

# Privacy Policy

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## Purpose of this Privacy Policy

EMPHN collects and holds personal information from individuals and organisations. We use that information to develop and support programs that will improve health outcomes for our community. However, handling personal information comes with risk that needs to be mitigated. This policy explains what information we collect and how we use it, what we share with other organisations, how we protect you and your information, and what you can do if you believe the information we hold about you is inaccurate.

## Scope of this policy

The policy covers:

- Personal, sensitive and health information EMPHN collects and holds from clinics and health organisations it works with
- Personal, sensitive and health information EMPHN collects and holds from health consumers

Everyone who works for and with EMPHN must treat personal information ethically; respecting individuals' privacy and confidentiality.

## Our privacy principles

EMPHN's Privacy Policy is closely aligned to the [Australian Privacy Principles](#) within the Privacy Act; and owing to the higher standards afforded to the sensitive and health information of health consumers, we also have aligned our policy with both the Commonwealth and Victoria Health Records Acts, and the Victorian Privacy and Data Protection Act.

This policy outlines our commitment to fulfilling our obligations and living up to our principles:

- We are transparent about what personal information we collect, and how personal information will be used, including secondary uses
- We have processes to protect each individual's privacy and their personal, sensitive and health information – with particular care for vulnerable health consumers; and cognisant of the needs of Aboriginal and Torres Strait Islanders, and consumers facing additional language or accessibility barriers, or difficulties stemming from complex health challenges

## Different types of personal information

EMPHN collects several types of information from people and organisations we work with, from health consumers and from visitors to our website. All information we collect is treated with respect, however we apply the greatest protections to individuals' personal health information, especially where that information can be identified as belonging to a specific person.

- Personal information – such as contact details that identify an individual
- Personal health information – includes information about an individual's physical or psychological status, health services provided to the individual, or an individual's expressed wishes about the future provision of health services
- De-identified information – information and data with all identifiable features removed

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## Why we collect personal information

### Personal health information

The personal health data EMPHN collects from clinics and other health organisations is already de-identified when we get it, and we aggregate it with data from all over our coverage area to get a greater understanding of the health challenges of our community and the effectiveness of our programs. This aggregated and de-identified data is also commonly shared with other PHNs and government bodies to create approaches and programs across a wider geography or apply for funding based on the proven needs of our communities or groups within our population.

EMPHN also collect personal and personal health information from individual consumers to provide them with the most appropriate advice or refer them to the clinic that is best for them, based on a range of factors such as proximity of a clinic to their home or public transport options, availability of a particular service or specialist, culturally-attuned staff or earlier availability; and to follow up on a referral to ensure the consumer has been able to access the necessary health services.

### Personal information

Collecting information from our partners about their staff and skills, as well as their patient cohort helps EMPHN provide health clinics within our catchment with the appropriate supports and quality improvements. It also means we can make informed decisions on which are the most appropriate clinics to invest in for a given health initiative.

Having the contact details of clinics, and in some cases, health practitioners directly, means EMPHN has the ability to quickly and effectively disseminate the latest news on health trends or make critical announcements, provide tools, explain changes to training requirements, or highlight funding opportunities.

### Website cookies

When anyone accesses our website, we – via Google Analytics – collect metadata, which is considered personal information. Although EMPHN has no way of identifying individuals or their location from the data collected, it helps us understand what pages are of most interest to visitors and therefore ascertain what we should focus on. Information collected includes:

- your server address
- your top level domain name (.gov, .edu, .com)
- date and time of access
- pages accessed and documents downloaded
- previous site you visited
- type of browser used

However, it is important to note, that if you fill out a form on our website, you are providing EMPHN with more information such as your name and contact details (if you provide them) and your location, along with whatever else you type in. This also applies if you respond to a popup asking for your location.

### Feedback

EMPHN welcomes your feedback. While there is the option to let us know your thoughts or experience engaging with us anonymously, if you'd like a response and to be kept informed of how we handle your comments, you need to give us both contact details and information about your role

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in the engagement. Information you share with us will be handled discreetly, and your personal information will be protected and kept confidential, unless we get your express consent to release identifying information.

## What happens to unsolicited personal information EMPHN receives

If EMPHN receives personal information we didn't request, our standard process for managing that information is to destroy or de-identify it; and inform the provider of both the receipt and what's been done with the information. The same applies to additional information beyond what we've asked for. This may happen, for example, where requested de-identified information received from a GP clinic has some identifying details. Informing the provider is an essential element in limiting the chance of the same breach reoccurring. These events are also tracked in our risk system.

Exceptions to our 'destroy or de-identify' stance are in line with the Australian Privacy Principles, including if the information could have been collected via our standard ways of collecting personal information, or is already in a Commonwealth record. Where there is doubt, information is to be destroyed or de-identified.

Some personal information is protected by law from being destroyed or de-identified. One example is misdirected mail, which must be returned to Australia Post. Also, if the owner of the personal information is consulted and approves, such as a job seeker who sends a resume, HR can keep the resume on file for a reasonable period of time.

Ultimately, any unsolicited personal information EMPHN receives, or continues to hold, is afforded all the privacy protections outlined in this policy.

## How EMPHN manages consent

When we ask you for your personal information, we explain how we plan to use it, and ask for your express consent for each way we plan to use your information. Where express consent is sought and given, for example, EMPHN shares personal and health information with other health services you nominate or have agreed to be referred to, or de-identifies your information to forward it to other government departments or agencies.

Without consent to access and use some of your personal information, we can't provide some services, such as referring to an appropriate service, because we won't get a sufficient understanding of your circumstances to refer ethically. If you refuse to share your personal information, we explain how that impacts the health service that can be provided.

EMPHN relies on the general practices we work with to get consent from patients they see – and the information passed on to EMPHN is de-identified at the clinic before we get it. For that de-identified patient data EMPHN receives from general practices, we don't get any further consent to use the information for health service planning and evaluation activities. However, we do go back to the general practices to get consent from the practice to use de-identified data from their patient cohort for research projects.

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## **Consent Handling Process for direct services**

If you can contact a service delivered by EMPHN directly, our consent systems are more overt – and involve both EMPHN and the service providers we might refer you to. We ask you to share your personal and sensitive information to ensure appropriate and seamless transition between services, and to make sure you get the best care at each stage. To protect you and your information, this involves these types of consent:

1. **Agency Consent** is the consent EMPHN commission service providers take from consumers for providing health services  
*To access a service commissioned by EMPHN you must consent to provide your name and a way for a provider to contact you.*
2. **Consent to share de-identified data with the Commonwealth Department of Health and the Victorian Government Department of Health** allows sharing of a primary health minimum dataset with government agencies that supports health service planning and evaluations – that is, it supports continual improvement of the programs EMPHN commissions.
3. **Consent to the collection and sharing of all relevant information** with other services, carers and supports relevant to assist the individual's overall provision of care – which helps EMPHN build a team working together to care for you.
4. **Consent to the collection of information for the purposes of program evaluation** which supports continual improvement of the programs EMPHN commissions by telling us what worked and what didn't work when we delivered a program.

## **Can you correct information EMPHN holds about you?**

If you believe EMPHN has inaccurate information about you, you can access the information EMPHN has under the authority of the Privacy Act (Australian Privacy Principles 12 and 13). And if you find information you think is false, you can ask for it to be corrected. If EMPHN refuses to correct your personal information, we'll give you a written explanation saying why – and even in that case, you can write your information down, including what you want amended, and link your correction statement to the relevant record.

## **Who we share your information with**

Information sharing happens across EMPHN's network of clinics, providers, programs and government departments.

- Personal information EMPHN collects is only passed on with your express consent
- EMPHN ensures that information it receives has been collected with the appropriate consent from you
- For de-identified patient data collected from GPs, EMPHN does not need consent for health service planning and evaluation activities; however EMPHN requires consent from GPs to use de-identified data for research activities

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- If there is a need for EMPHN to use data storage facilities outside of Australia – this will be managed to ensure the third-party is accountable to the same standards an Australian-based data storage facility holding health records is
- In some circumstances, EMPHN may be required to share personal information by either state or federal legislation

## Extra privacy protections for research and program evaluations

To understand the effectiveness of our programs in our community, or to get a clearer view of the gaps, we run evaluation programs that can involve collecting more personal information than we normally do. So, there are additional privacy protections in place during evaluations, especially for those which require an ethics review by a Human Research Ethics Committee (HREC). Privacy triggers for a review by a committee include:

- If the purpose of the evaluation is beyond quality improvement
- If the evaluation findings are to be published or presented at a conference
- If the activity potentially infringes the privacy of participants, providers or organisations
- Secondary use of data (that is, using data or analysis from quality improvement or evaluation activities for another purpose)
- Gathering information about the participant beyond that collected routinely
- Comparison of cohorts
- Targeted analysis of data involving minority/vulnerable groups whose data is to be separated out of that data collected or analysed as part of the main evaluation activity<sup>1</sup>

## How EMPHN protects your personal information

- Access to personal and health information is strictly limited to key roles within the organisation, such the Health Delivery team.
- Personal information provided by clinics is de-identified at the clinic level before it's given to EMPHN electronically; if EMPHN staff discover data that hasn't been de-identified, it's immediately destroyed, and we notify the clinic of the breach, and get them to fix the issue.
- Data security is managed by the Data Analytics team, and according to standards for what and how data is collected, its management and access, and how it is shared with other government agencies.
- Disclosure of personal information is only allowed where legislation requires it, or for data storage with third-parties operating at the same level of privacy legislation and regulation as EMPHN.
- Whether documents are electronic, or in hard copy, all documents containing personal information are stored securely; and where those documents contain personal health information, they are destroyed after seven years. All records are archived and destroyed in a timed and stepped sequence that prioritises personal information privacy.
- Contracts provide another protection. Business information must be kept confidential, both according to common law (law made by the courts), and as defined on contracts EMPHN has with our service providers. These contracts also address privacy, and specifically require

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<sup>1</sup> Adapted from the National Health and Medical Research Council's Ethical Considerations in Quality Assurance and Evaluation Activities

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privacy of personal, sensitive and health information be adequately protected by the organisations we work with, with effective safeguards in place.

## How we manage breaches

If there is a breach in EMPHN's defences and personal information is at risk, we have procedures to immediately stop the access or distribution, and protect the rest of the information we hold. At that point, we evaluate whether any breach of personal information is likely to result in serious harm to any individuals (such as physical, psychological, emotional, financial or reputational harm). And we assess whether remedial action can mitigate or remove the likelihood of serious harm.

In cases where there is a breach involving personal information likely to result in serious harm, we follow the steps of the Notifiable Data Breaches scheme, and contact those impacted by the breach and the Office of the Australian Information Commissioner. If the My Health Record system is impacted, both the Australian Digital Health Agency and the Office of the Australian Information Commissioner (OAIC) are notified.

In step with our organisational commitment to continuous improvement, we review any breach and consider what can be done to prevent future breaches and minimise their impact.

## Where to get help?

- For general enquiries, contact: [policies@emphn.org.au](mailto:policies@emphn.org.au)
- For enquires about this Privacy Policy, contact: **Executive Director, Governance, Risk and Compliance**
- Complete the feedback form on our website to let us know if you have any suggestions for how this policy could be improved, want to make a complaint, or even tell us what you like about this or any of our policies.
- If you contact EMPHN and have not been responded to satisfactorily after 30 days, you can file a written complaint with [the Office of the Australian Information Commissioner \(OAIC\)](#) within 12 months of when you believe your privacy was breached.

## Related EMPHN policies & procedures

- Feedback Policy
- Whistleblower Policy
- Clinical Governance Framework

## References

- National Statement on Ethical Conduct in Human Research (2018)
- Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and Communities guidelines (NHMRC, 2018)
- The Guidelines for Ethical Research in Australian Indigenous Studies (AIATSIS, 2012 [2020 edition forthcoming])
- The Guidelines for the Ethical Conduct of Evaluations (AES, 2013)