

## Privacy Policy

### Purpose

To outline the framework for CHN to responsibly manage the information provided by individuals and organisations in accordance with the Australian Privacy Principles (APP).

### Responsibilities

The *CEO* is responsible for the effective implementation of this framework.

*Employees* are responsible for complying with this policy and for seeking an exemption from the CEO in any situations where they are unable to follow this framework.

### Definitions

*Privacy Officer* is the person appointed by the CEO to manage the CHN information privacy processes and requests for information or access to individual records. The Privacy Officer for CHN is the Senior Manager Corporate Operations.

*Consent* is defined in the *Privacy Act 1988* as express consent or implied consent which has 4 key elements:

- the consent must be voluntary.
- the individual must be adequately informed before giving consent.
- the consent must be current and specific.
- the individual must have the capacity to understand and communicate their consent.

*Health Information* means information or opinion about:

- the health or a disability (at any time) of an individual.
- an individual's expressed wishes about the future provision of health services to them.
- a health service provided, or to be provided, to an individual.
- other personal information collected to provide a health service.
- other personal information about an individual collected in connection with the donation or intended donation, by the individual, of his or her body parts, organs or bodily substances.

*Individuals*: are board members; members; employees; members of the public accessing the website; suppliers/contractors; job applicants; referees.

*Personal Information* is defined by the Privacy Act as information about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion which is:

- maintained electronically or digitally.
- maintained in written form.
- given verbally to an employee about an individual.

*Sensitive Information* means personal or health information or an opinion about an individual's:

- racial or ethnic origin.
- political opinions.
- membership of a political association.
- religious beliefs or affiliations.
- philosophical beliefs.
- membership of a professional or trade association.

- membership of a trade union.
- sexual preferences or practices.
- criminal record.

## **Principles**

The following principles establish the policy framework for all areas of activity within CHN:

1. CHN regards having the information of individuals as a privilege.
2. CHN does not undertake professional assessment of individuals and opinions must be recorded with care.
3. Individual/organisations' have a right to access information held about them.
4. The collection and storage of unnecessary information about individuals is considered a breach of privacy and is inappropriate.
5. All individuals have the right to be informed about whom has access to their information.
6. Individuals have a right to challenge the accuracy of personal information recorded about them.
7. Wherever it is lawful and practicable, individuals can have the option of not identifying themselves.

## **Privacy at CHN**

Board members and employees must comply with the *Privacy Act 1988* and the *Australian Privacy Principles (2014)*. CHN acknowledges and respects the privacy of individuals and meets the requirements of the Australian Privacy Principles.

### *Collection of personal information*

CHN will make every effort to only collect identifiable information with the prior knowledge and consent of the individual. Where we collect identifiable information about an individual without their knowledge, we will take all reasonable and practical steps to inform the person that we have collected their information from someone or somewhere else.

At the time information is collected (or as soon as practicable after) individuals will be made aware of:

- the purpose for which the information is collected.
- their right to make reasonable requests to access that information.
- how to contact CHN.
- the period for which the information is kept.
- the organisations (or types of organisations) to which CHN usually discloses information of that kind.
- any law that requires the information to be collected.
- main consequences (if any) for the individual if they provide incomplete or inaccurate information.

### *Collection of sensitive information*

Sensitive information will only be recorded with the individual's consent unless:

- the collection is required by law.
- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual, where the individual whom the information concerns:
  - a) is physically or legally incapable of giving consent to the collection
  - b) physically cannot communicate consent to the collection
- the collection is necessary for the establishment, exercise or defence of a legal claim.

### *Information CHN collects*

CHN collects and holds the following information about members and stakeholders on Salesforce, the organisational CRM database:

- Name
- Address
- Organisation
- Telephone number
- Fax number
- Mobile telephone number
- Business email address
- Personal email address (if provided)
- Provider number
- Gender
- Date of Birth (if provided)
- Class of membership
- Languages spoken (if provided)
- Practice role
- Privacy request
- Special interests
- Dietary requirements (if provided)
- CPD number

This information is collected for CHN to conduct its business of being a primary health care organisation which supports services and provides funding to primary health care professionals, community organisations and health care consumer organisations.

The information held on members or stakeholders will be up-to-date, relevant, non-obtrusive and objective.

### *Option of anonymity and pseudonymity*

In circumstances where CHN will have no need to contact an individual in the future and is not required or authorised by law to specifically deal with identified individuals, they have the right to anonymity and/or the right to use a pseudonym when providing information. Any person who chooses not to disclose their name or who uses a pseudonym will not be discriminated against because of their choice.

CHN is unable to extend membership to an individual who chooses to be anonymous or use a pseudonym.

### *Purpose of information collection*

CHN collects information about individual members and stakeholders to meet constitutional requirements, provide member services, provide support services and supply regular communication about CHN activities and events.

### *Access to and correction of information*

Individuals have the right to request access to information held by CHN about them. CHN will provide access to this information within 10 working days and any costs related to accessing the information will be borne by CHN. Individuals can access their information by submitting a written request to:

#### *The Privacy Officer*

*Capital Health Network*

*PO Box 9*

*Deakin West ACT 2600*

Requests must state:

- the name and address of the individual.
- enough information to identify their record.
- the way in which the individual wishes to have access.

An individual may exercise their right of access to their information by having the record explained to them by a member of CHN management.

CHN takes all reasonable steps to be satisfied that the individual requesting access is the individual referred to in the information. This may include asking for photo identification.

If an individual believes that the information held by CHN is inaccurate or incomplete, CHN will take all reasonable steps to correct the information.

#### *Legal requirements to disclose information*

A legal requirement to disclose personal information may override this policy.

Situations where this may occur include:

- when the information is required to be provided under subpoena.
- when serious criminal acts are known.
- where there is serious risk of abuse or physical harm to the individual or other person including CHN's employees.
- suspected abuse or neglect.

If a legal need for disclosure arises, the request will be discussed by senior management prior to any privacy breach.

#### **Protection of information**

CHN has processes and procedures in place to protect the information that CHN has under its control from:

- misuse, interference or loss.
- unauthorised access, modification or disclosure.

#### *Violation of an individual's privacy*

Deliberate violation of an individual's privacy by an employee including accessing personnel records will be considered gross misconduct and grounds for instant dismissal. Legal action may also be taken.

#### *Employee access to individual's information*

Information about individuals is only accessed by employees providing a service to that individual. Information held by CHN about individuals is stored securely whether in paper or electronic form.

Information held about individuals will be stored, destroyed or permanently de-identified if it is no longer needed.

#### *Third-party access to information*

Where contractors who are performing a service for CHN have access to personal information (such as access to CHN's database or server) they will be required to sign a non-disclosure agreement prior to commencing their contract with CHN.

#### **Commonwealth Government identifiers**

CHN does not use Commonwealth Government identifiers to identify any individual.

#### **Overseas transfer of information**

CHN does not transfer or store personal information or data overseas.

#### *Information destruction*

CHN removes information from records when it is no longer required. The treatment of CHN records, their retention and destruction or archiving is governed by the Data Governance Policy and Procedures.

#### *Availability of this policy*

This policy will be made available to members, stakeholders and the general public through the CHN website.

Any individual may request a paper copy of this policy by phoning 6287 8099 or by writing to:

*The Privacy Officer*

*Capital Health Network*

*PO Box 9*

*Deakin West ACT 2600*

Or by email to: [reception@chnact.org.au](mailto:reception@chnact.org.au)

#### *Complaints*

Any complaint in relation to CHN's handling of personal information should be directed to the CEO. Unless the complaint can be dealt with immediately and to the satisfaction of both parties, the complainant will be asked to lodge their complaint in writing so that CHN can investigate and respond appropriately. Any complaint received will be addressed using the CHN complaint investigation procedures.

If an individual believes their complaint has not been appropriately addressed by CHN, they will be referred to the Office of the Federal Privacy Commissioner Privacy Hotline on 1300 363 992.

#### **Legislation**

This policy is compliant with:

*Australian Privacy Principles*

*Privacy Amendment (enhancing Privacy Protection) Act 2012*

*Privacy Act 1988*

*Health Records (Privacy and Access) Act 1997(ACT)*

#### **Review History:**

<b>Authorised:</b> 1/11/2013	<b>Authorised by:</b> CEO	
<b>Review dates:</b> 2/5/2014	<b>Reviewed by:</b> Director Corporate Affairs	<b>Next Review:</b> May 2015
14/2/2015	Director Corporate Affairs	February 2016
1/7/2015	Director Corporate Operations	July 2016
7/12/2015	Executive Director Service Improvement and Coordination	December 2018
14/8/2019	Deputy CEO	August 2021
4/2/2021	Senior Manager Corporate Operations	November 2021
10/11/2021	Senior Manager Corporate Operations	November 2023