

# COUNCIL HEALTH RECORDS POLICY

## Compliance

This Council is committed to complying with the Health Records Act 2001 (Vic) ('the Act').

The Act specifies 11 Health Privacy Principles (HPPs). This document outlines the policies of Council regarding its management of health information under these principles.

## Definition of Health Information

The Act defines *health information* as:

- a) Information or an opinion about –
  - the physical, mental or psychological health of an individual; or
  - a disability of an individual; or
  - an individual's expressed wishes about the future provision of health services to him or her; or
  - a health service provided, or to be provided, to an individual that is also personal information; or
- b) Other personal information collected to provide, or in providing, a health service, or
- c) 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
- d) Other personal information that is genetic information about an individual in a form which is or could be predictive of the health (at any time) of the individual or of any of his or her descendants

## Definition of Health Service Provider

The Act defines *health service provider* as an organisation that provides a health service in Victoria to the extent that it provides such a service but does not include those providers specifically exempted for the purposes of the Act.

## Definition of Health Service

The Act defines *health service* as -

- a) an activity performed in relation to an individual that is intended or claimed (expressly or otherwise) by the individual or the organisation performing it—
  - to assess, maintain or improve the individual's health; or
  - to diagnose the individual's illness, injury or disability; or
  - to treat the individual's illness, injury or disability or suspected illness, injury or disability; or
- b) a disability service, palliative care service or aged care service; or
- c) the dispensing on prescription of a drug or medicinal preparation by a pharmacist; or
- d) a service, or class of service, provided in conjunction with an activity or service referred to in the above dot points that is prescribed as a health service but does not include a health service, or class of health service, that is prescribed as exempt for the purposes of this Act

## **HPP 1 – Collection**

### **What**

Council only collects health information that is necessary for the performance of a function or activity and

- has the individual's consent, or
- is required or permitted by law, or
- for any other reason permitted in the Act.

Currently Council holds health information in a number of functional areas including:

Childrens Services,  
Family and Youth Support,  
Aging and Community Care,  
Health Services and  
Human Resources

### **How**

Council will only collect health information by lawful and fair means and not in an unreasonably intrusive way. If it is reasonable to do so, Council will only collect health information about an individual from that individual.

Upon collection Council will inform the individual

- how to contact the Council
- the fact that he or she is able to gain access to the information
- the purposes for which the information is collected
- to whom Council usually discloses information of that kind
- any law that requires Council to collect the information
- the main consequences (if any) for the individual if all or part of the information is not provided

All forms that collect health information will include a privacy statement based on the following notification,

### **Notification**

*The health information requested on this form is being collected by Council for {insert purpose and any law that requires the particular information to be collected}. The health information will be used solely by Council for that primary purpose or directly related purposes. {If relevant} The Council may disclose this information to {organisations and why}. If this information is not collected {insert main consequences}. You can gain access to your own health information by contacting Council's Freedom of Information Officer (insert email, fax and phone if desired).*

## **HPP 2 – Use and Disclosure**

Council only uses and discloses health information for the primary purpose for which it was collected or a directly related secondary purpose the person would reasonably expect. In any other circumstance Council will contact the individual in order to obtain consent (unless the use or disclosure is required by law or permitted by the Act).

## **HPP 3- Data Quality**

Council will take reasonable steps to ensure the health information it holds is accurate,

complete, up-to-date and relevant to the functions it performs

#### **HPP4 –Data Security and Retention**

Council will take steps to safeguard the health information it holds against misuse, loss, unauthorised access and modification. Where lawful, Council will take reasonable steps to destroy or permanently de-identify health information if it is no longer needed.

#### **HPP5 – Openness**

Council will provide a copy of this policy to any person who requests it.

#### **HPP6- Access and Correction**

Generally, individuals can seek access and correction to health information held by Council about themselves by making an application, and following the procedures, of the Freedom of Information Act 1982 (Vic). In some circumstances, where the FOI Act does not apply, HPP6 will be applied. Please contact Council's FOI Officer (*Team Leader, Statutory Functions*)

#### **HPP7 – Identifiers**

Council will only assign a number to identify a person if the assignment is reasonably necessary to carry out its functions efficiently.

#### **HPP8- Anonymity**

Council will give individuals the option of not identifying themselves when entering transactions with Council where this is lawful and practicable.

#### **HPP9- Transborder Data Flows**

Council will only transfer health information outside Victoria if the organisation receiving it is subject to laws substantially similar to the HPPs.

#### **HPP10-Closure of the practice of a health service provider**

If Council discontinues its health services it will give notice of the closure to past service users directly and by way of notice in the local newspaper. Whether Council elects to transfer or hold onto health information collected as part of its health service depends on Council's obligations under the Public Records Act 1973 (Vic).

#### **HPP11- Making information available to another health service provider**

When Council acts as a health service provider, council will make health information relating to an individual available to another health service provider if requested to do so by the individual.

## **Complaints-**

Individuals may make a complaint under the Health Records Act to the Health Services Commissioner. Please be aware, however, that the Health Services Commissioner can decline to entertain a complaint if the individual has not first complained to the council. All complaints should go to council's **Health Records' Officer** who is the Team Leader, Statutory Functions.

## **Administration at Council**

Council's **Information Privacy Committee** will have responsibility for ensuring compliance with the Health Records Act. This includes, preparing a policy document, updating when necessary and liaising with senior management to ensure the policy is built into council practice. The Committee consists of: Manager Information Services, Manager Service Access and Performance, Team Leader Statutory Functions, Project Manager, Systems and Applications and the Manager Governance and Risk Management.

The **Information Privacy Officer** is also be the **Health Records Officer**. The Health Records Officer can take complaints and all general enquiries related to the Health Records Act.

## **External Contractors**

Council may outsource some of its functions to third parties. This may require the contractor to collect, use or disclose certain health information.

It is council's policy to require all its contractors to comply with the Act, and contractors will not be reengaged for further work if they do not commit to do so.