

Health Records

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Position Title of Responsible Business Unit Manager:	Privacy Officer	

CONTENTS

1. TITLE	3
2. OBJECTIVE	3
3. DEFINITIONS AND ABBREVIATIONS	3
4. POLICY	3
5. INFORMATION PRIVACY	5
6. COMPLAINTS	5
7. EXTERNAL CONTRACTORS	5
8. HUMAN RIGHTS CHARTER COMPATIBILITY	6
9. ASSOCIATED DOCUMENTS	6
10. REFERENCES/RESOURCES	6

1. TITLE

Health Records

2. OBJECTIVE

- 2.1 To ensure the responsible management of health information collected by Council.
- 2.2 To ensure Council's compliance with the *Health Records Act 2001 (Vic)* ('Act') and the Health Privacy Principles ('HPPs') which are set out in the Act.

3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Health information	Has the meaning defined in the Act and includes: (a) information or opinion about: (i) the physical, mental or psychological health of an individual; or (ii) a disability of an individual; or (iii) an individual's expressed wishes about the future provision of health services to him/ her; or (iv) a health service provided, or to be provided, to an individual- that is also personal information; and (b) other personal information collected to provide, or in providing, a health service; or (c) other personal information about an individual collected in connection with the donation, or intended donation, by the individual of his/her body parts, organs or body substances; or (d) other personal information that is genetic information about an individual in a form which is, or could be, predictive of the health (at any time) of the individual or of any of his/her descendants.
Health service provider	An organisation that provides a health service in Victoria to the extent that it provides such a service, but excluding those providers specifically exempted for the purposes of the Act.
Health service	An activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the organisation performing it: (a) to assess, maintain or improve the individual's health; or to diagnose the individual's illness, injury or disability; or to treat the individual's illness, injury or disability or suspected illness, injury or disability; or (b) a disability service, palliative care service or aged care service; or (c) the dispensing or prescription of a drug or medicinal preparation by a pharmacist; or (d) a service, or class of service, provided in conjunction with an activity or service referred to in (a) – (d) above that is prescribed as a health service.

4. POLICY

4.1 HPP1 – Collection

- 4.1.1 Council will only collect such health information that is necessary for the performance of a function or activity and which has an individual's consent; or as is required or permitted by law; or for any other reason permitted in the Act.

- 4.1.2 Council will only collect health information by lawful and fair means and not in an unreasonably intrusive way. If it is reasonable to do so, Council will only collect health information about an individual from that individual.
- 4.1.3 Following collection, Council will inform an individual how to contact Council; the fact that he/ she is able to gain access to the information; the purposes for which the information is collected; to whom Council usually discloses information of that kind; any law that requires Council to collect the information; the consequences (if any) for an individual if all, or part, of the information requested is not provided.

4.2 HPP 2 – Use and Disclosure

Council will only use and disclose health information for the primary purpose for which it was collected or a directly related secondary purpose that the individual would reasonably expect. In any other circumstances Council will contact the individual in order to obtain consent (unless the use or disclosure is required by law or otherwise permitted by the Act).

4.3 HPP 3 - Data Quality

Council will take reasonable steps to ensure the health information it holds is accurate, complete, up-to-date and relevant to the functions it performs.

4.4 HPP 4– Data Security and Retention

Council will take steps to safeguard the health information it holds against misuse, loss, unauthorised access and modification. Where lawful, Council will take reasonable steps to destroy or permanently de-identify health information if it is no longer needed.

4.5 HPP 5 – Openness

Council will provide a copy of this Policy to any individual who requests it.

4.6 HPP 6 - Access and Correction

Generally, individuals can seek access and correction to health information held by Council about themselves by requesting it or making an application under the *Freedom of Information Act 1982 (Vic)* following Council's procedures for making such applications. Requests should be directed to the Privacy Officer in the first instance.

4.7 HPP 7 – Identifiers

Council will only assign a number to identify a person if the assignment is reasonably necessary to carry out its functions efficiently.

4.8 HPP 8 - Anonymity

Council will give individuals the option of not identifying themselves when dealing with Council where this is lawful and practicable.

4.9 HPP 9 - Transborder Data Flows

Council will only transfer health information outside Victoria if the organisation receiving it is subject to laws substantially similar to the Act and HPPs.

4.10 HPP10 - Closure of the Practice of a Health Service Provider

If Council discontinues its health services it will give notice of the closure to service users directly and by way of notice in the local newspaper. Whether Council transfers or continues to hold health information collected as part of its health service will depend on its obligations under the *Public Records Act 1973 (Vic)*.

4.11 HPP 11 - Making Information Available to another Health Service Provider

When Council functions as a health service provider, it will make health information relating to an individual available to another health service provider if requested to do so, or, if consented to by the individual.

5. PRIVACY OF OTHER PERSONAL INFORMATION

Refer to Council's Privacy Policy for the management of personal information collected by Council that is not also health information.

6. COMPLAINTS

6.1 Complaints regarding Council's management of health information should be directed to the Privacy Officer in the first instance.

6.2 Complaints should be made in writing and accompanied by a suitable form of identification (e.g. photocopy of driver's license). A complaint will be investigated as soon as possible and the complainant will be provided with a written response.

6.3 Alternatively, a complaint may be made to the Health Services Commissioner (although the Commissioner may decline to hear a complaint if the complaint has not first been made to Council).

7. EXTERNAL CONTRACTORS

Council may outsource some of its functions to third parties. This may require Council to disclose health information to the contractor or for the contractor to collect, use or disclose certain health information. Council mandates that its contractors to comply with the Act.

8. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

9. ASSOCIATED DOCUMENTS

Privacy Policy

10. REFERENCES/RESOURCES

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Health Records Act 2001 (Vic)

Privacy and Data Protection Act 2014 (Vic)

Public Records Act 1973 (Vic)

Freedom of Information Act 1982 (Vic)

Victorian Health Services Commissioner: www.health.vic.gov.au