission of information is to be limited to essential information only, using communication codes where appropriate.

As AV radio transmissions are monitored externally, use of names of actual or potential patients will be restricted, unless deemed medically necessary to expedite treatment or required to assist in the location of the individual. If this is the case it is appropriate to transmit personal and health information such as patient identities, date of birth and medical information. This information must be felt reasonably necessary to relay in order to allow early access to the history of a patient and/ or allow management preparation by a hospital.

4.3 Notification

AV will take reasonable steps to inform patients and employees / volunteers of the types of personal and health information it holds and for what purposes and how it collects, holds, uses and discloses that information.

4.4 Information verification

The validity of personal information should, where possible, be verified with the individual before use.

4.5 Data security and retention (HPP and IPP 4)

All stored personal information will be protected from unauthorised access, misuse, modification, loss or disclosure through the use of appropriate security arrangements and by storing information in accordance with AV's records management policies.

All data used for clinical audit, educational and/or research purposes are to be suitably protected.

4.6 Openness (HPP and IPP 5)

AV will make its Privacy Policy and Privacy Statement available to anyone who asks for them.

4.7 Data quality, access and correction (HPP and IPP 3 and 6)

AV will take reasonable steps to ensure personal and health information is accurate, complete, up-to-date and relevant to the function being performed. If AV holds information about an individual, it must provide the individual with access to the information on request in accordance with legislation, such as the *Freedom of Information Act 1982*.

4.8 Anonymity (HPP and IPP 8)

Wherever lawful or practicable, individuals must have the option of not identifying themselves when entering transactions with AV. Generally, anonymity is not considered to be practicable in relation to completion of Patient Care Records, billing for services provided by AV or AV membership.

4.9 AV Contacts

AV's privacy policy and frameworks are the responsibility of the Chief Information Officer.

Privacy questions and requests for privacy advice will be directed to the AV Privacy Officer (Legal Counsel).

An individual who has a complaint or concern relating to privacy should be advised to contact the Manager Professional Standards in the first instance.

Individuals may also contact the Office of the Health Services Commissioner or the Victorian Privacy Commissioner. (Contact details are attached to this Policy.) Please note that both Commissioners will require the complainant to first approach AV with their concerns.

4.10 Non Conformance with policy

AV will treat any non-conformance with or breach of this policy as a serious issue. Non-conformance or breach may result in disciplinary proceedings for employees.

Investigation by the Office of the Health Services Commissioner or the Privacy Commissioner may result in compliance notices being issued and/ or monetary penalties imposed upon AV.

5. RELATED DOCUMENTS

AV Privacy Statement (refer AV website)

Information Privacy Act 2000

Health Records Act 2001

6. POLICY REVIEW

Legal Counsel will be responsible for reviewing and updating this Policy according to its risk rating.

7. DOCUMENT MANAGEMENT

An approved electronic version of this document can be found in TRIM file reference: POL/IAT/024

8. DEFINITIONS

Term	Definition
Availability	Data, information and information systems being accessible and useable on a timely basis in the required manner.
Confidentiality	The characteristic of data and information being disclosed only to authorised persons, entities and processes at authorised times and in the authorised manner.
Customer	All persons (not including AV staff or volunteers) from which AV has occasion to collect personal identifying information.
Data	A representation of facts, concepts or information in a formalised manner suitable for communication, interpretation or processing.
Health information	Personal information about a person that relates specifically to health (including aged care, emergency and disability services).
Individual	A natural person.
Information privacy	The right of an individual to control the dissemination of personally identifying information about themselves.
Integrity	The characteristic of data and information being accurate and complete and the preservation of accuracy and completeness.
Personal information	Information about a person that identifies them or that could be used with other readily available information to identify them.
Third party	A person or organisation / entity being neither the subject of the data to be disclosed, nor the subject's health care provider.
HPP	Health Privacy Principles under the <i>Health Records Act 2001</i> .
IPP	Information Privacy Principles under the <i>Information Privacy Act 2000</i> .

9. APPENDICES

APPENDIX 1: Summary of Privacy Principles

This table sets out a summary version of the key Privacy Principles from the two Victorian Acts, as published by the Health Services Commissioner and the Victorian Privacy Commissioner respectively.

These do not set out the full set or form of the Principles, and are intended for quick reference only. The Principles in full can be found in the respective Acts.

HEALTH PRIVACY PRINCIPLES (HPPs) SUMMARY	INFORMATION PRIVACY PRINCIPLES (IPPs) SUMMARY
<p>1. Collection</p> <p>Only collect health information if necessary for the performance of a function or activity and with consent (or if it falls within HPP 1). Notify individuals about what you do with the information and that they can gain access to it.</p>	<p>1. Collection</p> <p>Collect only personal information that is necessary for performance of functions. Advise individuals that they can gain access to personal information.</p>
<p>2. Use and Disclosure</p> <p>Only use or disclose health information for the primary purpose for which it was collected or a directly related secondary purpose the person would reasonably expect. Otherwise, you generally need consent.</p>	<p>2. Use and Disclosure</p> <p>Use or disclose personal information only for the primary purpose for which it was collected or a secondary purpose the person would reasonably expect. Use for secondary purposes should have the consent of the person.</p>
<p>3. Data Quality</p> <p>Take reasonable steps to ensure health information you hold is accurate, complete, up-to-date and relevant to the functions you perform.</p>	<p>3. Data Quality</p> <p>Make sure personal information is accurate, complete and up-to-date.</p>
<p>4. Data Security and Retention</p> <p>Safeguard the health information you hold against misuse, loss, unauthorised access and modification. Only destroy or delete health information in accordance with HPP 4.</p>	<p>4. Data Security</p> <p>Take reasonable steps to protect personal information from misuse, loss, unauthorised access, modification and disclosure.</p>
<p>5. Openness</p> <p>Document clearly expressed policies on your management of health information and make this statement available to anyone who asks for it.</p>	<p>5. Openness</p> <p>Document clearly expressed policies on management of personal information and provide the policies to anyone who asks.</p>
<p>6. Access and Correction</p> <p>Individuals have a right to seek access to health information held about them in the private sector, and to correct it if it is inaccurate, incomplete, misleading or not up-to-date.*</p> <p>* [In the public sector individuals already have this right under Freedom of Information].</p>	<p>6. Access and Correction</p> <p>Individuals have a right to seek access to their personal information and make corrections. Access and correction will be handled mostly under the Victorian Freedom of Information Act.</p>
<p>7. Identifiers</p>	<p>7. Unique Identifiers</p>

<p>HEALTH PRIVACY PRINCIPLES (HPPs) SUMMARY</p>	<p>INFORMATION PRIVACY PRINCIPLES (IPPs) SUMMARY</p>
<p>Only assign a number to identify a person if the assignment is reasonably necessary to carry out your functions efficiently.</p>	<p>A unique identifier is usually a number assigned to an individual in order to identify the person for the purposes of the organisation's operations. Tax File Numbers and Driver's Licence Numbers are examples. Unique identifiers can facilitate data matching. Data matching can diminish privacy. IPP 7 limits the adoption and sharing of unique numbers.</p>
<p>8. Anonymity</p> <p>Give individuals the option of not identifying themselves when entering transactions with organisations where this is lawful and practicable.</p>	<p>8. Anonymity</p> <p>Give individuals the option of not identifying themselves when entering transactions with organisations where that would be lawful and feasible.</p>
<p>9. Transborder Data Flows</p> <p>Only transfer health information outside Victoria if the organisation receiving it is subject to laws substantially similar to the HPPs.</p>	<p>9. Transborder Data Flows</p> <p>Basically, if your personal information travels, your privacy protection should travel with it. Transfer of personal information outside Victoria is restricted. Personal information may be transferred only if the recipient protects privacy under standards similar to Victoria's IPPs.</p>
<p>10. Transfer/closure of practice of health service provider</p> <p>If you're a health service provider, and your business or practice is being sold, transferred or closed down, without you continuing to provide services, you must give notice of the transfer or closure to past service users.</p>	<p>10. Sensitive Information</p> <p>The law restricts collection of sensitive information like an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.</p>
<p>11. Making information available to another health service provider</p> <p>If you're a health service provider, you must make health information relating to an individual available to another health service provider if requested by the individual.</p>	
<p>Health Services Commissioner Level 26, 570 Bourke Street Melbourne Victoria 3000 Telephone: 1800 582 113 Website: www.health.vic.gov.au/hsc</p>	<p>Victorian Privacy Commissioner Level 11, 10-16 Queen Street Melbourne Victoria 3000 Telephone: 1300 666 444 Website: 0</p>