



Monash Surgical Private Hospital

At Monash Surgical Private Hospital (MSPH) we understand the importance of, and respect your rights to privacy. We are committed to protecting your personal information and complying with our obligations under the Privacy Act 1988 (Cth), the Health Records Act 2001 (Vic) and other relevant laws in relation to the management of personal information.

This Privacy Policy explains how we collect and manage your personal information, including our obligations and your rights in respect of our dealings with your personal information. It also describes generally the types of personal information we hold, how it is collected, held, used and disclosed and our purpose in doing so. This policy also outlines how individuals can correct their personal information that are held by MSPH, how to make a complaint about a possible breach of privacy and how complaints will be handled.

To promote transparency and ease of access, this Privacy Policy is publically available and can be accessed via MSPH's website www.msph.com.au. Individuals who would like to request a copy of this policy in an alternate form, for example suitable for the vision impaired, or individuals with limited English literacy, may do so by contacting our Privacy Officer. MSPH will take reasonable steps to provide the policy in an appropriate form.

What is personal information?

Personal information has the meaning given in the Privacy Act 1998 (Cth). Generally, it is any kind of information about a person that identifies that person and includes sensitive information such as health information. Health information is a subset of personal information and it is afforded a higher level of privacy protection because it is information about your health and the health services provided to you.

MSPH will only collect health information about you with your consent except where we are required or permitted by law to collect sensitive information without your consent. We are committed to complying with our privacy law obligations and managing them openly and transparently with you.

How do we collect and hold your personal information?

MSPH collects personal information using several methods. Personal information can be collected when we admit you as a patient and provide you with patient care and treatment. It is also collected when you interact verbally with MSPH, or make contact by using our website, mail or email. We will only collect personal information by lawful and fair means and not in an unreasonably intrusive way.

Personal information of job applicants and employees is also collected during the application process (whether they are successful or not) and during the period of employment, which may also include sensitive information. Health information can be collected when circumstances require that first aid be administered, for administering sick or carers leave, or where injury or insurance claims arise.

Personal and business details of suppliers and contractors are also collected when they interact with MSPH, so that appropriate financial and business records can be maintained.

MSPH's policy is only to collect sensitive information where it is reasonably necessary for us to provide you with health services and either:

- you have consented; or



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- we are required or authorised by or under law to do so.

We generally collect personal information directly from you. The types of personal information we may collect include:

- Identifying information such as name, gender and date of birth;
- Contact information such as home address, home and mobile phone numbers, email address and emergency contact details;
- Sensitive information, including information about your medical history and health services provided to you;
- Information about your health fund provider;
- Government-issued identifiers such as your Medicare number.

We may collect your personal information from:

- A person authorised to provide us information on your behalf;
- A third party such as a hospital, doctor or other health service provider who has treated you;
- Your health fund provider who is providing you with insured benefits; and
- A service provider engaged by us or a third party who partners with us.

When personal information is collected, MSPH takes reasonable steps in the circumstances to notify you (either at or before the time of collection, or as soon as practicable thereafter) of the following information:

- MSPH's identity and how to contact it;
- The fact that you can gain access to the information;
- To whom MSPH usually discloses information of that kind;
- Any law that requires the particular information to be collected;
- The main consequences (if any) to you if all or part of the information is not provided.

MSPH is required to use its best endeavours to offer individuals the option of not identifying themselves, or using a pseudonym, when they interact with us. This requirement does not apply if we are required by law, or authorised by a Court or Tribunal to only deal with individuals who have identified themselves, or where it is impracticable to deal with individuals in this manner.

Use or Disclosure of Personal Information

In general, we do not use or disclose your personal information for a purpose other than:

- A purpose set out in this Privacy Policy;
- A purpose you would reasonably expect;
- A purpose required or permitted by law; or
- A purpose otherwise disclosed to you to which you have consented.

When you become a patient of MSPH, your personal information is recorded in your medical record. Your medical record contains your name, address, contact details and health information on the problem for which you seek treatment, and the treatment you were given. Every time you attend MSPH, new information is added to your medical record.

Your medical record is used as the basis for planning your care and treatment as it is the means of communication for the health professionals at MSPH who contribute to your care. We need to ensure that each healthcare professional involved in your care has all your health information



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recorded in your medical record. Your previous history of medical care helps us to quickly identify which treatments are likely to be appropriate and effective for you.

We rely on the information that you give staff to help provide the right care for you. You have the right to refuse to provide us with personal information. However, withholding relevant information may put your health at risk, and we wish your stay to be as safe as possible.

We may disclose your personal information to:

- Health service providers involved in your care and treatment;
- Your health fund provider so they have evidence of treatment to pay benefits for your health-related services;
- Other parties to whom we are authorised or required by law to disclose information such as the Department of Health (Victoria) to report notifiable diseases and the Victorian Cancer Registry to record details of cancer diagnosis.

We take all reasonable steps to ensure that these organisations are bound by confidentiality and privacy obligations with respect to the protection of your personal information.

We do not directly disclose personal information to recipients located overseas. The only circumstances in which personal information may be transferred or stored overseas is when MSPH has taken reasonable steps to ensure that information which it has transferred will not be held, used or disclosed by recipients inconsistently with the Information Privacy Principles or Health Privacy Principles.

Access to Personal Information

Requests made by individuals to access their personal information held by MSPH will generally be granted unless certain limited circumstances apply. Those circumstances may include where:

- It is reasonably determined that granting access would pose a serious threat to the life, health, safety of an individual, or to public health and safety;
- Granting access would have an unreasonable impact on the privacy of other individuals;
- The request is frivolous or vexatious;
- Legal proceedings are on foot;
- MSPH is required to deny access by law or access would be unlawful; or
- Unlawful activity or serious misconduct is suspected.

MSPH shall respond to requests to access personal information within a reasonable period (usually within 30 days) and will give access to the information in the manner requested where it is reasonable and practicable. If we refuse access, we will provide you with a written notice that sets out the reasons for the refusal and how to complain about the refusal.

In some instances, MSPH is unable to release information provided to it by a third party, for example a medical practitioner or another health consultant's report or information provided by a third party entity. Where this occurs, MSPH may refer you to the third party to access the information directly.

MSPH may require that reasonable charges be paid in respect of granting access to personal information, however the charges must not be excessive, and must not apply to the making of



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the requests. Requests for access to personal information can be made contacting our Privacy Officer using the contact details below.

Accuracy of Personal Information

MSPH takes reasonable steps to ensure that our information about you is accurate, up-to-date and complete. Where we believe that the personal information we hold is inaccurate, out-of-date, incomplete, irrelevant or misleading, we will take reasonable steps to correct the information. If you believe your personal information is not accurate, complete or up-to-date, please contact MSPH and we will take reasonable steps to correct the information. If we do not agree with the corrections you have requested, we will give you a written notice setting out the reasons for our refusal to alter your personal information.

It will not always be possible for MSPH to give you the opportunity to correct health information held about you. However, even where MSPH cannot correct your health information as requested, we will take all reasonable steps to note any statement you make about the relevant health information. MSPH will respond to requests to correct/update or add a statement within a reasonable period after the request is made and will not charge you for the making of the request, the correction, or the adding of the statement.

Requests to update or correct personal information can be made by contacting our Privacy Officer. Requests will usually be met or responded to within 30 days.

Security of Personal Information

MSPH takes all necessary precautions to ensure your personal information (in both physical and electronic form) is secure. Information about you is securely stored in a medical record file, within the medical records area.

Some information about you is also stored on our computer systems. Computer stored information (such as your name, address, date of birth, telephone number and diagnosis) allows all health care professionals involved in your care to access your information easily and quickly when it is needed.

We are committed to protecting the personal information we hold about you. MSPH takes all reasonable steps to protect your personal information and to ensure your information is secure from misuse, interference or loss, and protected from unauthorised access, modification, or disclosure. Our systems are subject to regular audit and are maintained based on appropriate industry guidelines.

Security and access protocols are maintained in order to implement reasonable steps to ensure that personal information is protected from misuse, interference, loss, unauthorised access, modification and disclosure. Internal access controls and protocols ensure that only authorised staff can access personal information in circumstances where they are required to do so in the performance of their duties. Our IT system allows electronic file access to be tracked and audited to ensure that only authorised access to personal information has occurred.

Governance mechanisms employed by MSPH to ensure that appropriate management of personal information include maintaining a designated privacy officer role, audit programs, staff bulletins and training programs. MSPH is committed to conducting a risk assessment where a significant change to information handling procedures is proposed.



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Information held by MSPH is subject to regular review and audits. Where it is determined that it is no longer necessary or legally required for MSPH to hold and store personal information, reasonable steps are taken to destroy or permanently de-identified the information. To comply with our legal obligations, we typically retain your medical records for a minimum of seven years after your last admission as a patient, or until a minor turns 25.

Using our Website

Anytime you access pages of our website, we collect information about your visit such as:

- The time and date of the visit;
- Any information or documentation that you downloaded;
- Your browser type; and
- Your server address.

When you access pages of our website, we use “cookies” to obtain information about how our website is being used. A “cookie” is a small text file which is placed on your internet browser and which we access each time you visit our website. It allows us to recognize your computer or internet enabled device. We use cookies to measure traffic and engagement patterns, to determine which areas of our website have been visited and to measure overall, aggregate transaction patterns. You may change the settings on your browser to reject cookies, however doing so will prevent you from accessing secured pages of our website.

Our website may contain links to third party websites. We advise that the terms of this Privacy Policy do not apply to external websites. If you wish to find out how any third parties handle your personal information, you will need to obtain a copy of their privacy policy.

We make reasonable efforts to ensure that the most up-to-date security measures are used on our website to protect your personal information. Any data containing personal information which we transmit via the internet is encrypted. However, no data transmission over the internet or information stored on servers accessible through the internet can be guaranteed to be fully secure.

When we receive emails, we will retain the content of the email and our response to you where we consider it necessary to do so. Your email address will only be used or disclosed for the purpose for which it was provided. It will not be added to any mailing list or used for any other purpose without your consent.

Notifiable Data Breaches Scheme

In the event of any unauthorised access or unauthorised disclosure or loss of your personal information that is likely to result in serious harm to you, we will investigate and notify you and the Office of the Australian Information Commissioner in accordance with the Privacy Act 1988 (Cth).

Questions and Complaints

All complaints concerning a privacy incident (breach) will be examined and in most circumstances will be investigated by the Privacy Officer. Complaints should be submitted in writing directly to the Privacy Officer. MSPH follows a dedicated procedure for identifying and reporting privacy breaches and for receiving and responding to complaints.

MSPH’s Privacy Officer maintains a complaint register concerning:



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- Mishandling of personal information;
- Security breaches;
- Allegations of privacy incidents (breaches); and
- Any matters which are referred from the Office of the Australian Information Commissioner or Victorian Health Complaints Commissioner.

Complaints will be quickly acknowledged and will be dealt with within a reasonable amount of time, depending on the complexity. Complainants will receive updates on the progress of their complaints if the investigation takes longer than expected. Less complex complaints can usually be dealt with within 30 days, however more complex complaints may take longer to resolve.

Where a notification of a breach of privacy or a complaint about the handling of personal information is received, MSPH's Privacy Officer will take immediate steps to contain the breach, which may involve securing or quarantining personal information or MSPH files that contain the personal information. A preliminary assessment will be conducted, and any necessary actions taken. These actions may include notifying the individual(s) whose personal information is the subject of the breach/complaint.

Where the preliminary assessment finds that the matter is complex or of a serious nature, independent investigators and/or legal advisors may be retained to assist with an investigation. All investigations will determine if there appears to have been a breach of MSPH's obligations under the privacy legislation. At the conclusion of the investigation, recommendations may be made as to changes to information handling practices and protocols within MSPH. The complainant will be informed of the outcome of the investigation, any relevant findings, and any actions taken as a result.

If the complainant is not satisfied with the investigation or the outcome, they may make a further complaint to the relevant regulator.

Contacting Us

If you have any questions about this Privacy Policy or have any concerns or complaints about the treatment of your personal information, you can write to the Privacy Officer

Monash Surgical Private Hospital
252-256 Clayton Road
Clayton VIC 3168

For more information about privacy in general, you can visit the Office of the Australian Information Commissioner's website <http://www.oaic.gov.au> and the Office of the Health Services Commissioner's website <https://www.health.vic.gov.au/>

Changes to the Privacy Policy

MSPH may make changes this Privacy Policy from time to time without notice to you. An up-to-date copy of our Privacy Policy is available on our website.

This Privacy Policy was last reviewed and updated on 1 October 2024.