

PRIVACY POLICY

Authorised by Kambu Health Board of Directors



1.0 Policy

Kambu Health, staff and volunteers have a shared purpose of delivering services to individuals and significant others who experience difficulties arising from drug and alcohol use and/or mental health issues.

As such personal and sensitive information is routinely collected to support the delivery of appropriate, timely and quality health and social support services.

In line with our values Kambu Health upholds individuals' right to privacy and rights to their personal information. Consequently, Kambu Health is committed to protecting the privacy of the personal information it collects, holds and administers in the course of providing services. These commitments are undertaken to comply with the Australian Privacy Principles (APPs) prescribed under the Commonwealth Privacy Act (1988).

1.1 Primary Purpose for Collecting Information

Kambu Health primarily collects personal information to support the delivery of optimal health and social support services that are tailored to the needs of the individual and support their personal network.

1.2 Secondary Purpose

Kambu Health is a not for profit organisation that receives government funding. Public fundraising through direct marketing can help to enhance services. As such the names and addresses of patients and donors may be used to forward items such as regular newsletters and other activities related to raising the profile of the organisation. These newsletters contain an array of information on the services provided by Kambu Health and also how people can support Kambu Health in its endeavours. People can elect not to receive this material.

2.0 Information we collect, use and store

To ensure that we provide the highest standard of health and social support services, we usually collect the following types of information:

- Name and contact details of patients (including, address, telephone number and email address)
- Health status and services received/provided
- Clinical care information, including blood test results and results from other investigations
- Relevant demographic and social information such as date of birth
- Name and contact details of relevant family members, carers and next of kin
- Name and contact details of the patients general practitioners and any other health care providers accessed by the client
- Financial institution information (where relevant)
- Government related identifiers (including but not limited to Centrelink, Medicare and Department of Veteran's Affairs numbers)

2.1 Consequences if personal information is not collected

Kambu Health is committed to providing services of the highest standard that improve the health status and quality of life and to provide support to their personal network. If your personal information is not collected because it is refused or not available, it may result in a different level of service to you than you need or are entitled to.

Additionally, Kambu Health uses your personal information to improve services to some of the most vulnerable and marginalised people in the community. If certain information is not gathered in the conduct of research projects, the incomplete data may jeopardise future care and service planning and funding arrangements that Kambu Health enters into for it to deliver services.

In addition, Kambu Health may not be able to effectively resolve an individual's complaint or dispute if their personal information is incomplete or missing.

2.2 Legal requirements for handling personal information

As an organisation that manages, funds and monitors a health service, Kambu Health has various exemptions for collecting, using and disclosing your personal information under "permitted general situations" and "permitted health situations" as defined in the Privacy Act 1988.

The information handling requirements imposed by some Australian Privacy Principles (APPs) do not apply if a "permitted general situation" or a "permitted health situation" exists. These exceptions apply in relation to the collection of personal information

(including sensitive information, in some cases) (APP 3), the use or disclosure of personal information (APPs 6 and 8) and the use or disclosure of a government related identifier (APP 9).

In general terms, Kambu Health is allowed to handle your personal information if the collection is required or authorized under other Australian laws or in accordance with health and medical bodies that operate under their own obligations of professional confidentiality.

2.3 Obligations for obtaining consent

Kambu Health is permitted to collect your personal information (including sensitive information) as part of its functions as a not for profit health care provider. However, using and disclosing your personal information requires consent where it is reasonable and practical to do so. As such Kambu Health's privacy policy is discussed with you or your substitute decision-maker. Patients are then asked to provide their consent to the use and disclosure of personal information collected from them for the purposes of providing an optimal level of service.

In the absence of your consent, or a person authorized to act on your behalf, under the Privacy Act 1988, information can only be released to another if:

- There is a statutory obligation to disclose certain information. [For example, subpoenas, warrants, coronial inquiries, provisions of other acts such as the Guardianship and Administration Act (Qld) 2000].
- The public interest requires the release of confidential information.

There are a number of specific instances under which Kambu Health needs to provide personal information to other agencies, bodies and individuals. The following are typical examples:

- Where Kambu Health is authorized to provide another agency (such as the Queensland Department of Communities, Child Safety and Disability Services) with personal information to enable services to be provided to the client
- Where, for legal reasons, Kambu Health is obligated to provide information under a Court Order or other legal enforcement authority such as the Adult Guardian- the Privacy Act 1988 provides strict guidelines for the release of information under these circumstances.
- Where we provide de-identified information to funding agencies and government departments to meet our contractual requirements (de-identified information cannot be linked directly back to an individual)
- Where we maximize the efficient delivery of our services through engaging specialists in the field of drug and alcohol treatment who work on our behalf to improve the health status of our patients (client consent is sought before the release of such information)
- Where we undertake research or partner with clinical or academic researchers- in most cases, the personal information is de-identified (the collection, use and disclosure of personal information for research purposes is strictly controlled, and will always be guided by a Human Research Ethics Committee which must be accredited by the National Health and Medical Research Council).
- Where a client is incapable of giving or communicating consent and personal information is required to be given to their "substitute decision-maker" (under the Guardianship and Administration Act (Qld) 2000) or "responsible person" (under the Privacy Act 1988) for the necessary provision of appropriate care or treatment or for compassionate reasons.

In all other situations, the release of your personal information will only occur with your written consent or that of your "substitute decision-maker" who has the legal authority.

Notwithstanding the above, as a client of Kambu Health you have the right to withdraw consent to release your personal information (for example for direct marketing) at any time. Ideally such communication should be in writing to the manager responsible for the program through which you are receiving services.

Unsolicited information that Kambu Health receives will be de-identified or destroyed unless it falls within State or Commonwealth funding arrangements, or is required to be retained by law.

2.4 Disclosure of personal information to others

Disclosure of your information to Kambu Health places the organisation in a position of trust within the community and as such Kambu Health seeks to protect and uphold the privacy of individuals in accordance with the APPs.

Kambu Health will not provide your personal (including health or sensitive) information to other entities unless it is required under laws, or it reasonably believes that the recipient of the information will not disclose the information derived from Kambu Health. Where it is required by law, personal information disclosed to other sources will be de-identified.

2.5 Reporting requirements

Under contractual arrangements with various funding bodies and government departments, Kambu Health is also required to provide a range of different reports. Some reports provide de-identified information on the amount and type of services provided to patients and the type of patients Kambu Health supports. Some reports include the client name, date of birth and address.

2.6 Identifiers

Kambu Health will identify individuals (including staff and patients) by a number of unique identifiers internally assigned by Kambu Health. Kambu Health may however retain a record of other external agency personal identifiers that are required to provide services, coordinate services with other agencies, or otherwise fulfill service, operational or reporting obligations.

2.7 Use of Contractors

From time to time Kambu Health uses contractors to provide services and support to patients. Contractors are required to abide by the same confidentiality and privacy requirements as Kambu Health employees and this is clearly stated in the non-disclosure clauses in their contracts.

There may be disclosures of information where there is a change of contractors, in which personal information may be transferred to a new contractor. Your information may also be disclosed when seeking advice from lawyers, auditors, data support specialists and other advisors who are also bound by confidentiality obligations.

2.8 Keeping information up to date and accurate

Kambu Health makes every effort to keep your information up to date and accurate. This may mean that at times staff will review or test the personal information held and request verification as to its accuracy.

Written requests for personal information not readily available are to be forwarded in writing to the Manager responsible for the program providing services to you. The contact us page on the Kambu Health website can be used to find the relevant details of the Kambu Health service. Kambu Health will take all reasonable steps to assess and correct any personal information that is believed to be inaccurate, incomplete or out of date.

2.9 Access to personal individual information

You can request access to all your personal information held by Kambu Health by contacting the Manager responsible for the program through which you are receiving services. This request will be evaluated as per the requirements and conditions of the Privacy Act 1988. There may be instances where access is denied to certain records or aspects of records in accordance with the Australian Privacy Principles.

Generally, if requested, an individual will be provided access to any personal information held about them unless;

- It is unlawful to provide the information
- It poses a serious and imminent threat to the life or health of any individual
- It has an unreasonable impact on the privacy of other individuals
- The request is frivolous or vexatious; or
- Access is otherwise exempt under the Australian Privacy Principles

Kambu Health will ensure all requests are handled in a timely manner. It is reasonable to expect that extraction of the information required may take up to 14 business days due to the need to access both computer based and paper based records. A nominal fee may be charged to cover the cost of extracting and photocopying the information.

2.9 Cross border disclosure of personal information

Kambu Health will not transfer your personal information to third parties outside Australia unless they are subject to similar privacy laws or schemes, or your consent has been obtained, or other provisions of Australian Privacy Principle 8 – Cross-border disclosure of Personal Information apply.

2.10 Data Security

Kambu Health strives to ensure the security, integrity and privacy of your personal information. Periodically we review and update our security in relation to current and future technologies. Systems and procedures are already in place to protect your personal information from loss or misuse and from unauthorized access, modification or disclosure. Kambu Health will retain information in line with its record retention policies. When information is no longer required or relevant, it will be disposed of in a secure manner.

Website Cookies

A “cookie” is a small file supplied by a website and stored by the web browser software on your computer when you access a website. The cookie allows the website to recognize you as an individual as you move from one page to another. You may refuse the use of cookies by using the appropriate settings on your browser. However, please note that if you do this, you may not be able to access the full functionality of the website. A further explanation of cookies can be found at the website of the Office of the Australian Information Commissioner (www.oic.qld.gov.au/privacy-policy)

Email

All email from Kambu Health managed devices and services (tablets, laptops, desktops, Outlook Web Access) sent to a Kambu Health address is secured using SSL encryption. Email transmission of your identifying information over public networks (for example using personal email accounts) is forbidden by Kambu Health. The use of personal email accounts and phone messaging accounts to send or receive any client or corporate information or images is also strictly prohibited by Kambu Health.

Kambu Health strives to be efficient with the funding provided to us. An email can be sent more economically than postal mail; as a result we give all patients, suppliers and supporters the opportunity to provide their email address and to consent to Kambu Health using these addresses for communication purposes.

3.0 Privacy concerns, complaints and suggestions

Kambu Health is keen to adhere to the APPs and to protect an individual's right to privacy. If you have any concerns, complaints or suggestions or questions about how we might improve in this area, please contact Kambu Health's Quality and Systems Manager on the address listed below.

It is reasonable to expect that your complaint, concern or suggestion will be responded to within 5 working days. Where a complaint requires investigation, we seek to conduct the investigation and provide feedback to the complainant within 10 working days. If you are still not satisfied, you can complain about a privacy matter to the Office of the Australian Information Commissioner. Refer to the Complaint Checker page on the Office of the Australian Information Commissioner's website for further information on how to make a complaint.

4.0 Anonymity

Where lawful and practicable, Kambu Health allows people to participate in activities anonymously (eg when completing evaluation forms or opinion surveys).

5.0 Further Questions

Quality and Systems Manager
P O Box 618
Ipswich Queensland 4305

6.0 Legislative references

Privacy Act 1988

Privacy Amendment (Enhancing Privacy Protection) Act 2012

Australian Privacy Principles (APPs)

Child Protection Act 1999 (Qld)

Juvenile Justice Act 1992 (Qld)

7.0 Definitions

Responsible person (as defined in the *Privacy Amendment Act 2012*)

- a parent of the individual
- a child or sibling of the individual if the child or sibling is at least 18 years old
- a spouse or de facto partner of the individual
- a relative of the individual if the relative is:
 - i. at least 18 years old
 - ii. a member of the individual's household
- a guardian of the individual
- a person exercising an enduring power of attorney granted by the individual that is exercisable in relation to decisions about the individual's health
- a person who has an intimate personal relationship with the individual
- a person nominated by the individual to be contacted in case of emergency
- a Healthcare professional