

Privacy

1. Introduction

The *Privacy Data and Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)* (**the Acts**) regulate the way in which Ambulance Victoria (**AV**) handles the personal and health information of its patients and ambulance members. The Acts set out standards in relation to collection, use, disclosure, storage, access, transmission and disposal of your personal and health information. We are bound by the Victorian privacy legislation as well as other laws which impose specific obligations in regard to the handling of personal, sensitive and health information.

AV is committed to protecting the privacy of personal and health information. We recognise that the nature of our services means that much of the information we collect and handle is particularly sensitive.

This policy sets out the way in which AV meets the standards set out in legislation, whilst enabling AV to collect the personal and health information necessary for its functions as set out in the *Ambulance Services Act 1986 (Vic)* and to provide efficient and effective services to our ambulance members and the Victorian public.

2. Privacy policy

Personal information is information (or an opinion) about an individual, which directly or indirectly identifies them. Health information is any information or opinion about:

- a) the physical, mental or psychological health of an individual
- b) a disability of an individual
- c) a health service provided to an individual
- d) that is also personal information.

AV collects and handles a range of personal and health information for the purposes of providing services or to carry out its statutory functions.

AV will make this Privacy Policy available to anyone who requests it.

3. Collection of information

AV only collects information necessary to provide patients and members with its services and will collect non-identifiable information wherever practicable. Should information be collected in relation to employee health and safety reasons – for example, via the use of paramedic body worn cameras – reasonable steps will be taken to inform individuals before any information is recorded.

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 about the veracity of information they have.
- 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 use of body worn cameras occurs by paramedics in relation to a safety risk (or other exceptional circumstances).

When collecting personal or health information from an individual, (or if that is not practicable, as soon as practicable after) reasonable steps will be taken to notify patients and members about:

- The identity of the organisation (i.e. 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.

These steps may include advice in person, in writing, over the phone or via documentation provided to you.

If you do not wish for AV to collect certain information about you, you need to advise us and we will discuss with you any consequences this may have on your health care or services provided.

In relation to the use of paramedic body worn cameras, individuals will be advised that a camera has been activated if it is safe or otherwise reasonable for the paramedic to do so in the circumstances. Consent may not be sought.

4. Use of information

AV will take all reasonable steps to ensure the confidentiality, integrity and availability of personal information.

Your personal and health information may be used for the following purposes:

- To dispatch an ambulance and attend on patients. This includes the use of your information to assist with any subsequent attendances or triaging by AV so that you can be provided with the most appropriate services for you. This may also include AV liaising with other health service providers in formulating an AV Care Plan, should one be warranted.
- 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. Please note that the taking of photographs by employees or volunteers at accident scenes or incidents (including by the use of video, digital or mobile cameras and phones and referring to still images as well as videos) is prohibited for any purpose other than where the patient has consented or when authorised for a research activity



approved by an AV-endorsed ethics committee, or, if filming or photography has been approved by the AV Media Director after obtaining patient consent to do so.

- For funding, management, planning, monitoring, improvement or evaluation of AV's services.
- For accounting and debt collection purposes, to enable an account to be sent to the patient or relevant authority responsible for that account. Any debt collection services undertaken external to AV is governed by an appropriate contract binding the service provider to the same legal privacy requirements as AV. Triple zero callers' details will not be used for billing purposes.
- For ambulance membership, the personal information is used to send membership literature and communications and to reconcile an account for ambulance services.
- 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; or if the information has been de-identified and is subject to an agreement which appropriately protects your information.
- 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. An Ambulance Victoria member may opt-out of receiving this information by contacting 1300 366 141.
- To investigate incidents that may occur with ambulance attendances including the conduct of any legal claims against AV. This may include the presentation of your patient care record as evidence in court when subpoenaed.
- For any other reason allowed by law.

5. Disclosure of information

AV may use or disclose information about patients and members 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 (unless the information is otherwise required, permitted or authorised by law to be used and disclosed). 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 patients and ambulance members. Where AV has a contractual relationship with a third party, privacy provisions are included in the contract in order to ensure compliance with Victorian privacy law. This includes circumstances where they may be transfer of information outside of Victoria whereupon information may be transferred only if the recipient protects privacy under standards similar to Victoria's Privacy Principles and Health Privacy Principles, which are contained in the Acts.

Information may be provided to the following organisations:

- To another health care organisation / provider, e.g. hospital. Sometimes this information may be transferred by radio, using communication codes where appropriate and limiting the information to essential information only. Use of names, medical information or date of birth is restricted, unless deemed medically necessary to expedite treatment or required to assist in the location of the individual. The information must be felt to be reasonably necessary in order to allow access to the history of a patient and /or to allow management preparation by a hospital.
- In the creation of care plans to assist AV to prepare a plan that will be used to deliver the best and most appropriate care for you whilst maintaining consistency in your care across health



services. Consent to the collection of this information will be sought from you prior to collecting information from any other health service provider or hospital.

- AV's referral service (which is part of AV's triaging processes that determines whether an alternative level of care is warranted and safe to arrange instead of sending an emergency ambulance) so that it may provide information to a telehealth provider (for example, photographs or videos of conditions, such as a skin rash) via a referral for that service to accept the patient and manage the patient using one of their General Practitioners. AV has contracts in place with these providers in order to appropriately protect your health and personal information.
- To other organisations where that organisation is responsible for payment of an account e.g.: Transport Accident Commission, Victorian WorkCover Authority, Department of Veteran's Affairs, Health Funds.
- To other government entities where that entity is able to confirm concession entitlements for ambulance services e.g.: Australian Government Department of Human Services (Centrelink).
- 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.
- To the Victorian Chief Data Officer and other government departments and agencies for the purpose of policy making and service planning and design.
- To universities, hospitals or research bodies for research projects in the public interest. 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.
- 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.

AV members should please note that in circumstances where a third party, such as an immediate family member, has consent to sign you up for ambulance membership, once the policy is set up, that third party no longer has the authority to access information about you unless consent is specifically given.

6. Information verification

The validity of personal information will, where possible, be verified with an individual before use.

7. Data security and retention

All stored personal and health 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 Policy. AV retains information in



accordance with the Public Records Office of Victoria records retention and disposal authorities and standards. (See www.prov.vic.gov.au or call 9348 5600 or email enquiries@prov.vic.gov.au)

All data used for clinical audit, incident review, educational and/or research purposes will be suitably protected.

8. Data quality, access and correction

AV will take reasonable steps to ensure personal and health information is accurate, complete, up-to-date and relevant to the function being performed. You can gain access and make corrections to information about you in AV's possession through the *Freedom of Information Act 1982 (Vic)*. Information about this process is via this link. If AV believes that the information we hold about you is correct, you may request that your comments be noted on the record.

9. Anonymity

Under Victorian privacy law, wherever lawful or practicable, individuals must have the option of not identifying themselves when entering transactions with AV. However, please note that 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.

10. Unique identifiers

A unique identifier is usually a number assigned to an individual in order to identify the person for the purposes of an organisation's operations, e.g. Medicare number. The Acts limit the adoption and sharing of unique numbers and AV will always limit the use of unique identifiers as required under the Acts.

11. Sensitive information

The *Privacy and Data Protection Act* restricts collection of sensitive information about an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record. If AV has this kind of information, it will ensure it is given the higher level of protection required by the *Privacy and Data Protection Act* and will ensure your information is kept in accordance with relevant Public Records Office Victoria Standards to protect your information from loss, misuse, unauthorised access, modification or disclosure.

12. Complaints

If you have any questions or concerns in relation to this policy or AV's use of your personal or health information, please contact:

AV Privacy Officer
Email: AVLegal@ambulance.vic.gov.au
Phone: 9840 3501
Address: 375 Manningham Road, Doncaster Vic 3108

You may also contact:

Health Complaints Commissioner
Level 26, 570 Bourke Street



Melbourne Victoria 3000
Telephone: 1300 582 113
Website: www.hcc.vic.gov.au/

Office of the Victorian Information Commissioner, Privacy and Data Protection

Level 6, 121 Exhibition Street
Melbourne Victoria 3000
Telephone: 1300 666 444
Email: privacy@cpdp.vic.gov.au
Website: www.cpdp.vic.gov.au

Please note that both Commissioners will require a complainant to first approach AV with their concerns.

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. AV will take all steps it reasonably can to be efficient and fair when investigating and responding to privacy complaints.

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.

13. Further information

[Privacy and Data Protection Act 2014](#)

[Health Records Act 2001](#)

[Victorian Data Sharing Act 2017](#)

<https://hcc.vic.gov.au/>

<https://www.cpdp.vic.gov.au/>



Privacy principles

This table sets out a summary version of the key Privacy Principles from the two Victorian Acts for your information.

These do not set out the Principles in full but are intended for quick reference only. If you wish to read the Principles, they can be found in the respective Acts.

Health Records Act	Privacy and Data Protection Act
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>



Health Records Act HEALTH PRIVACY PRINCIPLES (HPPs) SUMMARY	Privacy and Data Protection Act INFORMATION PRIVACY PRINCIPLES (IPPs) SUMMARY
<p>7. Identifiers</p> <p>Only assign a number to identify a person if the assignment is reasonably necessary to carry out your functions efficiently.</p>	<p>7. Unique Identifiers</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 Complaints Commissioner Level 26, 570 Bourke Street Melbourne Victoria 3000 Telephone: 1300 582 113 Website: www.hcc.vic.gov.au/</p>	<p>Office of the Victorian Information Commissioner, Privacy and Data Protection Level 6, 121 Exhibition Street Melbourne Victoria 3000 Telephone: 1300 666 444 Email: privacy@cpdp.vic.gov.au Website: www.cdpd.vic.gov.au</p>



Document name	AV PRIVACY POLICY					
Applies to	Permanent	<input checked="" type="checkbox"/>	Casual	<input checked="" type="checkbox"/>	ACOs	<input checked="" type="checkbox"/>
	Fixed Term	<input checked="" type="checkbox"/>	Contractors	<input checked="" type="checkbox"/>	CERTs	<input checked="" type="checkbox"/>
	Part Time	<input checked="" type="checkbox"/>			Auxiliaries	<input checked="" type="checkbox"/>
Document no.	POL/FCS/078					
Version	1.0					
Stored	HPRM Reference: POL/FCS/078					
Criticality	High					
Division	Corporate Services					
Responsible Executive	Executive Director, Corporate Services					
Responsible Manager	General Counsel, AV Legal — 4313 6469					
Persons to be notified of changes post-approval	Kate Bradstreet – Executive Director Comms & Stakeholder Engagement Nicola Reinders – Executive Director Quality & Patient Experience					
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Version control and change history

Version	Date approved	Date superseded	Amendment
1.0	12 October 2018	Current	Original version

