

# IV Health Sunshine Coast Privacy Policy

## Australian Privacy Principles Guide

### Part 1: Purpose & Scope

1.1 IV Health Sunshine Coast is bound by the Australia Privacy Principles (APPs) as prescribed by the [Privacy Act 1988 \(Cth\)](#) ('the Act').

1.2 The thirteen (13) APPs as per Schedule 2 of the Act detail the requirements for privacy and confidentiality fundamental to the provision of IV Health Sunshine Coast's healthcare services. This includes the requirements of information collection, use, disclosure, storage and maintenance, and, access and correction. This also includes requirements for direct marketing, complaints handling, cross-border disclosure, and the adoption, use and disclosure of government related identifiers.

1.3 In accordance to the requirements of handling information, the following types of information are requested and utilised by IV Health Sunshine Coast:

- Personal Information;
- Sensitive Information;
- Health Information; and,
- Genetic Information.
- Maintain and respect the privacy of those engaging in our services;
- Maintain and ensure the confidentiality of all personal and health records of those engaging in our services; and,
- Endorse and provide a written Privacy Policy that ensures compliance with relevant legislation and guidelines.

1.7 The Privacy Policy stipulates the management and handling of all personal and health information and is to be read in conjunction with this Guide.

1.8 IV Health Sunshine Coast is committed to the highest standards of professionalism in the delivery of all of our health services, including in relation to the privacy and confidentiality of an individual's personal and health information.

### Part 2: Definitions

2.1 In this APPs Guide, unless otherwise indicated by the context:

(a) **Access** refers to the giving of client information about them in the manner requested by the individual, and within a reasonable period of time if the request is reasonable and practicable.

- (b) **Access Charges** refers to the administrative costs associated with a client's request for information about themselves.
- (c) **Client** refers to those persons consulting IV Health Sunshine Coast for support.
- (d) **Collection** refers to the collecting of personal information, including gathering, acquiring or obtaining personal information from any source and by any means reasonable and practicable to IV Health Sunshine Coast.
- (e) **Consent** may be given expressly, either orally or in writing, or impliedly, which can be inferred from an individual's conduct.
- (f) **Correction** refers to a client accessing information about themselves in order to correct this information if it is deemed inaccurate, out-of-date, incomplete, irrelevant or misleading.
- (g) **Direct Marketing** refers to the use of personal, health or sensitive information for the purposes of marketing resources or services to clients of IV Health Sunshine Coast.
- (h) **Disclosure** refers to the release of information for either:
- (a) Primary Purposes – To disclose personal or health information to fully and adequately conduct the health services of IV Health Sunshine Coast.
- (b) Secondary Purposes – To disclose personal or health information for ancillary purposes other than Primary Purposes, to fully and adequately conduct the health services of IV Health Sunshine Coast..
- (i) **Health information** means:
- (a) information or opinion about the health or disability (at any time i.e. past, present or future) of an individual, that can be classified as personal information;
- (b) information or opinion about an individual's expressed wishes about the future provision of health services, that can be classified as personal information;
- (c) information or opinion about health service provided, or to be provided, to an individual, that can be classified as personal information;
- (d) other personal information collected to provide, or in providing, a health service;
- (e) 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,
- (f) 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.

This means that personal details related to a client’s attendance (e.g. name, address, Medicare number, billing information, admission/discharge dates, leave arrangements), medical information, notes made by healthcare personnel, information regarding the appointment of substitute decision-makers, identifiable biological specimens or samples, or genetic information all constitute “health information”.

(j) *Permitted General Situation* exists in relation to the collection, use or disclosure of personal information about an individual, or of a government related identifier of an individual, as per items 1-5 tabled below:

| Item. | Item Applies to:                    | Condition:  |
|-------|-------------------------------------|---|
| 1.    | (a) personal information            | (a) it is unreasonable or impracticable to obtain the individual’s consent to the collection, use or disclosure; and,   |
|       | (b) a government related identifier | (b) the entity reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual.                         |
| 2.    | (a) personal information            | (a) the entity has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the entity’s functions or activities has been, is being or may be engaged in; and,    |
|       | (b) a government related identifier | (b) the entity reasonably believes that the collection, use or disclosure is necessary in order for the entity to take appropriate action in relation to the matter.                                  |
| 3.    | Personal Information                | (a) the entity reasonably believes that the collection, use or disclosure is reasonably necessary to assist any APP entity, body or person to locate a person who has been reported as missing; and,  |
|       |                                     | (b) the entity obliges where the Commissioner may, by legislative instrument, make rules relating to the collection, use or disclosure of personal information that apply for the purposes of item 3. |
| 4.    | Personal Information                | The collection, use or disclosure is reasonably necessary for the establishment, exercise or defence  |

|    |                      |  |
|----|----------------------|--|
|    |                      | of a legal or equitable claim.   |
| 5. | Personal Information | The collection, use or disclosure is reasonably necessary for the purposes of a confidential alternative dispute resolution process. |

(k) *Permitted Health Situation* exists in relation to the collection by an organisation of health information about an individual if:

(a) the information is necessary to provide a health service to the individual; and,

(b) either:

(i) the collection is required or authorised by or under an Australian law (other than the *Privacy Act 1988*); or,

(ii) the information is collected in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation.

Four (4) *Permitted Health Situations* exist as defined by the Act. These situations are as follows:

**1. Collection—research etc.**

A *permitted health situation* exists in relation to the collection by an organisation of health information about an individual if:

(a) the collection is necessary for any of the following purposes:

(i) research relevant to public health or public safety;

(ii) the compilation or analysis of statistics relevant to public health or public safety;

(iii) the management, funding or monitoring of a health service; and,

(b) that purpose cannot be served by the collection of information about the individual that is de-identified information; and,

(c) it is impracticable for the organisation to obtain the individual's consent to the collection; and,

(d) any of the following apply:

(i) the collection is required by or under an Australian law (other than the *Privacy Act 1988*);

(ii) the information is collected in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation;

(iii) the information is collected in accordance with guidelines approved under section 95A of the Act.

## **2. Collection— Use or disclosure—research etc.**

A *permitted health situation* exists in relation to the use or disclosure by an organisation of health information about an individual if:

(a) the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety; and,

(b) it is impracticable for the organisation to obtain the individual's consent to the use or disclosure; and,

(c) the use or disclosure is conducted in accordance with guidelines approved under section 95A of the Act for the purposes of this paragraph; and,

(d) in the case of disclosure—the organisation reasonably believes that the recipient of the information will not disclose the information, or personal information derived from that information.

## **3. Collection— Genetic Information**

A *permitted health situation* exists in relation to the use or disclosure by an organisation of genetic information about an individual (the *first individual*) if:

(a) the organisation has obtained the information in the course of providing a health service to the first individual; and,

(b) the organisation reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of another individual who is a genetic relative of the first individual; and,

(c) the use or disclosure is conducted in accordance with guidelines approved under section 95AA of the Act; and,

(d) in the case of disclosure—the recipient of the information is a genetic relative of the first individual.

## **4. Disclosure—responsible person for an individual**

A *permitted health situation* exists in relation to the disclosure by an organisation of health information about an individual if:

(a) the organisation provides a health service to the individual; and,

(b) the recipient of the information is a responsible person for the individual; and,

(c) the individual:

(i) is physically or legally incapable of giving consent to the disclosure; or

(ii) physically cannot communicate consent to the disclosure; and,

(d) another individual (the *carer*) providing the health service for the organisation is satisfied that either:

(i) the disclosure is necessary to provide appropriate care or support of the individual; or,

(ii) the disclosure is made for compassionate reasons; and

(e) the disclosure is not contrary to any wish:

(i) expressed by the individual before the individual became unable to give or communicate consent; and,

(ii) of which the carer is aware, or of which the carer could reasonably be expected to be aware; and,

(f) the disclosure is limited to the extent reasonable and necessary for a purpose mentioned in paragraph (d).

**(l) *Personal Information*** means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose **identity is apparent, or can reasonably be ascertained**, from the information or opinion.

Note: It is important to consider that an individual's identity may be reasonably ascertainable even if they are not explicitly named.

**(m) *Record*** includes:

(a) a document; or

(b) an electronic file; or

(c) other device.

**But does not include:**

(d) a generally available publication; or

(e) anything kept in a library, gallery or museum for the purposes of reference, study or exhibition; or

(f) Commonwealth records as defined by the *Archives Act 1983*.

**(n) Sensitive Information** is a subset of personal information. It means information or an opinion that can be classified as personal information and is additionally 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;
- membership of a trade union;
- sexual preferences or practices;
- criminal record;
- health information; or,
- genetic information about an individual that is not otherwise health information.

**(o) Solicited Information** refers to information provided by a client as part of the primary services provided by IV Health Sunshine Coast.

**(p) Unsolicited Information** refers to information provided by a third party outside of the primary services provided to the client by IV Health Sunshine Coast.

**(q) Use** refers to the handling of an individual's personal information to fully and adequately conduct the health services of IV Health Sunshine Coast.

### **Part 3: Roles and Responsibilities**

3.1 The Manager of IV Health Sunshine Coast has overall responsibility for implementation and compliance with this policy.

3.2 It is expected that all staff, accredited practitioners and third parties involved with IV Health Sunshine Coast will comply with this guide and internal policies.

### **Part 4: Policy**

4.1 The Policy in relation to personal information, and in particular health information, is drafted in order to comply with the Privacy Act and APPs with the object of respecting a client's privacy during the provision of health care and particularly fertility support.

4.2 As a general principle, a client's health information may only be disclosed for the primary purpose for which it was collected, for a purpose directly related to this

primary purpose that would be within the client's reasonable expectations, or otherwise with the client's consent.

4.3 IV Health Sunshine Coast will make known in general terms the use and disclosure that may be made of a client's information at the time of initial presentation and appropriate consent to use or disclose will generally be obtained at this time.

4.4 IV Health Sunshine Coast will make known its Privacy Policy, or any aspect of the policy, to anybody who makes such a request.

4.5 IV Health Sunshine Coast will also, upon request, take reasonable steps to let a client know generally what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

4.6 Where reasonable and practicable in the circumstances, IV Health Sunshine Coast will endeavour to use personal information in a de-identified form.

4.7 Where consent is referred to in this policy, what is required is the client must have capacity (or else a substituted decision maker is required) and they be provided with adequate information and the potential consequences before making a decision.

Express consent is preferred in most cases.

4.8 Personal information may be collected in relation to persons other than clients, and the Privacy Act may also be applicable. For example, personal information may be held regarding prospective employees for the purposes of assessing the quality of applications for employment. Specific advice should be taken in relation to requests for access to information by persons other than clients.

4.9 Specific contractual terms relating to privacy may be required from a third party contractor if that contractor will come into contact with personal information.

4.10 Complaints by individuals who believe that the organisation has breached their privacy should be referred to the Unit Manager of the facility in the first instance for management, who will consult with Medical Director and if the matter is not resolved the complainant will be referred to the Office of the Privacy Commissioner.

## **Part 5: Australian Privacy Principles**

### **APP 1: Open and Transparent Management of Personal Information**

#### *APP Privacy Policy*

IV Health Sunshine Coast complies with the APPs by ensuring an up to date and accurate Privacy Policy is available to all clients, employees and third parties.

In accordance with APP1 IV Health Sunshine Coast's Privacy Policy stipulates:



- (a) the kinds of personal information that IV Health Sunshine Coast collects and holds;
- (b) how the IV Health Sunshine Coast collects and holds personal information;
- (c) the purposes for which IV Health Sunshine Coast collects, holds, uses and discloses personal information;
- (d) how an individual may access personal information about the individual that is held by IV Health Sunshine Coast and seek the correction of such information;
- (e) how an individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds IV Health Sunshine Coast, and how IV Health Sunshine Coast will deal with such a complaint;
- (f) whether IV Health Sunshine Coast is likely to disclose personal information to overseas recipients; and,
- (g) if IV Health Sunshine Coast is likely to disclose personal information to overseas recipients — the countries in which such recipients are likely to be located if it is practicable to specify those countries in the policy.

#### ***Availability of Privacy Policy***

IV Health Sunshine Coast will provide copies of this policy accessible via website: [www.ivhealthsunshinecoast.com.au](http://www.ivhealthsunshinecoast.com.au) or email: [info@ivhealthsunshinecoast.com.au](mailto:info@ivhealthsunshinecoast.com.au) or hard copy from our clinic.

IV Health Sunshine Coast will respond to all requests for access to its APP policy within a reasonable period of time, which will be dependent on the nature of this request.

Access to the APP Privacy Policy is free of charge; however administrative costs associated will apply.

#### **APP 2: Anonymity and Pseudonymity**

In accordance with the Act, IV Health Sunshine Coast acknowledges that clients must have the option of not identifying themselves, or of using a pseudonym, in relation to particular matters. This would not apply for instances where:

- (a) IV Health Sunshine Coast is required or authorised by or under an Australian law, or a court/tribunal order, to deal with individuals who have identified themselves; or,
- (b) It is impracticable for IV Health Sunshine Coast to deal with individuals who have not identified themselves or who have used a pseudonym.

As IV Health Sunshine Coast engages in billing for services, Medicare and Medicare Rebates, reference to government related identifiers (as per APP 9) is required. It is important to note that being anonymous and use pseudonyms would impact the full scope of health care services IV Health Sunshine Coast and AIVF could provide.

### **APP 3: Collection of Solicited Personal Information**

#### ***Personal information other than sensitive information***

IV Health Sunshine Coast may collect from its client's personal information (including health information but other than sensitive information) for the purposes of providing adequate health care services if:

(a) The information is necessary to provide a health service to the individual, and the information is collected:

(i) as required or authorised by or under law, or

(ii) in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation;

(b) All of the following criteria is satisfied:

(i) The collection is necessary for research relevant to public health or public safety; the compilation or analysis of statistics relevant to public health or public safety; or the management, funding or monitoring of a health service;

- to facilitate monitoring of short-term outcomes and adverse effects for participants during the support,

(ii) the purpose cannot be served by collection of the information in a de-identified form;

(iii) it is impracticable to seek consent; and

(iv) the information is collected as required by law; in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality which bind the organisation; or in accordance with guidelines approved by the Privacy Commissioner.

#### ***Sensitive information***

Where sensitive information is required for the purposes of providing adequate health care services, IV Health Sunshine Coast may only collect sensitive information from its clients where:

(a) The individual consents to the collection of the information;

- (b) The information is reasonably necessary for one or more of IV Health Sunshine Coast's functions or activities;
- (c) The collection of the information is required or authorised by or under an Australian law or a court/tribunal order;
- (d) A permitted general situation exists; or,
- (e) A permitted health situation exists.

### ***Means of collection***

IV Health Sunshine Coast will only collect personal information by lawful and fair means.

### **APP 4: Dealing with Unsolicited Personal Information**

At any point where personal information is received and IV Health Sunshine Coast did not solicit this information:

- IV Health Sunshine Coast, within a reasonable period after receiving the information, will determine whether or not this information could have been collected under Australian Privacy Principle 3 where the information would have been solicited. Where IV Health Sunshine Coast determines that the personal information could not have been collected under Australian Privacy Principle 3; and the information is not contained within a Commonwealth record:
- IV Health Sunshine Coast, as soon as practicable through lawful and reasonable means, will destroy the information and or ensure that the information is de-identified.

Where IV Health Sunshine Coast determines that the personal information received could have been collected under Australian Privacy Principle 3, Australian Privacy Principles 5 – 13 will apply in relation to the information IV Health Sunshine Coast and AIVF holds.

### **APP 5: Notification of the Collection of Personal Information**

At or before the time or, as soon as practicable after, IV Health Sunshine Coast collects personal information about an individual, reasonable steps will be taken to notify the individual of:

- (a) the identity and contact details of IV Health Sunshine Coast;
- (b) instances where IV Health Sunshine Coast collects personal information from someone other than the individual;

- (c) instances where the individual may not be aware IV Health Sunshine Coast have collected the personal information; the fact that IV Health Sunshine Coast so collects, or has collected, the information and the circumstances of that collection;
- (d) if the collection of the personal information is required or authorised by or under an Australian law or a court/tribunal order;
- (e) the purposes for which IV Health Sunshine Coast collects the personal information;
- (f) the main consequences for the individual if all or some of the personal information is not collected by IV Health Sunshine Coast;
- (g) details of any other entity, body or person, or the types of any other entities, bodies or persons, to which the IV Health Sunshine Coast usually discloses personal information of the kind collected;
- (h) that the APP privacy policy of IV Health Sunshine Coast contains information about how the individual may access the personal information about the individual that is held and seek the correction of such information;
- (i) that the APP privacy policy of IV Health Sunshine Coast contains information about how the individual may complain about a breach of the Australian Privacy Principles, or a registered APP code (if any) that binds IV Health Sunshine Coast, and how IV Health Sunshine Coast will deal with such a complaint;
- (j) whether IV Health Sunshine Coast is likely to disclose the personal information to overseas recipients; and,
- (k) if IV Health Sunshine Coast is likely to disclose the personal information to overseas recipients—the countries in which such recipients are likely to be located if it is practicable to specify those countries in the notification or to otherwise make the individual aware of them.

## **APP 6: Use or Disclosure of Personal Information**

### ***Use or Disclosure***

IV Health Sunshine Coast holds and collects personal information about its clients for the purposes of health care IV Health Sunshine Coast (the *primary purpose*). The test to be applied for determining the primary purpose for the collection of personal information is to consider the main or dominant reason that the individual is seeking assessment, IV Health Sunshine Coast or care.

IV Health Sunshine Coast must not use or disclose personal information for any other purpose other than the primary purpose (the *secondary purpose*), unless:

- (a) the individual has consented to the use or disclosure of the information;
- (b) the individual would reasonably expect the use or disclose the information for the secondary purpose and the secondary purpose is:
  - (i) if the information is sensitive information—directly related to the primary purpose;
  - or
  - (ii) if the information is not sensitive information—related to the primary purpose; or

This is generally something that arises in the context of the primary purpose, is integral to it and is closely associated with the primary purpose but not strictly necessary to achieve that purpose.

Some examples of when this will often arise are where:

- a multi-disciplinary team of practitioners who operate in independent organisations or within the same organisation need to share relevant information in order to provide healthcare to the client;
- disclosure is required to a clinical supervisor; there is a need to communicate with a referring medical practitioner;
- specimens are sent for analysis;
- other services are required including billing/debt-recovery, service-monitoring, funding, complaint-handling, incident reporting, planning, evaluation, quality assurance or audit activities, database maintenance and accreditation activities;
- a medical expert is consulted for a medico-legal opinion; and/or, communication is required with an insurer, an employed person's defence organisation, or lawyer, for the purpose of addressing liability/indemnity matters, for example following an adverse incident, or for anticipated or existing legal proceedings.

(c) the use or disclosure of the information is required or authorised by or under an Australian law or a court/tribunal order;

(d) a permitted general situation exists; or

(e) a permitted health situation exists.

- reasonable steps must be taken to obtain the consent of the client or their authorised representative to use or disclose the information;
- disclosure to genetic relatives should be limited to genetic information that is necessary for communicating the increased risk and should avoid identifying the client or conveying that there was no consent for the disclosure;

- disclosure of genetic information without consent should generally be limited to relatives no further removed than third-degree relatives; and,
- all stages of the process must be fully documented, including how the decision to use or disclose without consent was made.

#### *Exceptions*

This principle does not apply to the use or disclosure of:

- (a) personal information for the purpose of direct marketing; or,
- (b) government related identifiers.

### **APP 7: Direct Marketing**

#### *Exceptions—personal information other than sensitive information*

IV Health Sunshine Coast must not use or disclose the information for the purpose of direct marketing, unless:

- (a) the information was collected directly from the individual; and,
- (b) the individual would reasonably expect the use or disclosure of the information for purposes of direct marketing; and,
- (c) a simple means by which the individual may easily request not to receive direct marketing communications from the organisation is available; and,
- (d) the individual has not made such a request.

[IV Health Sunshine Coast makes reference and acknowledges the *Do Not Call Register Act 2006* and *Spam Act 2003* forming part of the conditions surrounding Direct Marketing]

#### *Exception—sensitive information*

IV Health Sunshine Coast may only use or disclose sensitive information about an individual for the purpose of direct marketing if the individual has consented to the use or disclosure of the information for that purpose.

### **APP 8: Cross-border Disclosure of Personal Information**

Before IV Health Sunshine Coast discloses personal information about an individual to a person (the *overseas recipient*):

- (a) who is not in Australia or an external Territory; and,
- (b) who is not IV Health Sunshine Coast or the individual.

IV Health Sunshine Coast will take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles (other than Australian Privacy Principle 1) in relation to the information.

### **APP 9: Adoption, Use or Disclosure of Government Related Identifiers**

### *Adoption of government related identifiers*

IV Health Sunshine Coast will not adopt a government related identifier of an individual (such as Medicare or Department of Veterans Affairs numbers) as its own identifier of the individual unless:

(a) the adoption of the government related identifier is required or authorised by or under an Australian law or a court/tribunal order.

### *Use or disclosure of government related identifiers*

IV Health Sunshine Coast will not use or disclose a government related identifier of an individual unless:

(a) the use or disclosure of the identifier is reasonably necessary for IV Health Sunshine Coast to verify the identity of the individual for the purposes of IV Health Sunshine Coast' activities or functions; or,

(b) the use or disclosure of the identifier is reasonably necessary for IV Health Sunshine Coast to fulfil its obligations to an agency or a State or Territory authority; or,

(c) the use or disclosure of the identifier is required or authorised by or under an Australian law or a court/tribunal order; or,

(d) a permitted general situation (other than the situations referred to in items 4 or 5) exists in relation to the use or disclosure of the identifier; or,

(e) IV Health Sunshine Coast reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more enforcement related activities conducted by, or on behalf of, an enforcement body.

### *Regulations about adoption, use or disclosure*

This section applies in relation to the adoption, use or disclosure by an organisation of a government related identifier of an individual if:

(a) the identifier is prescribed by the regulations; and,

(b) the organisation is prescribed by the regulations, or is included in a class of organisations prescribed by the regulations; and,

(c) the adoption, use or disclosure occurs in the circumstances prescribed by the regulations.

## **APP 10: Quality of Personal Information**

IV Health Sunshine Coast will take such steps as are reasonable in the circumstances to ensure that the personal information that IV Health Sunshine Coast collects is accurate, up-to-date and complete.

IV Health Sunshine Coast will take such steps as are reasonable in the circumstances to ensure that the personal information that IV Health Sunshine Coast uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

### **APP 11: Security of Personal Information**

As IV Health Sunshine Coast holds personal information, IV Health Sunshine Coast must take such steps as are reasonable in the circumstances to protect the information:

- (a) from misuse, interference and loss; and,
- (b) from unauthorised access, modification or disclosure.

Where IV Health Sunshine Coast:

- (a) holds personal information about its clients;
- (b) no longer needs the information for any purpose for which the information may be used or disclosed;
- (c) holds information that is not contained in a Commonwealth record; or,
- (d) is not required by or under an Australian law, or a court/tribunal order, to retain the information.

IV Health Sunshine Coast will take such steps as are reasonable in the circumstances to destroy the information or to ensure that the information is de-identified.

### **APP 12: Access to Personal Information**

#### ***Access***

As IV Health Sunshine Coast holds personal information about its clients, IV Health Sunshine Coast, on request by the individual, give the individual access to the information.

#### ***Exception to Access***

IV Health Sunshine Coast are not required to give the individual access to the personal information to the extent that:

- (a) IV Health Sunshine Coast 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,



- (b) giving access would have an unreasonable impact on the privacy of other individuals; or,
- (c) the request for access is frivolous or vexatious; or,
- (d) the information relates to existing or anticipated legal proceedings between IV Health Sunshine Coast and the individual, and would not be accessible by the process of discovery in those proceedings; or,
- (e) giving access would reveal the intentions of IV Health Sunshine Coast in relation to negotiations with the individual in such a way as to prejudice those negotiations; or,
- (f) giving access would be unlawful; or,
- (g) denying access is required or authorised by or under an Australian law or a court/tribunal order; or,
- (h) both of the following apply:
  - (i) IV Health Sunshine Coast has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to IV Health Sunshine Coast' functions or activities has been, is being or may be engaged in;
  - (j) giving access would be likely to prejudice the taking of appropriate action in relation to the matter; or,
  - (i) giving access would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, an enforcement body; or,
  - (j) giving access would reveal evaluative information generated within IV Health Sunshine Coast in connection with a commercially sensitive decision-making process.

### ***Dealing with Requests for Access***

IV Health Sunshine Coast will respond to the request for access to the 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.

### ***Access charges***

IV Health Sunshine Coast charges the individual associated/administrative costs associated for giving access to personal information. This charge in accordance to the Act must not be excessive and must not apply to the making of the request.

### ***Refusal to give access***

Where IV Health Sunshine Coast refuses to give access to the personal information as per *Exception to Access* or to give access in the manner requested by the individual, IV Health Sunshine Coast will give the individual a written notice that sets out:

- (a) 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,
- (b) the mechanisms available to complain about the refusal; and,
- (c) any other matter prescribed by the regulations.

### **APP 13: Correction of Personal Information**

#### ***Correction***

Where IV Health Sunshine Coast holds personal information about a client; and is either:

- (i) satisfied that, having regard to a purpose for which the information is held, the information is inaccurate, out-of-date, incomplete, irrelevant or misleading; or,
- (ii) the individual requests IV Health Sunshine Coast to correct the information.

IV Health Sunshine Coast will take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.

#### ***Notification of correction to third parties***

Where IV Health Sunshine Coast corrects personal information about an individual that was previously disclosed to another entity; and the individual requests IV Health Sunshine Coast to notify the other entity of the correction, IV Health Sunshine Coast will take such steps as are reasonable in the circumstances to give that notification unless it is impracticable or unlawful to do so.

#### ***Refusal to correct information***

Where IV Health Sunshine Coast refuses to correct the personal information as requested by the individual, IV Health Sunshine Coast will give the individual a written notice that sets out:

- (a) the reasons for the refusal except to the extent that it would be unreasonable to do so; and,
- (b) the mechanisms available to complain about the refusal; and,
- (c) any other matter prescribed by the regulations.

*Dealing with requests*

IV Health Sunshine Coast will respond to the request for the correction of the personal information within a reasonable period after the request is made.

IV Health Sunshine Coast will not charge the individual for the making of the request, for correcting the personal information or for associating the statement with the personal information.