

# POLICY

<b>Policy Name</b>	Privacy Policy
<b>Policy Number</b>	BRD0014
<b>Domain</b>	Board
<b>Date Adopted</b>	27 August 2018
<b>Review Date</b>	27 August 2021
<b>Authority</b>	Board
<b>Responsible Role</b>	Chief Executive Officer

## 1 PURPOSE

Northern Territory PHN ('NT PHN') is bound by the Australian Privacy Principles (APP) as set out in the Privacy Act 1988, as well as other laws and contractual agreements that impose specific obligations in regard to handling personal and health information that directly or indirectly identifies a person. The Privacy Act also prescribes the Australian Privacy Principles ('APPs') which regulate the collection, use, disclosure and storage of Personal Information.

NT PHN acknowledges good privacy practice is more than being compliant with the Privacy Act. Any mishandling of Personal Information may result in a loss of trust in us by our stakeholders and cause significant harm to our reputation.

## 2 SCOPE

This Policy applies to all individuals whose Personal Information is collected by NT PHN in the course of our functions and activities including employees, service providers and consultants and individuals, and all individuals whose Personal Information is collected in the course of receiving health-related services. The Act defines personal information as:

*information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.* This Policy only applies to Personal Information about individuals and does not cover information about organisations. Some organisational information may be deemed confidential and reference should be made to NT PHN's Confidentiality Undertaking Policy (BRD0016).

Reference can be made to internal policies and procedures on how NT PHN manages information relating to employees and applicants for positions.

Personal Information does not include, and is not, information already and lawfully in the public domain including generally available documents including annual reports, newsletters, magazines, books and newspapers.

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Under the Privacy Act, NT PHN is defined as an APP entity and must comply with the 13 APPs in managing Personal Information. The APPs guide NT PHN in determining how Personal Information is to be collected, used and disclosed, and how this information should be managed and stored. It also provides guidance for individuals accessing and correcting their own Personal Information.

NT PHN will ensure this Policy is available free of charge and in such a form as is appropriate.

### 3.1. Compliance with the APPs

NT PHN complies with the APPs, as follows:

- **Open and transparent management of Personal Information** – Personal Information is managed in a robust and transparent way, through implementation of this policy and supporting frameworks.
- **Anonymity and pseudonyms** – Individuals have the option to not identify themselves, or to use an alternate name when dealing with NT PHN in relation to certain matters, where it is lawful and practicable to do so.
- **Collection of solicited Personal Information** – Personal Information is collected through lawful and fair means only where it is reasonably necessary for, or directly related to, its functions and activities.
- **Dealing with unsolicited Personal Information** – Unsolicited Personal Information received not collected through normal processes, will be de-identified or destroyed where lawful and reasonable to do so.
- **Notification of the collection of Personal Information** – Individuals are notified when NT PHN is collecting Personal Information.
- **Use or disclosure** – Personal Information is only collected and used for specified purposes. Personal Information is de-identified where possible when it is disclosed.
- **Direct marketing** – Personal Information is not used for direct marketing unless authorised by the individual concerned.
- **Cross border disclosure of Personal Information** – Personal Information is not disclosed to overseas recipients.
- **Use or disclosure of government related identifiers** – Government related identifiers are not used by NT PHN in its use or disclosure of Personal Information.
- **Quality of Personal Information** – Reasonable steps are taken to ensure Personal Information collected is accurate, up to date and complete.
- **Security of Personal Information** – Appropriate steps are taken to ensure Personal Information is protected from misuse, interference, loss, unauthorised access, modification and disclosure.
- **Access to Personal Information** – Access is provided to an individual to their Personal Information held by NT PHN as required by the Privacy Act.
- **Correction of Personal Information** – An individual is able to request corrections to their Personal Information held by NT PHN as required by the Privacy Act.

## 4 RESPONSIBILITIES

NT PHN recognises the management of Personal Information is an organisation-wide responsibility, and all staff are responsible for compliance with this Policy.

### 4.1. Chief Executive Officer

- Will ensure appropriate control mechanisms are in place, through the regular review and update of the Privacy Policy and any associated procedures and tools..
- Will provide assistance and direction to the Privacy Officer as required. This may include instructing the relevant Executive Manager or other staff members to provide assistance or information to the Privacy Officer.

### 4.2. Executive Managers

- Will provide assistance, direction and information to the Privacy Officer as required or as instructed by the CEO.
- Will support and promote understanding of NT PHN's requirements under the Privacy Act within their Branch.
- Will support their Branch staff in implementing the Privacy Policy and any associated procedures and tools.

### 4.3. All Staff

- Will perform duties in accordance with organisational systems in place to manage privacy and confidentiality, including compliance with relevant policies and procedures.
- Provide assistance and information to the Privacy Officer as required or as instructed by their Executive Manager.
- Follow advice and information provided by the Privacy Officer.
- Participate in any training or information sessions provided.
- Receive queries from individuals relating to access and / or correction of Personal Information.

### 4.4. Privacy Officer

- The role of the Privacy Officer is undertaken by the Executive Officer.
- Updates and maintains the Privacy Policy and develops and maintains tools and training for the benefit of All Staff.
- Ensures familiarity with current privacy issues, including legislation, best practice and attends training to further knowledge and skill where appropriate.
- Provides accurate information to staff / stakeholders.
- Provides assistance to the Feedback Officer where required.
- Receives queries from individuals relating to access and / or correction of Personal Information.

## 5 PROCEDURE

This Policy provides an oversight of procedures relating to the collecting, storing, using, disclosing and disposing

## 5.1. What Personal Information NT PHN collects and why

NT PHN may collect Personal Information including:

- Identifying information such as name, date of birth and employment details
- Contact information such as home address, home and mobile phone numbers and email address
- Government-issued identifiers including Medicare numbers
- Financial information, such as bank account and credit card details
- Sensitive Information that may include information about your health and health services provided to you

NT PHN may also keep Personal Information as part of the following records:

- Recruitment and Human Resources
- Board and Membership
- Information systems, Financial management and Administration
- Incident records regarding the performance of its functions and activities, such as workplace incidents
- Correspondence and Stakeholder Management
- Event Management and Attendance
- Right to Information, Complaints, Privacy, and Litigation records

NT PHN may also need to collect Health Information as is necessary to provide or assist in the commissioning of provision of primary health care services. Where possible all clinical information will be de-identified and fall outside provisions of the Act dealing with Health Information.

Sometimes Health Information may be collected from a third party such as a health service provider. Where it is lawful and practicable, individuals in dealing with NT PHN, will have the option of not having to identify themselves but only where such anonymity or pseudonymity will not compromise or prevent NT PHN from effectively carrying out its activities and functions.

NT PHN will collect information on the basis of it being lawful and fair and will take reasonable measures to ensure each individual providing Personal Information is informed, and understands, the purpose of the collection of the information and, where possible, NT PHN will require the Informed Consent of an individual giving Personal Information.

## 5.2. Use and Disclosure of Personal Information

NT PHN will only use Personal Information for the purpose it has been given unless one of the following applies:

- Another purpose is directly related to the purpose for which information was given to us and it would be reasonably expected, that this information would usually be disclosed for another purpose or to other individuals, organisations or agencies

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necessary for the enforcement of law.

- The disclosure of information will prevent harm or injury to a person.

In relation to Health Information, NT PHN requires its service providers to maintain confidentiality and comply with the Privacy Act and all other relevant privacy legislation.

NT PHN may also provide Health Information about an individual's condition to parents, children, other relatives, close personal friends, guardians, or a person exercising a power of attorney under an enduring power of attorney, unless NT PHN is expressly informed by the individual there is to be no disclosure of Health Information to that person.

With an individual's consent NT PHN can also use Personal Information for other purposes including mailing lists, fundraising or research. Unless an individual provides NT PHN with his/her express consent for this purpose, NT PHN will not use Personal Information in this way.

NT PHN may also from time to time be required to use Personal Information where necessary for:

- Activities such as quality assurance processes, accreditation, audits, risk and claims management, patient satisfaction surveys and staff education and training
- Invoicing, billing and account management
- Program activities involving our agents, service providers and professional advisors
- Procurement, contract management and risk management functions
- To liaise with the Commonwealth, as necessary
- The functioning of advisory groups
- The purpose of complying with any applicable laws including public health and safety circumstances

NT PHN will not disclose Personal Information to overseas recipients.

### **5.3. Storage and Disposal of Personal Information**

NT PHN will always take reasonable steps through sound technical, administrative, and physical procedures to protect Personal Information from misuse, loss, unauthorised access, modification or disclosure. All Personal Information held by NT PHN in paper form will be stored in a secure and lockable location and if in electronic form, will be password and firewall protected.

NT PHN will take reasonable steps to destroy or permanently de-identify any of your information when it is no longer needed. Unsolicited Personal Information is information provided without it being requested. If NT PHN receives unsolicited Personal Information that it could not collect through its normal processes, it will be de-identified or destroyed where lawful and reasonable to do so.

## 5.4. Access to Personal Information

NT PHN will take reasonable steps to ensure your Personal Information which we may collect, use or disclose is accurate, complete and up-to-date. Requests by individuals to access their Personal Information held by NT PHN must be made in writing to the Privacy Officer.

NT PHN will respond to requests for access to Personal Information within a reasonable period and there will be no charge for the provision of an individual's information, except in circumstances where NT PHN incurs a cost.

Access must be provided unless one of the exceptions under the Privacy Act applies. NT PHN is not required to provide an individual access to their Personal Information in the following circumstances:

- NT PHN reasonably believes that giving access may pose a serious threat to the life, health or safety of any individual, or public health or public safety, or is unlawful or in contravention of a court order.
- Access to the information would have an unreasonable impact on the privacy of others.
- The request for access is frivolous or vexatious.
- There are existing or potential legal proceedings occurring between NT PHN and the individual, and the information would not be accessible through the legal discovery process.
- NT PHN suspects unlawful activity or misconduct may have been engaged in relating to the NT PHN's functions, and giving access to the information may prejudice taking appropriate action in relation to the matter.
- Giving access would be likely to prejudice enforcement related activities conducted by or on behalf of an enforcement body.
- Giving access would reveal evaluative information generated within NT PHN relating to commercially sensitive decision making process or would reveal NT PHN's intentions in any negotiations with any individual.

## 5.5. Correction of Personal Information

Requests by individuals to correct their Personal Information held by NT PHN must be made in writing to NT PHN's Privacy Officer. NT PHN will respond to requests for access to Personal Information within a reasonable period and there will be no charge for the provision of an individual's information, except in circumstances where NT PHN incurs a cost.

If NT PHN is satisfied that Personal Information is inaccurate, out of date, incomplete, irrelevant or misleading, NT PHN will correct the Personal Information as required under the Privacy Act. If NT PHN refuses to correct an individual's Personal Information, NT PHN will give the individual written notice which sets out:

- The reasons for the refusal to correct the Personal Information
- The processes available to complain about the refusal
- Any other matters of relevance

## 5.6. Notifiable Data Breaches

NT PHN will respond to any known or suspected breaches of privacy, including data breaches in accordance with the Privacy Amendment (Notifiable Data Breaches) Act 2017. Where a possible breach occurs, the Privacy Officer should be notified and steps taken to contain the breach as quickly as possible.

Where appropriate, an assessment of the potential breach will occur and action taken in accordance with the Act.

## 5.7. Privacy Concerns or Complaints

If an individual has concerns in relation to the manner in which his/her Personal Information has been handled, they are able to contact NT PHN's Privacy Officer.

If NT PHN receives complaints from stakeholders in relation to the management of Personal Information, the following procedures apply:

From External Stakeholders:

- The complaint will be managed in accordance with NT PHN's External Feedback Policy.
- The Privacy Officer is to liaise with the Feedback Officer as required, and under the direction of the relevant Executive Manager and CEO.
- Details of the Feedback Officer are as follows:

Feedback Officer  
GPO Box 2562  
DARWIN NT 0801  
08 8982 1000

From Staff Members:

- The complaint will be managed in accordance with the NT PHN's Internal Complaints and Grievance Policy.
- The Privacy Officer is to liaise with Human Resources as required, and under the direction of the relevant Executive Manager or CEO.

## 6 FURTHER INFORMATION

<b>Definitions</b>	<b>Australian Privacy Principles (APPs)</b> In accordance with section 14 of the Privacy Act, means the 13 principles contained in Schedule 1 of the Privacy Act.
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- i. information or an opinion about:
  - the health or a disability (at any time) of an individual; or
  - ii. an individual's expressed wishes about the future provision of health services to him or her; or
  - iii. a health service provided, or to be provided, to an individual; that is also Personal Information; or
- 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 or her body parts, organs or body substances; or
- d) genetic information about an individual in a form that is, or could be, predictive of the health of the individual or a genetic relative of the individual.

**Informed Consent**

Means an individual understands the need to give Personal Information, has knowledge of what this information is and with who the information will be exchanged, and agrees to the exchange of information.

**Personal Information**

In accordance with section 6 of the Privacy Act, means information or an opinion about an identified individual, or an individual who is reasonably identifiable: whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

**Privacy Act**

Means the Privacy Act 1988 (Cth) as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth), and the Privacy Amendment (Notifiable Data Breaches) Act (Cth) 2017.

**Privacy Officer**

Means the person appointed to, or acting in the role of Executive Officer for NT PHN

**Sensitive Information**

In accordance with section 6 of the Privacy Act, means:

- a) Personal 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
  - sexual preferences or practices



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	<ul style="list-style-type: none"><li>b) Health information about an individual; or</li><li>c) Genetic information about an individual that is not otherwise health information; or</li><li>d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or</li><li>e) biometric templates</li></ul>
<b>Related Policy and Procedures</b>	BRD0016 Confidentiality Undertaking Policy BRD0020 Whistle-blowers Policy ITC0003 Data Governance Policy (pending) HRM0009 Internal Complaints and Grievance Policy
<b>References</b>	<i>Privacy Act 1988 (Cth)</i> <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)</i> <i>Privacy Amendment (Notifiable Data Breaches) Act 2017 (CTH)</i>

**Authority:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Version History

Version	Author	Approved by	Effective Date	Sections Modified
1		Dr Andrew Bell, NTML Chair	February 2014	Creation of Policy
2	CGLU	Dr Andrew Bell, NTML Chair	13 October 2014	Review of Policy; application of Privacy Amendment (Enhancing Privacy Protection Act 2012 (Cth)
3	CGLU	Dr Andrew Bell, NT PHN Chair	30 May 2016	Review of Policy; NT PHN Branding
4	Assurance	Dr Andrew Bell, NT PHN Chair	27 August 2018	Review of policy; application of <i>Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)</i> , update of responsibilities