

Managing Your Health Information Policy

1. INTRODUCTION

- 1.1 This policy is to provide information to clients, on how their personal information (which includes their health information) is collected and used within The Health Hub by Lotus Assist (the Company), and the circumstances in which the Company may share it with third parties.
- 1.2 This policy outlines the Company's requirements and expectations in relation to managing client health information and should be read in conjunction with the Company's Privacy Policy.

2. SCOPE

- 2.1 This policy applies to all clients and their families/caregivers registered with the Company.
- 2.2 This policy applies to all employees, independent contractors, consultants and other workers engaged by the Company and who have access to personal information in the course of performing their duties.

3. POLICY

- 3.1 The Company's goal is to ensure that client information is accurate, complete and up-to-date.
- 3.2 The Company will take reasonable steps to correct a client's personal information. Reception staff will verify that a client's personal information is correct and up-to-date. To assist this process, clients are requested to notify the Company if any details provided have changed, particularly a client's contact telephone numbers, address and emergency contact information.
- 3.3 The storage, use and, where necessary, transfer of personal health information will be undertaken in a secure manner that protects client privacy. The Company will take appropriate measures to protect electronic materials stored and generated in hard copy.

4. COLLECTION OF INFORMATION

- 4.1 The Company will need to collect client personal information to provide healthcare services to clients. The Company's main purpose for collecting, using, holding and sharing client personal information is to manage client health. The Company will also use it for directly related business activities, such as financial claims and payments, practice audits and accreditation, and business processes (eg staff training).
- 4.2 The information the Company will collect about clients includes client:
 - names, date of birth, addresses, contact details
 - medical information including medical history, medications, allergies, adverse events, immunisations, social history, family history and risk factors
 - Medicare number (where available) for identification and claiming purposes
 - healthcare identifiers

- health fund details.
- 4.3 Clients have the right to deal with the Company anonymously or under a pseudonym unless it is impracticable for the Company to do so or unless the Company is required or authorised by law to only deal with identified individuals.
- 4.4 The Company may collect a client's personal information in several different ways, including:
- i. When clients make their first appointment, the Company will collect client personal and demographic information via their registration.
 - ii. During the course of providing medical services, the Company may collect further personal information. Information can also be collected through electronic transfer of prescriptions (eTP), My Health Record, etc
 - iii. The Company may also collect client personal information when a client visits the Company website, sends the Company an email or SMS, telephones the Company, makes an online appointment or communicate with the Company using social media.
 - iv. In some circumstances personal information may also be collected from other sources. Often this is because it is not practical or reasonable to collect it from a client directly. This may include information from:
 - A guardian or responsible person
 - other involved healthcare providers, such as specialists, allied health professionals, hospitals, community health services and pathology and diagnostic imaging services
 - a client's health fund, Medicare, or the Department of Veterans' Affairs (as necessary).

5. SHARING OF INFORMATION

- 5.1 The Company sometimes shares client personal information:
- with third parties who work with the Company for business purposes, such as accreditation agencies or information technology providers – these third parties are required to comply with APPs and this policy
 - with other healthcare providers
 - when it is required or authorised by law (eg court subpoenas)
 - when it is necessary to lessen or prevent a serious threat to a patient's life, health or safety or public health or safety, or it is impractical to obtain the patient's consent
 - to assist in locating a missing person
 - to establish, exercise or defend an equitable claim
 - for the purpose of confidential dispute resolution process
 - when there is a statutory requirement to share certain personal information (eg some diseases require mandatory notification)
 - during the course of providing medical services, through eTP, My Health Record, etc

- 5.2 Only people who need to access client information will be able to do so. Other than in the course of providing medical services or as otherwise described in this policy, the Company will not share personal information with any third party without a client's consent.
- 5.3 The Company will not share a client's personal information with anyone outside Australia (unless under exceptional circumstances that are permitted by law) without a client's consent.
- 5.4 The Company will not use a client's personal information for marketing any of the Company's goods or services directly to a client without a client's express consent. If a client does consent, they may opt out of direct marketing at any time by notifying The Company in writing.
- 5.5 The Company may use a client's personal information to improve the quality of the services offered to our patients through research and analysis of our patient data.
- 5.6 The Company may provide de-identified data to other organisations to improve population health outcomes. The information is secure, patients cannot be identified and the information is stored within Australia. A client can let the Company reception staff know if they do not want their information included.

6. PATIENT IDENTIFICATION

- 6.1 The Company will ask clients to verify 3-points of ID when they are booking their appointment over the phone and when they arrive at The Health Hub. Clients may be asked to verify name, date of birth, mobile number, or address at each interaction.

7. STORING OF INFORMATION

- 7.1 Client personal information may be stored at the Company in various forms.
- 7.2 The Company stores all personal information securely.

8. ACCESS TO HEALTH RECORDS

A client has the right to request access to, and correction of, their personal information.

The Company acknowledges clients may request access to their medical records. The Company requires clients to put this request in writing and the Company will respond within a reasonable time.

8.1 Making a request for access

A client may request the Company to provide them with access to health information relating to them. A request must:

- i. be in writing, and
- ii. state the name and the address of the client making the request, and
- iii. sufficiently identify the health information to which access is sought, and
- iv. specify the form in which the client wishes the information to be provided.

A client who requests access to health information relating to them may authorise another person to have access to the information in the place of that individual. Such an authority must:

- i. be in writing, and
- ii. name the person who is authorised to have access to the information.

8.2 Response to request for access

The Company will respond to a request for access within 45 days after receiving the request. The Company will either provide access to the information requested or refuse access to the information. If the Company refuses to give a client access to their health information, a written reason for refusal of access will be provided.

The Company charges a fee for providing access to information and will not provide access until 7 days after payment of the fee, if:

- i. the Company has given the client written notice stating that access will be provided on payment of a specified fee, and
- ii. that notice is given within 45 days after receiving a request.
- iii. Access may be refused to a part of the information to which a request relates (with access provided to the remainder of the information).

8.3 Form of access

8.3.1 Access to health information relating to a client is to be provided to the client:

- by giving the client a copy of the health information, or
- by giving the client a reasonable opportunity to inspect and take notes from the health information.

8.3.2 If a client has requested that access to health information be provided in a particular form, the Company will endeavour to provide access in that form.

8.3.3 The Company may refuse to provide access to health information in the form requested if providing the information in that form:

- i. would place unreasonable demands on the Company's resources, or
- ii. would be detrimental to the preservation of the information or (having regard to the physical form in which the information is contained) would otherwise not be appropriate, or
- iii. would involve an infringement of copyright subsisting in matter contained in the information.

8.4 Situations where access need not be granted

The Company is not required to provide the client with access to health information relating to the client held by the Company if:

- i. providing access would pose a serious threat to the life or health of the client or any other person, or
- ii. providing access would have an unreasonable impact on the privacy of other individuals, or
- iii. the information relates to existing or anticipated legal proceedings between the Company and the client and the information would not be accessible by the process of discovery in those proceedings or is subject to legal professional privilege, or
- iv. providing access would reveal the intentions of the Company in relation to negotiations, other than about the provision of a health service, with the client in such a way as to expose the Company unreasonably to disadvantage, or
- v. providing access would be unlawful, or
- vi. denying access is required or authorised by or under law, or
- vii. providing access would be likely to prejudice an investigation of possible unlawful activity, or
- viii. providing access would be likely to prejudice a law enforcement function by or on behalf of a law enforcement agency, or

- ix. a law enforcement agency performing a lawful security function asks the Company not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia, or
- x. the request for access is of a kind that has been made unsuccessfully on at least one previous occasion and there are no reasonable grounds for making the request again, or
- xi. the client has been provided with access to the health information in accordance with this Act and is making an unreasonable, repeated request for access to the same information in the same manner.

If the Company refuses to provide the client with access to the health information on the ground that providing access would pose a serious threat to the life or health of the client, the client may request the Company to give access to the information to a registered medical practitioner nominated by the client. The request is to be made within 21 days after the notice of refusal was received.

The Company will provide access to the health information to the nominated registered medical practitioner within 21 days after being advised by the client of the nomination of the practitioner.

8.5 The Company may require evidence of identity or authority

Before the Company provides access to health information to a client, the Company will take reasonable steps to verify a person's authority to have access to the information. For this purpose, the Company may require evidence of:

- i. the person's identity, and
- ii. the authority to act as an authorised representative of the client to whom the information relates.

9. **AMENDMENT OF HEALTH INFORMATION**

The Company will take reasonable steps to correct client personal information where the information is not accurate or up to date. From time to time, the Company will ask clients to verify that their personal information held by the Company is correct and current. A client may also request that the Company correct or update a client's information, and clients should make such requests in writing to a Director of the Company.

9.1 Making a request for amendment

The client may request the Company to amend health information relating to the client held by the Company. The request must—

- i. be in writing, and
- ii. state the name and the address of the client making the request, and
- iii. identify the health information concerned, and
- iv. specify the respect or respects in which the client claims the health information is inaccurate, out of date, irrelevant, incomplete, or misleading, and
- v. if the request specifies that the client claims the health information is incomplete or out of date—be accompanied by such information as the client claims is necessary to complete the health information or to bring it up to date.

9.2 Response to request for amendment

- 9.2.1 The Company will respond to a request for amendment within 45 days after receiving the request. The Company responds to a request by:
- i. making the amendment requested, or
 - ii. refusing to make the amendment requested.
- 9.2.2 The Company may refuse to amend health information in accordance with a request:
- i. if it is satisfied that the health information is not incomplete, incorrect, irrelevant, out of date or misleading, or
 - ii. if it is satisfied that the request contains or is accompanied by matter that is incorrect or misleading in a material respect.
- 9.2.3 The Company will provide a client a written reason for the refusal.

10. PRIVACY RELATED COMPLAINT

- 10.1 The Company takes complaints and concerns regarding privacy seriously. A client should express any privacy concerns they may have in writing. The Company will then attempt to resolve it in accordance with the Company resolution procedure.
- 10.2 A client may also contact the OAIC. Generally, the OAIC will require someone to give them time to respond before they will investigate. For further information visit www.oaic.gov.au or call the OAIC on 1300 363 992.

11. POLICY REVIEW

- 11.1 This policy will be reviewed by the Company regularly to ensure it reflects the current processes and procedures of the Company and current legislative requirements.