

## THE TERRACE MEDICAL CENTRE

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### **Notice of Privacy Policy**

Our practice is committed to meeting our obligations under the Health Information Privacy Code (HIPC) to protect the privacy of your health information. To ensure that we meet our obligations we have:

- appointed a privacy officer. The privacy officer for our practice is **Robin Macandrew**. If you wish to speak to her, please contact reception;
- developed a privacy policy for our practice; and
- prepared a privacy brochure for you, which tells you about the way that we collect, use, store and disclose your health information. If you would like a copy of our practice's privacy brochure, please contact reception.

## **Privacy brochure**

Our practice follows the rules set out below whenever we collect, use, store or disclose information about your health.

### **Collecting your health information**

When we collect health information from you we will:

- only collect the information for the purpose of treating you (or for some related purpose);
- collect the information directly from you unless you have authorised us to collect the information from someone else (or we have some other lawful reason for collecting the information from someone else); and
- tell you why we are collecting the information and what we will do with it.

### **Using your health information**

We will not use your health information for any purpose other than for the purpose of treating you unless we get your consent or we will use your information in a way that doesn't identify you (or where we have some other lawful reason for doing so).

### **Storing your health information**

We will store your health information securely so that only authorised people can access or use your information.

### **Disclosing your health information**

We will not disclose your health information to anyone without your consent unless we have a lawful reason for doing so.

### **Access and correction of your health information**

You can ask us to confirm whether we hold information about you. If we hold information about you, you have the right to access the information.

You can ask us to correct any information that we hold about you if you think that the information is inaccurate. If we refuse to correct your information, you can ask us to put a note on your information that states that you have asked for the correction to be made.

### **Enquiries**

If you have any concerns about any matter relating to your health information, please ask to speak to our privacy officer.

## **Privacy Policy**

### **Purpose:**

This policy sets out the requirements for The Terrace Medical Centre to comply with the Privacy Act and the Health Information Privacy Code (the Code).

### **Parties:**

All staff must comply with the following rules when collecting, using, storing or disclosing information about patients' health or the treatment that they are receiving.

### **Content:**

#### **1. Collecting health information**

When you collect health information from patients you must:

- only collect the information for the purpose of treating the patient or for some other legal purpose;
- collect the information directly from the patient unless he/she has consented to your collecting the information from someone else or one of the other exceptions to this rule applies; and
- let the patient know why you are collecting the information, who will have access to the information and that the patient is entitled to access and correct the information. You will not need to tell patients this if you have collected the same type of information from them before.

#### **2. Using Health Information**

Before using patients' health information you must do what you can to make sure that the information is accurate and up to date. The steps that you will need to take will vary depending on how old the information is and the risk of relying on inaccurate information in the circumstances.

You must only use patients' health information for the purpose for which you have collected the information unless the patient has consented to your using the information for another purpose, or one of the other exceptions in the Health Information Privacy Code applies. You must consult our practice's Privacy Officer before using a patient's health information without the patient's consent.

### **3. Storing health information**

You must ensure that the health information that our practice holds is stored securely so that it cannot be accessed or used by unauthorised people.

When you transfer patients' health information to someone else, you must do what you can to prevent unauthorised people from accessing or using the information.

Our practice can keep patients' health information for as long as we need the Information to treat patients and must keep patients' health information for a minimum of 10 years from the date that treatment was last provided.

Our practice must destroy patients' health information in a way that ensures the confidentiality of the information. Documents must be put into a document-shredding box and securely transferred to the secure destruction bin, located in the corridor store room.

Patients are entitled to ask our practice to confirm whether we hold information about them and to access the information unless we have lawful reasons for withholding the information.

Patients are also entitled to ask our practice to correct the information that we hold about them.

You must assist patients who ask to access their health information.

### **4. Disclosing health information**

You must not disclose a patient's health information without their consent (or the consent of their representative) unless you reasonably believe that it is not possible for you to get the patient's consent and:

- the disclosure is for the purposes of the patient's treatment (e.g. a referral);
- the disclosure is to the patient's caregiver and the patient hasn't objected to the disclosure;
- it is necessary for you to disclose the information to prevent a serious and immediate threat to the patient or another person's life or health;
- the disclosure is made for the purposes of a criminal proceeding;
- the patient is, or is likely to become dependent on a drug that you need to report under the Misuse of Drugs Act or the Medicines Act;
- the disclosure is to a social worker or the police and concerns suspected child abuse;
- the disclosure is made by a doctor to the Director of Land Transport Safety and concerns the patient's ability to drive safely.

There are other situations where disclosure without consent may be justified, such as disclosing information to agencies such as CYFS and the Police. You must discuss any proposed disclosure with our practice's Privacy Officer before disclosing the information.

## 5. Sending patient information overseas

Personal information can now only be sent overseas if it will be adequately protected. It's your responsibility to do the due diligence on this.

You can only send information overseas **if** it will be subject to the same legal safeguards as in NZ.

There are exceptions to this, including:

- You're sending to a country with similar privacy laws to NZ. All good.
- The patient has given consent for you to send the information. But – if the country you're sending to doesn't have similar privacy laws to NZ you'll need to expressly make them aware of this.
- The information is necessary to maintain public health and safety, to prevent a serious threat to someone's life and health, or for maintaining law.

## 6. Privacy Policy breach notifications

Breaches of privacy can happen despite our best efforts. In general practice, these could include:

- An unauthorised person sees a patient's private health information.
- Test results are accidentally shared with the wrong person.
- Your patient records have been hacked or attacked by a virus.
- Health information is disclosed to someone in breach of regulations.

Under the Privacy Act 2020, practices must notify a privacy breach that causes "**serious harm**" to:

- Office of the Privacy Commissioner within 30 days.
- Any affected people *as soon as possible*.

### **What does "serious harm" mean?**

The first step is to establish if a privacy breach has occurred. This may require IT assistance if there is no obvious evidence, but you have a gut feeling.

Then, determine if the breach is likely to cause "serious harm". This may be difficult to know. The Act doesn't provide a definition, but factors to consider include:

- Is the information personal or sensitive?

- Where did the information go/who has seen the information?
- What harm has been caused, e.g. emotional, reputational, financial etc.
- How likely is it that the breach will significantly affect someone?
- What security measures did you have in place to protect the information?

If you suspect the breach might be serious, you can use the Office of the Privacy Commissioner's online tool – **NotifyUs**. There's a series of questions to determine whether the breach is notifiable. If it is, you can submit an online notification form. You also need to notify any affected people as soon as possible. This is so they can take measures to protect themselves or their information, if they need to.

You must consult with our practice's Privacy Officer before disclosing a patient's health information without his/her consent. **The Privacy officer for The Terrace Medical Centre is the practice manager.**

## **7. Complaints of breach of the Code**

Patients are entitled to complain if they feel that there has been a breach of the Code. Complaints must be resolved in a manner that is fair, simple, speedy and efficient. The Terrace Medical Centre has a complaints policy and a Complaints Officer (the practice manager) to whom any complaints relating to the Code should be referred.

Patients should be informed how to access support via the Office of the Privacy Commissioner if they wish to complain.

Please contact our practice's Privacy Officer if you have any queries about this policy.

### **References:**

Medical Assurance Society. *HealthyPractice*. Retrieved from <http://healthypractice.co.nz>  
May 2018

Privacy Commissioner (Revised edition 2020). *Health Information Privacy Code 1994* Incorporating amendments and including revised commentary. Office of the Privacy Commissioner, Wellington, 2008