

General Privacy Policy

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Title	General Privacy Policy	Document ID	MYRFDS-1800068415-2112
Parent Group	Information and Records Management	Document Version & Status	23.0, Approved
Approved By	Ann Parkins	Date Approved	1/11/2023

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General Privacy Policy

Purpose

This policy provides general direction and guidance in relation to the privacy of an individual's personal and sensitive information.

RFDS (Queensland Section) as an organisation is committed to a human rights culture and supports the operation of the *Human Rights Act 2019* (Qld) ("Human Rights Act"). RFDS acknowledges the right to **Privacy and Reputation** and notes that compliance with privacy obligations, and this policy, is essential to protecting the right to Privacy and Reputation and promoting RFDS' human rights culture. RFDS will only use personal and sensitive information collected by it as permitted by law, and in accordance with this policy.

Scope

This policy applies to all personal and sensitive information collected, stored, used and disclosed by RFDS, its employees, contractors and consultants, unless otherwise exempted by law. It is important to note that this policy does not apply to employee records.

Policy Statement

RFDS supports the importance of privacy and the continued maintenance of confidentiality of individuals' personal and/or sensitive information. This extends to the collection and management of information held in its records regarding individuals.

This policy outlines RFDS responsibilities in relation to privacy of personal and sensitive information and provides a summary of legislative obligations to assist understanding. Further details of all privacy requirements may be found in relevant legislation.

Policy Principles

The *Privacy Act* is the central piece of privacy legislation in Australia. The *Privacy Act* contains 13 Australian Privacy Principles (**APPs**) which regulate how entities can handle personal information. In particular, the APPs protect individual's privacy by:

- > Regulating how entities collect, use, disclose and secure personal information; and
- > By providing individuals with a right to access and correct their information.

The APPs permit various collections, uses and disclosures where they are with consent.

Under the *Privacy Act*, consent can be either:

- > Express (e.g., on a signed consent form); or
- > Implied.

It is best practice to seek express consent wherever possible, particularly where significant privacy implications are involved to ensure the individual concerned is aware of what they are consenting to.

For a detailed breakdown of the APPs, see APPENDIX B – Summary of APP's.

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Collection of Personal and Sensitive Information

Personal and sensitive information, including any health information, must only be collected if it is necessary to perform a function or to enable RFDS to conduct its work and deliver services to the community.

The RFDS will not collect sensitive information about health, racial or ethnic origin, political opinions or membership, religious or philosophical beliefs, trade association or union membership, sexual orientations or criminal record unless a permitted health situation applies, or the individuals have consented to give this information and it is relevant to the work of the RFDS.

When possible, at the time personal and/or sensitive information is collected, RFDS will provide a clear collection notice stating why the information is required, what will be done with the information, to whom if anyone the information will be disclosed and the reason for disclosure if disclosure is required.

The collection notice may be given verbally or in writing, however the collection notice must be specific to the purpose the personal or sensitive information is being requested.

Note: Includes the collection of any imagery which may contain personal information.

Personal and sensitive information will always be collected in a non-intrusive, lawful and fair manner. Individuals may choose to cease receiving any communications at any time by contacting the RFDS.

Use and Disclosure of Personal or Sensitive Information

Personal or sensitive information will only be used for the purposes in which it was collected and will not be disclosed to any individual or third parties without prior consent unless required to do so by law.

Consent to use such information must be sought by the individual if this information is used for purposes other than the primary purpose of collection.

Requests for access and corrections to Personal or Sensitive Information

Individuals may request access or corrections to their personal information at any time, RFDS will respond to requests within a reasonable period of time after the request is made; access to the information will be given in the manner requested by the individual if it is practicable to do so.

If corrections to personal information are required, RFDS will notify the individual of the correction within a reasonable amount of time unless it is impracticable to do so.

If certain circumstances prevent RFDS from making corrections to personal information or corrections are refused, RFDS will notify the individual in writing outlining the reasons for the refusal and inform the individual of the mechanisms available to complain about the refusal.

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Overseas Transfer of Personal of Sensitive Information

Personal or sensitive information will not be transferred overseas unless reasonable steps have been taken to ensure that the information which is being transferred will not be held, used or disclosed by the recipient of the information inconsistently with the APPS.

Clinical Case Review Committee (Quality Assurance Committee)

Under this policy, the Clinical Case Review Committee (CCRC), or a member/s of the CCRC, must comply with the following requirements:

- > The CCRC Chairperson (and nominated Administrative Support person) will acquire and compile the relevant clinical case review information from, either: 1) the local Base clinical staff; or 2) Client Records sourced from RFDS clinical information systems.
- > The CCRC Chairperson (and / or nominated Administrative Support person) must securely store relevant information within a private section (restricted access) of the RFDS Intranet.
- > The CCRC, or a member/s of the CCRC, may only disclose relevant information, in line with the CCRC Terms of Reference and / or applicable statutory provisions, with approval sought from the Corporate Information and Privacy Team Leader.
- > Individual consent must be sought before disclosing the individual's identity under s 83(2) of the Hospital and Health Boards Act 2011 (Qld); and
- > CCRC records containing relevant information may only be copied or destroyed in a secure manner in accordance with the RFDS Records and Information Management Policy, General Archives Management Policy and related procedures.

Permitted Health Situations

The existence of a permitted health situation is an exception to various obligations in the APPs. Permitted general situations apply to the RFDS, where the collection, use or disclosure by the RFDS of personal information about an individual, will not be a breach of certain APP obligations – see Appendix A – Definitions, Collection definition.

Collection (provision of a health service)

(1) A 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 this Act); (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.

Collection (research etc)

(2) 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;

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- (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; (d) any of the following apply:
 - (i) the collection is required by or under an Australian law (other than this Act);
 - (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 for the purposes of this subparagraph.

Use or disclosure (research etc)

(3) 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 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.

Use or disclosure (genetic information)

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

Disclosure (responsible person for an individual)

(5) 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

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- (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 treatment 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).

Information Security

The RFDS uses a range of security safeguards and takes reasonable steps to protect the personal and sensitive information which it holds from loss, interference and unauthorised access, use, modification or disclosure, or other misuse.

In the event of any serious data breaches including credit reporting, credit eligibility or tax file information, RFDS must provide a data breach statement to the Privacy Commissioner, publish a copy of the statement on the RFDS Website and in at least one newspaper circulating the state, or take steps as advised by the Privacy Commissioner.

Only authorised persons are granted access to personal and sensitive information.

Complaints

Individuals may make a written or verbal privacy complaint if they feel that there has been any interference with their or others privacy or a breach of an APP by following the customer complaints process outlined in the Consumer Feedback Policy and Procedures.

If complaints cannot be resolved internally, they can be escalated through an external appeals process provided by the Office of the Australian Information Commissioner.

See Human Rights Complaints Policy for complaints management under the *Human Rights Act 2019* (Qld)

Abbreviations

Term	Definition
RFDS	Royal Flying Doctor Service of Australia (Queensland Section) RFDS (QLD) Services Limited
APP	Australian Privacy Principle

Legislation

Privacy Act 1988

Human Rights Complaints Policy

Privacy Amendment (Enhancing Privacy Protection) Act 2012

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Information *Privacy Act* (QLD) 2009

Related Documents

Records and Information Management Policy
Records and Information Management Procedure
Consumer Feedback Policy
Consumer Feedback Procedure
Human Rights Act 2019 (Qld)
General Archives Management Policy
General Archives and Records Destruction Procedure

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APPENDIX A - Definitions

Collection Notice – A notification to an individual explaining the purpose any personal information is being collected, the use of the information, and whether the personal information is likely to be disclosed to any third parties. The collection notice may be verbal or in writing.

Consent

- > **Express** – Express Consent is given explicitly, either orally or in writing. This could include a handwritten signature or an oral statement to signify agreement.
- > **Implied** – Implied consent arises where consent may reasonably be assumed from the circumstances and from the conduct of the individual.

Data Breach – When personal information held by an organisation is lost or subjected to unauthorised access, use, modification, disclosure, or other misuse.

Disclosure - Personal information is disclosed to an external person or entity if:

- > That person/entity does not already know the personal information and is not able to otherwise find it out; and
- > The personal information is provided to the person/entity or placed in a position to enable them to find it out; and
- > RFDS ceases to have control over the external person/entity in relation to who will know the personal information in the future.

Health Information – Health information is generally information about someone's health such as:

- > Personal information or an opinion (e.g. a medical opinion) that is personal information and is about the health or a disability at any time of an individual, about an individual's expressed wishes about the future provision of health services to him or her (e.g. a desire not to be kept on a life support machine) or about a health service provided, or to be provided, to an individual (e.g. administrative information relating to an admission and discharge dates and fees);
- > Other personal information collected to provide, or in providing, a health service.
- > 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
- > 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.

Identifier – An identifier of an individual is a number, letter or symbol, or a combination of any or all those things, that is used to identify the individual or to verify the identity of the individual. This includes the individual's name, ABN or anything else prescribed by regulation.

Individual – A natural living person.

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Personal Information - Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- > Whether the information or opinion is true or not; and
- > Whether the information or opinion is recorded in a material form or not.

Pseudonymity - Bearing or using a fictitious name.

Sensitive Information - Information or an opinion:

- > 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 or trade union; sexual preferences or practices; or criminal record, that is also personal information.
- > Health information about an individual; or
- > Genetic information about an individual that is not otherwise health information.
- > Biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or
- > Biometric templates.

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APPENDIX B - Summary of APPs

The following includes a summary of the APPs to which RFDS will adhere. The summary of APPs will be amended, if necessary, on review of this policy.

APP 1 – Open and transparent management of personal information

RFDS will manage personal information in an open and transparent manner by adopting practices, procedures and systems to maintain a proactive approach to privacy compliance.

APP 2 – Anonymity and Pseudonymity

This principle emphasises that it is sometimes unnecessary for RFDS to identify the individuals with whom it is dealing and aims to enhance the privacy of individuals by enabling them to avoid the collection of their personal information in such circumstances.

Individuals dealing with RFDS will have the option to remain anonymous or by way of using a pseudonym in relation to a particular matter unless:

- > RFDS is required or authorised by or under an Australian law or a court/tribunal order to deal with individuals who have identified themselves; or
- > It is impracticable for RFDS to deal with individuals who have not identified themselves.

APP 3 – Collection of solicited personal / sensitive information

RFDS solicits information if it requests another person to provide it, or to provide a kind of information in which it is included. Accordingly, information will be solicited where it is received as a result of a request for:

- > Specific information (e.g., on a form requesting name and date of birth); and
- > Broad categories of information (e.g., on a feedback form)

Personal information will not be collected unless it is reasonably necessary to perform one or more RFDS functions or activities.

The collection of sensitive information is prohibited unless one of the following applies:

- > The individual consents and the information are reasonably necessary for a function or activity.
- > The collection of the information is required by law.
- > The information relates to the activities of the organisation and solely to its members, or individuals who have regular contact with it in connection with its activities.

APP 4 – Dealing with unsolicited personal information

When RFDS receives unsolicited personal information, it must be determined within a reasonable period whether the information could have been collected under APP 3 (e.g., is the information necessary for a function or activity).

If it is determined that the information could not have been collected under APP 3 and is not contained in a Commonwealth record, the information must be destroyed or de-identified as soon as practicable if it is lawful and reasonable to do so.

APP 5 – Use and notification of personal information

When collecting personal information, RFDS will notify or make individuals from whom it is collecting the information aware that it is doing so, either at the time or before the information

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is collected. If it is not practicable to provide a collection notice, the individual should be notified as soon as practicable after the collection.

APP 6 – Use and disclosure of personal information

Personal information held by RFDS will only be used or disclosed for the primary purpose it was initially collected. Personal information may only be used or disclosed for another purpose if the individual has consented, or the use or disclosure is authorised by law.

Use and disclosure are distinct concepts:

- > A use of personal information occurs where the information is handled internally within the organisation; and
- > A disclosure occurs where information is sent to a third party outside the organisation (e.g., a contractor). It does not include providing information to the individual to whom the information relates as this is classed as providing access.

APP 7 – Direct Marketing

Any personal information which RFDS may hold about an individual will not be used or disclosed for the purpose of direct marketing unless:

- > RFDS collected the information from the individual; and
- > The individual would reasonably expect RFDS to use or disclose the information for that purpose; and
- > RFDS provides a simple means by which the individual may easily request not to receive direct marketing communications and the individual has not made such a request to RFDS.

APP 8 – Cross-border disclosure of personal information (Outside of Australia)

Before any personal information about an individual is disclosed to an overseas recipient (includes any web page), RFDS will take reasonable steps to ensure that the overseas recipient does not breach the APPs (other than APP 1) in relation to the information.

Reasonable steps will generally require contractual measures with the overseas recipient requiring it to handle the information in a manner consistent with the APPs as though it were also bound by them. Contractual provisions should state the specific standards and privacy protections the recipient is required to meet and implement to ensure that all APP obligations are met.

APP 9 – Adoption, use or disclosure of government related identifiers

RFDS will not adopt a government related identifier as its own identifier unless it is required or authorised by Australian law or a court/tribunal order. A Government identifier is generally any identifier assigned by a federal or State government agency, such as a:

- > Passport number.
- > Medicare card number.
- > Driver's licence number; or
- > Student number

APP 10 – Quality of personal information

RFDS will take reasonable steps to ensure that personal information which it:

- > Collects is accurate, up-to-date and complete; and
- > Uses and discloses is, accurate, up-to-date, complete and relevant.

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Key factors to consider when assessing what constitutes “reasonable steps” include the:

- > Reliability of the information’s source
- > Sensitivity of the information; and
- > Purposes for which the information will be used or disclosed.

APP 11 – Security of personal information

RFDS will take reasonable steps to protect personal information which is held from misuse, interference, loss and unauthorised access, modification or disclosure.

RFDS will also take reasonable steps to destroy or de-identify personal information which is held if it is no longer required for any purpose for which it may be used or disclosed and if the information is no longer required to be retained under Australian law or a court/tribunal order.

APP 12 – Access to personal information

RFDS will give access to personal information when requested by the individual to which the information relates unless an exemption authorises refusal of access. A request can be made in writing and all correspondence relating to the request must be documented.

APP 13 – Correction of personal information

When requested by an individual to correct any personal information which they deem is incorrect, RFDS will take reasonable steps to correct any relevant information which it holds to ensure that it is accurate, up-to-date, complete, relevant and not misleading.

Requests to correct personal information must be responded to within a reasonable period (generally 14 to 30 days)

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