


Title:	Data Collection and Privacy Policy	
Department	Corporate	
Approved by	Information Management Committee /Executive Committee	

Purpose

Castlemaine Health must comply with Commonwealth and Victorian data collection and privacy legislation. This policy sets out the principles governing data collection and privacy within the organisation.

Audience

This policy applies to all Castlemaine Health employees, contractors and volunteers.

Scope

This policy applies to any information or data held by Castlemaine Health which is subject to privacy requirements. This includes:

- Clinical data including personal and medical information about patients, residents and clients
- Employment data including personal information about employees, contractors and volunteers
- Corporate information classified as Restricted or Confidential.
- Financial and contract data.

Policy

Data collection

Castlemaine Health only collects personal information necessary to fulfil our functions and statutory reporting requirements. Information will be collected directly from the individual where possible.

Information is only used and disclosed for the primary purpose for which it was collected or for a purpose permitted under law. Patient, resident or client consent is obtained for use or disclosure for any other purpose. Information will not be transferred outside Australia without individual consent, unless required by law.

Patients, residents and clients have a right of access to personal health information in accordance with relevant legislation and guidelines. Access to personal information is available via the Freedom of Information Act 1982.

The Castlemaine Health complaints process will be used to address concerns relating to the handling of personal information.

Data privacy

All employees and contractors have a responsibility for maintaining the privacy and confidentiality of Castlemaine Health records and must comply with relevant legislation. This includes being aware of the contents of this policy and their personal responsibilities for data protection and privacy.

All employees, volunteers and contracted agents of Castlemaine Health must sign a Statement of Confidentiality agreement form upon commencement of employment.

When creating a new work-related document all employees should add an appropriate classification to the document (Unclassified, Restricted or Confidential) in the format required by the Castlemaine Health Records Management Policy.


Any alleged breach of confidentiality or unauthorised access or disclosure of data, whether accidental or intentional, will be investigated. The Castlemaine Health formal disciplinary process will be utilised in cases where such breaches are substantiated. All significant data breaches must be reported to the CEO who will if necessary make a report to the Office of the Information Commissioner (<https://forms.business.gov.au/smartforms/landing.htm?formCode=OAIC-NDB>).

Further information on privacy and data breaches is available from the Castlemaine Health staff intranet.

Relevant Legislation

- *Health Records Act 2001 (Vic)*
- *My Health Records Act 2012 (Cwlth)*
- *Privacy Act 1988 (Cwlth)*
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cwlth)*

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- *Privacy Amendment (Notifiable Data Breaches) Act 2016 (Cwlth)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Data Sharing Act 2017 (Vic)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Freedom of Information Act 1982 (Cwlth)*
- *Health Services Act 1988 (Vic)*
- *Medical Treatment Act 1988 (Vic)*
- *Medical Treatment Planning and Decisions Act 2016 (Vic)*
- *Mental Health Act 2014 (Vic)*
- *National Cancer Screening Register Act 2016 (Cwlth)*

Relevant Policies and Procedures

- Records Management Policy
- Documentation Standards for Patient Client and Resident Medical Records Policy
- Consent Policy
- Information and Communications Policy
- Release of Employee Information Procedure
- Freedom of Information Procedure
- Subpoena Procedure

Additional References

- Code of Conduct for Victorian Public Sector Employees 2015
- Australian Privacy Principles <https://www.oaic.gov.au/privacy/australian-privacy-principles-guidelines/>
- Health Records Act (2001) Privacy Principles http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/hra2001144/sch1.html
- Department of Health and Human Services (Vic) privacy policy <https://dhhs.vic.gov.au/publications/privacy-policy>
- Office of the Australian Information Commissioner Notifiable Data Breaches scheme <https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme>

Compliance

Information about this policy and the Statement of Confidentiality Agreement will form part of employee orientation. Data breach notifications will be reviewed by the Information Management Committee.

Compliance check	To be conducted by	Frequency	Reported to
All employees, contractors and volunteers commencing in the past 12 months have a signed Statement of Confidentiality agreement	HR for employees and contractors Adult Day Service office for volunteers	Annual	Information Management Committee

Author/Contributors

Primary author	Reviewers	Approver / Committee	Date Approved
Quality Coordinator – Corporate	Information Management Committee	Board of Management	March 2018
	Information Management Committee	Executive	April 2021