

# NIGHT DOCTOR PRIVACY POLICY

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This policy details how Night Doctor Pty Ltd, collects and uses your data. Management of your patient health information is regulated by the Commonwealth Privacy Act 1988. We understand that your health information is of a sensitive nature and we take your privacy very seriously. We have strict procedures in place to ensure that the collection, storage and use of your data takes place in a way that provides you with the very highest level of care, whilst ensuring that it is kept safe and out of reach of people that do not require access to it, both within and outside our organisation.

## WHAT INFORMATION DO WE COLLECT AND WHY?

At Night Doctor, we aim for full disclosure and believe it is important that you know what information we collect from you and why. We think very carefully before collecting any data, and will explain to you why we collect it, so we can show you that it allows us to provide you with better care. Below is a list of what information we may collect from you (*in italics*) along with explanations about how it is used.

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### BEFORE YOUR VISIT

❖ *Reason for requesting a medical review*

It is important we understand the reason you are asking for a medical review. We will ask you this when you call as we must make sure that your condition is not an emergency and check that our doctors can help you with the problem you have, to avoid wasting your time.

❖ *Name and title*

❖ *Gender*

❖ *Date of birth*

❖ *Aboriginal or Torres Strait Islander origin*

❖ *Ethnicity*

Patient details allow us to correctly identify you, but can also help the Doctor in their diagnosis. For example, certain conditions are more likely to affect people of given ages and ethnic backgrounds, so knowing this information helps inform the doctor's diagnosis.

❖ *Caller name and number*

❖ *Emergency contact name, relationship to patient and contact number*

❖ *Home address*

❖ *Visit address (if different from home address)*

Contact details allow us to get in touch with you around the time of your visit (e.g. if we are struggling to find your property) and after your visit (e.g. to inform you about the result of an investigation). We will

take down several contact details to ensure we can contact you, especially if we must do so urgently. This is why we ask for information about the person who books the visit (if not the patient) as well as the emergency contact.

❖ *Email / SMS for visit and health-related information (optional)*

We encourage you to provide us with your email address and mobile phone number as these are convenient ways to receive information and we believe this can make for a better patient experience. If you consent to receive health-related information from us in this way, you agree to receive:

- Booking information including Estimated Time of Arrival (ETA)
- Sick notes
- Notifications of normal investigations (e.g. blood tests)
- Health information to help you manage your condition

We will only email you about the result of an investigation if it is normal and does not require follow-up. We will never include the name of the investigation done or the actual result. If your result is abnormal or requires follow-up, you will not be informed about this by email or SMS. Instead, the doctor that ordered the investigation will call to inform you of the result and to advise you about the follow up action required.

We can also email or SMS health information to help inform you about your condition and how best to manage it. By consenting to receive health-related information by email or SMS, you are agreeing in principle to receive such information from us. We do however understand that there may be times when you do not wish for us to do so. For example, you may not wish for a family member to know about your condition, by seeing the content of your email. Therefore, we will always seek your verbal consent on each occasion, before sending such information through.

❖ *GP*

❖ *GP Practice*

❖ *Medicare / DVA card details*

❖ *Concession card details*

❖ *Billing details*

Recording your GP and GP Practice is essential to keep your regular GP in the picture. We send visit notes and diagnostic results to your GP promptly. The quicker that they receive them, the better for you, and them. You can choose not to have any correspondence sent to your GP, however you must understand that choosing to do so could potentially affect your care. If you do not wish for any correspondence with your GP, please inform our receptionist or your Doctor at the time of your visit.

We collect your Medicare or DVA details to allow us to bulk bill you. Without these, we will have to privately bill you. We do not record or retain any of your bank or card details.

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## DURING YOUR VISIT

- ❖ *History of the medical problem*
- ❖ *Past medical history*
- ❖ *Medications*
- ❖ *Social history (e.g. Conditions that run in the family)*
- ❖ *Allergy information*
- ❖ *Immunisation history*
- ❖ *Photos of documents*
- ❖ *De-identified photos (e.g. Rash)*

All information discussed during your visit, as well as details of any observations (e.g. blood pressure) or examinations (e.g. listening to your chest with a stethoscope) must be recorded on your patient file. We are required to keep an accurate record by law, but more importantly, this record allows for the provision of better care for you in the future. For example, because we send these notes to your GP, it allows them to make better decisions about your ongoing care.

We will also ask you for details of any allergies you have, your past medical history, your current medications and we may ask to take a photo of any relevant correspondence you have (e.g. a list of allergies or medications). We may also ask to take a photo of your condition, for example, if you have a rash, so that the progress of your illness can be monitored by our doctors or your GP. We will never take a photo that has identifiable information (such as a face shot or a tattoo) and we will understand if you would prefer us not to take a photo at all.

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## AFTER YOUR VISIT

After your visit, your notes will be sent securely to your GP unless you ask us not to. We will not allow anybody else to see your notes.

## DEALING WITH NIGHT DOCTOR ANONYMOUSLY

If you wish to deal with Night Doctor anonymously, it is within your right to provide personal details of your choice e.g. a pseudonym.

You must pay privately for your visit as we cannot maintain your anonymity if you provide Medicare or DVA details. You should not provide somebody else's Medicare or DVA details as this is fraudulent.

To maintain your anonymity, we cannot order or follow-up any investigations such as pathology or radiology.

If you wish for your Night Doctor consultation notes to be sent to your GP, you will have to provide personal details that match the health record your GP holds for you, otherwise your GP will reject the notes when we forward them on.

## HOW IS YOUR DATA STORED?

All data we collect from you is stored within our Practice Management System. This data is stored as a collection under your name and this is known as your Night Doctor “patient health record”. This is not to be confused with “My Health Record” which is a separate store of health data hosted and controlled by the Australian Government. Our Practice Management System stores your data on computers within a secure data-centre within Australia. None of your data is kept outside of Australia. Only Night Doctor has access to your data and it is stored in an encrypted format.

To protect against loss of data (e.g. due to a fire) it is backed up in another secure location, also within Australia. Again, this data is always encrypted when backed up and when moving from one computer to another to ensure that no-one can read your information.

## WHO HAS ACCESS TO YOUR DATA?

At Night Doctor, we only allow our staff access to your data, if they require access to do their job. For example, an authorised Night Doctor assistant can access your record at the time of your consultation as they require access to support the doctor visiting you, for instance to enter billing information or enter blood pressure readings. However, the authorised Night Doctor assistant does not have access to any patient records when their work shift finishes.

Only staff that work for Night Doctor can access our Practice Management System. We do not allow any 3<sup>rd</sup> party access to our Practice Management System under any circumstances.

Unless you ask us not to, we will forward your Night Doctor consultation notes to your GP the day after your review. Similarly, if we order any investigations, we will also forward the result of this to your GP.

Night Doctor only provides referral letters if you must attend the Emergency Department after your Night Doctor consultation. In this situation, we will print your consultation note to give to you, or to give to a paramedic crew if an ambulance is required. The referral letter will contain information related to the current Night Doctor consultation. Information from previous Night Doctor consultations will only be included if it is relevant to the current medical situation. Providing a referral letter is important as it allows for a thorough handover for both the paramedics and the hospital doctors, which means important information is not missed and you do not get asked the same questions again.

For all other referral letters (e.g. to a specialist) you should see your GP.

## HOW DO YOU ACCESS YOUR OWN DATA?

You have a right to access your personal health information as set out in the Freedom of Information Act 1992 (WA). There are different reasons why you might choose to do this. You may simply wish to learn about what we have on file about you or you may wish for us to transfer the information we hold on file to another health practitioner, for example, if you are changing GPs.

We have formal processes that must be followed to access your data or to transfer it to another party. If you have a data request, please contact our receptionist and ask to speak with our Privacy Officer. They will explain the process to you and provide you with the relevant paperwork. Please note that there may be a charge for this.

## THIRD-PARTY REQUESTS FOR YOUR DATA

We do not provide your data to anybody without asking for your permission first, whether this be in Australia or overseas. The only exception to this is where we are required to by Australian law. Your data is only stored in Australia and is therefore not subject to overseas jurisdictions, therefore your data will never be disclosed overseas unless you specifically request it to be. Third parties requesting your data must do so formally by submitting a written request using our 'Request for Personal Health Information' form.

Requests for the transfer of medical records must be made using our 'Request for Medical Records Transfer' form.

Please speak to our receptionist and ask to speak to our Privacy Officer if you would like to make these requests.

## USE OF DATA FOR QUALITY ASSURANCE AND RESEARCH

Night Doctor constantly strives for exceptional care and we are innovators in community medicine. One important aspect to support these aims is conducting research to help us learn more about how best to treat patient's in their homes. To help with this, we analyse data we collect in our Practice Management System. However, before we do this, we remove all identifying information so that our patients cannot be identified during the research process. It is your right to be able to opt out of this research and we will not use your data for this if you ask us not to. Please speak to our receptionist and ask to speak to our Privacy Officer if you have any questions about this, or wish to opt out.

In addition to research, we carry out in-house audits of data in order for us to monitor that we continue to meet the highest standards in the provision of care, and to help identify areas for improvement. Like with our research, all data used in audits is de-identified.

In some specific circumstances, patient health information may be reviewed by official agencies, without prior consent from patients, for quality assurance. For example, from time-to-time, an official accreditation agency must review our patient records to check that we continue to meet the highest standards of provision of care. The Office of the Federal Privacy Commissioner allows for this quality improvement activity to take place without patient consent. If you have any questions about these processes, please contact our receptionist and ask to speak to the Privacy Officer.

## GETTING YOUR CONSENT

We do not wish to collect or use your data before asking your permission first. To help make this easy for you, we summarise the privacy policy in a 'Health Information Consent Form' which we ask you to read at the time of your first visit, and if you are happy to, we will ask you to sign to provide your consent. For children, or patients who do not have the capacity to provide consent, we will ask for a guardian's signature.

## IS THE DATA WE COLLECT ACCURATE, UP-TO-DATE AND COMPLETE?

Each time you use our service, our receptionists, doctors and assistants will make an effort to learn about any changes to your circumstances or your health. It is important that our records are kept up to date. At Night

Doctor, we have designed our system in way that ensures our staff check changes to important information so that things are not missed.

If you have any reason to think that the information we have about you is incorrect, please let us know and we will update your records accordingly.

## HOW DO WE PROTECT DATA FROM MISUSE, LOSS AND UNAUTHORISED ACCESS?

Multiple security features exist to protect your data. Different members of staff have different degrees of access to your data depending on what they require to carry out their job. We have security procedures and policies to maximise restriction of access and to prevent un-authorised people from seeing your information.

All your data is encrypted when it travels between computers and when it is stored. This added security means that the data is unreadable without the appropriate authorisation. In addition, all data is backed up in two additional secure locations, both within Australia, in case of an emergency (e.g. fire causing data loss on one of the data stores).

## HOW LONG DO WE KEEP YOUR DATA FOR?

There are requirements by law for us to keep your records for defined minimum periods of time in different circumstances. For example, medical records that have been sought for legal purposes must be retained for 7 years.

Our position at Night Doctor is to keep all records of all patients indefinitely. If you have not used our service for a long period of time, we may choose to archive your data. We believe that in the vast majority of circumstances, it is in the best interests of our patients that we keep their medical records indefinitely. This is because a full medical history allows for better decisions by our doctors in future consultations.

If you wish for us to remove your records from our Practice Management System, then this must be discussed with our Privacy Officer.

## QUESTIONS, FEEDBACK AND COMPLAINTS

Our Privacy Officer is on hand to help answer any questions you may have and to handle any complaints. If you are dissatisfied with how your privacy has been handled by Night Doctor, we would ask that you put your concerns in writing and forward them to us. Contact details can be found on our website or by speaking with our receptionist on 1300 644 483. After a formal review, our Privacy Officer will respond to you in writing.

Your privacy is paramount. We take it very seriously, and we put a lot of time and resources into keeping your data safe. If you have any questions after reading this policy, please contact our receptionist and ask to speak to our Privacy Officer.