

WOMEN'S HEALTH QUEENSLAND WIDE Inc

Procedure: 2.4.2 Privacy and Confidentiality: Guidelines

1. Children and Dependents

- Children and dependents have the right to privacy of their personal information. Each request for access will be addressed individually. Disclosure of health information to third parties without consent can be made under the following circumstances:
 - a. if the recipient of the information is a 'person responsible for the individual'; and
 - b. the individual from whom information has been collected is either physically or legally incapable of giving consent to the disclosure; and
 - c. the service is satisfied that either the disclosure is necessary to provide appropriate care of the individual, or the disclosure is made for compassionate reasons; and
 - d. the disclosure is not contrary to any wish expressed by the individual from whom information has been collected before the individual became unable to give or communicate consent of which the carer is aware or of which the carer could reasonably be expected to be aware; and
 - e. the disclosure is limited to the extent reasonable and necessary for providing appropriate care or fulfilling compassionate circumstances.
- Disclosure of personal and health information can be made to third parties without consent where Women's Health reasonably believes the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety, and it is unreasonable or impracticable to obtain consent.

2. Data Security

- Women's Health will take all reasonable steps to protect individuals' personal information from misuse, interference or loss, unauthorised access, modification or disclosure. This includes the physical security of the premises, paper-based personal information, computer and network security and personnel security.
- Women's Health does not keep personal information about a client except in the following instances of service delivery:
 - a. The Midwife Check-in service – for the period of the service delivery personal information about the client is recorded on a database so it can be referred to each time the client is contacted. The client is informed of the need to keep information about the contact and gives their consent. Only first names are used. Each midwife has their own password access to the database that other staff cannot use. Once the period of service delivery has ceased, this information is destroyed.
 - b. Service users and clients who wish to borrow a library book must leave contact details. These details do not identify the topic of the book borrowed and a coding system is used on the library card.
 - c. Credit card details provided for any payments are processed immediately and then details shredded.
 - d. Women's Health outsources information technology (IT) maintenance and monitoring of the server, network systems, hardware and software to a speciality IT organisation. The IT organisation is required to treat its client information with the utmost confidentiality. The staff employed by the IT organisation have this requirement written into their employment contract.

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	<p>e. Women's Health uses a document destruction service and operates within fully alarmed premises.</p> <ul style="list-style-type: none">• With their permission, practice details of all health services and practitioners are maintained on a database. This is not published on our website and this information is not used for any purpose other than to provide referral information for clients.
	<p>4. A Client's Right to Access Personal Information</p> <ul style="list-style-type: none">• Individuals have a right of access to all the personal information held about them. Women's Health will respond to a request to access personal information within a reasonable period after the request is made, and give access to the information in the manner requested by the individual if it is reasonable and practicable to do so. See Procedure 2.4.1 2.4.1 How Clients access personal information.docx• Women's Health is not required to give the individual access to the personal information to the extent that: Women's Health reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or<ol style="list-style-type: none">a. giving access would have an unreasonable impact on the privacy of other individuals; orb. the request for access is frivolous or vexatious; orc. the information relates to existing or anticipated legal proceedings between service and the individual, and would not be accessible by the process of discovery in those proceedings; ord. giving access would reveal the intentions of the service in relation to negotiations with the individual in such a way as to prejudice those negotiations; ore. giving access would be unlawful; orf. denying access is required or authorised by or under an Australian law or a court/tribunal order; org. the service has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to its functions or activities has been, is being or may be engaged in and giving access would be likely to prejudice the taking of appropriate action in relation to the matter; orh. giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body.• If access to personal information is not given for any of the above mentioned reasons, mutually agreed intermediaries may be appointed to allow sufficient access to meet the needs of the individual and Women's Health.• Reasons for denial of access must be provided to the individual by a written notice that sets out the reasons for the refusal except to the extent that, having regard to the grounds for the refusal it would be unreasonable to do so; and the mechanisms available to complain about the refusal.• If an individual is able to establish that the personal information Women's Health holds is inaccurate, incomplete, out of date, irrelevant or misleading, the personal information held will be altered.

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	<p>i.</p> <ul style="list-style-type: none">• If the individual and Women's Health disagree about whether the information is accurate, complete and up to date, and the individual asks that a statement is to be included with the information claiming that the information is not accurate, complete or up to date, Women's Health will endeavour to satisfy the individual's request. <p>Where personal information about an individual is held; and</p> <ol style="list-style-type: none">a. the information is no longer needed for any purpose for which the information may be used or disclosed; andb. the service is not required by or under an Australian law, or a court/tribunal order, to retain the information; <p>Women's Health must take such steps as are reasonable in the circumstances to destroy the information securely or to ensure that the information is de-identified.</p>
	<p>If the client is not satisfied with how Women's Health have handled their personal information:</p> <ol style="list-style-type: none">a) they may lodge a complaint through the policy 2.2 Receiving Client Feedback, Compliments and Complaints and a response will be received within 30 days. <ul style="list-style-type: none">• If the client is dissatisfied with the response, they may refer their complaint to the Office of the Australian Information Commissioner. www.oaic.gov.au.• The client may also lodge a complaint to the Department of Communities, Child Safety and Disability Service.