

Wellbeing Services

Health and Counselling Services

Guidelines and Procedures for the Management of Personal and Health Information

The following are guidelines and procedures for the implementation and administration by Department of Wellbeing Services (Health and Counselling Services) of the Information Privacy Act 2000 and Health Records Act 2001.

These guidelines and procedures are to be read in conjunction with the above Acts and the University of Melbourne Privacy Policy.

Introduction

The Information Privacy Act 2000 and the Health Records Act 2001 have been developed to regulate the handling of information. They

- Establish standards for the handling of health information which are to apply to personal health information collected, used and held in the public and private sectors; and
- Give individuals an enforceable right of access to their health records that are held by private sector organisations.

Implementation

The Health Record Act 2001 came into effect on 1st July 2002, and recognises that prior to this time institutions need to review work practices and introduce new systems for the collection and maintenance of information.

Implementation of the Health Records Act 2001 impacts on the following University of Melbourne employees and other individuals

- all Health and Counselling staff (i.e. University employees),
- all students on professional placement,
- all honorary appointments (i.e. Chaplains),
- all independent contractors (i.e. General Practitioners), and
- all independent practitioners operating under a service agreement with Health and Counselling (i.e. Psychiatrists and Psychiatry Registrars)

In the remainder of this document these groups are referred to collectively as staff, and individually as staff members.

All Health and Counselling staff will be provided with the following documents:

- Health Records Act 2001
- University of Melbourne Information Privacy Policy
- Guidelines and Procedures for the Management of Personal and Health Information (this document)
- Privacy Statement

This collection of documents will be referred to as the Information Management Kit.

Guidelines and Procedures

1. Materials

- 1.1 All staff will be provided with an Information Management Kit.
- 1.2 All new staff will be provided with an Information Management Kit at the commencement of their tenure and briefed on this material prior to their contact with service users.

2.0 Collection, Use and Disclosure and Accuracy of Health Information

All staff are to:

- 2.1 Collect personal and health information only under the circumstances outlined in the University of Melbourne Privacy Policy, Section 1, and
- 2.2 Use or disclose health and personal information only under the circumstances outlined in the University of Melbourne Privacy Policy, Sections 2, and
- 2.3 Ensure that all personal and health information that is collected is accurate, complete, up to date and relevant to its functions or activities as outlined in the University of Melbourne Privacy Policy Section 3.

3.0 Data Management

- 3.1 Health and Counselling Services in conjunction with Academic and Corporate Services IT will conduct a yearly audit of data management systems to ensure the secure management of personal and health information. Following any recommendations from this audit, all reasonable steps will be taken to adopt the most appropriate level of data security.
- 3.2 All staff are to conform with service security arrangements for the management and storage of personal and health information.
- 3.3 Security and access codes, as well as data, are not to be divulged to unauthorised users.
- 3.4 Where a member of staff becomes aware of unauthorised access or use of security and access codes and/or data, they are to immediately notify the Director, Wellbeing Services.

4.0 Data Retention and Data Disposal

- 4.1 Each area (Health, Counselling, and Chaplaincy) will develop local guidelines for the storage and retention of personal and health information based on secure storage capacity, anticipated need to access this material, planning needs and advice from professional bodies, the University Freedom of Information Officer and University Records Management Office.
- 4.2 These guidelines will inform the basis of a disposal schedule for each area, developed following consultation with Records Management and University Secretary's Office.
- 4.3 Notwithstanding local guidelines and disposal schedules, personal and health information is to be securely stored for a minimum of seven years from last use.
- 4.3 Personal and health information can only be destroyed where disposal occurs according to the service disposal schedule referred to in 4.2, and:
 - after all current staff have been provided with one month's notice of the intent to destroy a particular year batch, and
 - following the written approval of the Director, Wellbeing Services, and
 - in a manner endorsed by the University of Melbourne for the destruction of sensitive information, and
 - where there is no demonstrated likelihood of any further request for access to that information.
- 4.4 Health and personal information is not to be destroyed where:
 - there is uncertainty as to the likelihood of a request for access to that personal and health information, **or**
 - that personal and health information has been, or is likely to be, the subject of legal proceedings, **or**
 - there are any other reasonable grounds to believe that personal and health information should be maintained

5.0 Information to Service Users

- 5.1 Each area (Health, Counselling, and Chaplaincy) will maintain one Information Management Kit that will be available and accessible to service users.
- 5.2 Each area will provide a Privacy Statement for service users. This statement will incorporate:
 - clearly expressed policies on the management of personal and health information, and
 - the steps that a service user must take in order to obtain access to, or correct, their personal and health information, and
 - any other information required by the Health Records Act 2001.

5.3 The Privacy Statement will be in the form of a pamphlet or similar publication approved by the Director, Wellbeing Services.

5.4 The Privacy Statement is to be made available to service users at the time of their initial appointment or formal contact with a service. Privacy Statements are also to be made available in public areas within services and in consultation rooms, or in forums where services are provided and personal or health information is collected.

6.0 Access

6.1 All requests for access to personal and health information, under the provisions of the Freedom of Information Act, are to be directed towards the University of Melbourne Freedom of Information Officer. Details are available at the following address:

<http://www.unimelb.edu.au/unisec/foi.htm>

6.2 Following notification by the Freedom of Information Officer of a request for access to personal and health information, the Director, Wellbeing Services will

- identify any current staff member (s) who have had formal contact with the person and, if possible, advise the staff member(s) of a request for access to information, and
- determine the most appropriate staff member to review this personal and health information. This may be the last staff member who had contact with the person, but in instances where this is unclear the Director, Wellbeing Services, will nominate the most appropriate staff member to review this material, and
- request this appropriate staff member review this material and within 7 working days provide recommendation(s) to the Director, Wellbeing Services, regarding access to this material, guided by the University of Melbourne Privacy Policy Section 6.

6.3 Where access is recommended, access arrangements are to be determined by agreement between the Director, Wellbeing Services, the staff member and the person seeking access to the information. Access is to take place at the service. The Director, Wellbeing Services will write to the person confirming that access will occur and access arrangements.

6.4 Where access is not recommended, the Director, Wellbeing Services will consult with the University Freedom of Information Officer, outlining the issue with regard to access and seek an opinion as to the most appropriate course of action.

6.5 Upon receipt of opinion from the University Freedom of Information Officer, the Director, Wellbeing Services, will:

- advise the Provost of the intended course of action, and
- write to the person addressing the issue of access with reference to the opinions obtained.

6.6 The Director, Wellbeing Services will maintain summary material of all requests for access and the outcome of these requests.

7.0 Correction

7.1 Personal and Health Information will be corrected according to the University of Melbourne Privacy Policy Section 6.

7.2 Where a person seeks to correct personal and health information they must direct that request in writing to the Director, Wellbeing Services.

7.3 This written request is to include:

- i) the name of the staff member they approached requesting correction of the information, and
- ii) the name(s) of staff who (may have) collected that information, and
- iii) the years in which services were provided, and
- iv) the reason(s) for seeking correction of the information

7.4 The Director of Wellbeing Services will determine the most appropriate staff member to review this personal and health information. This may be the last staff member who had contact with the person or the staff member who collected the information. In instances where this is unclear the Director, Wellbeing Services, will nominate the most appropriate staff member to review this material.

7.5 The Director of Wellbeing Services will request that the nominated staff member

- review this material within 7 working days, and
- make recommendation(s) to the Director, Wellbeing Services, regarding correction of this material guided by the University of Melbourne Information Privacy Policy, Section 6.

7.6 Where that staff member agrees to correction, the person is to be notified in writing within working day of arrangements for correction.

7.7 Where the staff member does not recommend correction, the Director, Wellbeing Services will

- write to the person as soon as practicable, indicating that the matter is under consideration, and

- consult with the University Freedom of Information Officer outlining the issue with regard to correction and seek an opinion as to the most appropriate course of action.

7.8 Upon receipt of opinion from the University Freedom of Information Officer, the Director, Wellbeing Services will

- advise the Academic Registrar of the intended course of action, and
- write to the person addressing the issue of correction with reference to the opinions obtained.

8 Transfer of Personal and Health Information to Other Practitioners and Providers

8.1 Where a person requests transfer of their personal and health information to another provider, practitioner or service, the person must:

- make that request in writing to the staff member at authorising release of this information, and
- provide evidence to the satisfaction of the staff member that they are the person referred to in the personal and health information, and
- nominate the name, address and professional qualifications of the practitioner provider or service where the information is to be forwarded.

8.2 If agreeing to the transfer of personal and health information to another practitioner, provider or service, the staff member must

- locate and review all personal and health information for that person, and
- ensure that material is in a legible form, and
- maintain a copy of the material forwarded, along with the written request for transfer, and
- forward that material to the other practitioner, provider or service in a secure manner.

8.3 Where the person requests the transfer of a summary of treatment only, the staff member may choose to compile that information and forward that in summary form to the other practitioner, provider or service.

8.4 The staff member may refer to the Director, Wellbeing Services a request for the transfer of health and personal information if they

- are not satisfied of the professional qualifications of the other practitioner or provider, or
- are not satisfied that it is a bona-fide request for personal and health information, or
- believe that provision of this personal and health information is not consistent with appropriate transfer of information under University of Melbourne Information Privacy Policy Section 6.

The Director, Wellbeing Services will determine whether to refuse transfer of information.

- 8.5 Where the request is refused, the Director, Wellbeing Services will:
- write to the person as soon as practicable, indicating that the matter is under consideration
 - consult with the University Freedom of Information Officer, outlining the issue with regard to transfer of information and seek an opinion as to the most appropriate course of action
 - advise the Academic Registrar of the intended course of action.
- 8.6 Upon receipt of opinion from the University Freedom of Information Officer, the Director Wellbeing Services will:
- advise the Academic Registrar of the intended course of action, and
 - write to the person addressing the issue of transfer of information with reference to the opinions obtained.

9 Fees

- 9.1 Health and Counselling Services reserve the right to charge fees for access, correction and transfer of personal and health information. Fees may be waived at the discretion of the Director, Wellbeing Services.

10 Management of Health and Personal Information Forwarded to Health and Counselling Services

- 10.1 Personal and health information that is forwarded to Health and Counselling Services will be maintained according to the Information Privacy Act 2000 and Health Records Act 2001 and the University of Melbourne Privacy Policy.

