



Corporate Standard
STANDARD PROCEDURE HEALTH PRIVACY INFORMATION

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1.1 Title

This Standard Procedure is titled "Health Privacy Information."

1.2 Introduction

Delta is committed to fair health information handling practices to ensure privacy is maintained consistent with legislative requirements.

1.3 Objectives

The objective of the Standard Procedure is to set out the manner in which Delta collect, store, uses and discloses health information.

1.4. Scope

The procedures set out in this Standard covers health information provided to Delta and applies to all employees, contractors and visitors.

1.5 Definitions

Health information is information or an opinion about:

- (i) the physical or mental health or a disability (at any time) of an individual, or
- (ii) an individual's express wishes about the future provision of health services to him or her, or
- (iii) a health service provided, or to be provided, to an individual, or
- (iv) other personal information collected to provide, or in providing, a health service.

Private Sector Person – This term includes state owned corporations.

1.6 Legislative/Corporate Provisions and Standards

The following legislative/regulatory provisions and guidelines may be used for reference purposes:

Health Records and Information Privacy Act 2002 (HRIP Act)
Freedom of Information Act 1989
Occupational Health and Safety Act 2000 & OHS Regulation 2001
Workers Compensation Act 1987 as amended
Workplace Injury Management and Workers' Compensation Act, 1998
Workers Compensation Legislation Amendment Act 2003
Workers Compensation Legislation Further Amendment Act 2001

Delta Electricity's Code of Conduct
DES SA001-36 OHS Document & Records Management
DES SA001-12 First Aid Services

2.0 GENERAL PROVISIONS

There are legitimate requirements for Delta to collect, store, use and disclose health information. This Standard Procedure is not intended to prevent appropriate officers from collecting, storing, using or disclosing such information but seeks to provide a framework for the collection, storage, use and disclosure to occur.

2.1 Health Privacy Principles

There are fifteen Health Privacy Principles (HPPs) which Delta will consider when it collects, stores, uses or discloses health information. These Principles are contained in the HRIP Act and are summarised below:

Table 1: Health Privacy Principles

<p><u>COLLECTION</u></p> <p>1. Lawful</p> <p>2. Relevant</p> <p>3. Direct</p> <p>4. Open</p>	<p>Only collect health information for a lawful purpose. Only collect the information if it is directly related to Delta's activities and which is information necessary for that purpose.</p> <p>Ensure that the information is relevant, accurate, not excessive and up-to-date. Ensure that the collection does not unreasonably intrude into the personal affairs of the individual.</p> <p>Only collect health information directly from the person concerned (or their treatment provider), unless it is unreasonable or impracticable to do so.</p> <p>Inform the person as to what health information is being collected, why it is being collected, who will be storing and using it, and how they can see and correct this information.</p>
<p><u>STORAGE</u></p> <p>5. Secure</p>	<p>Ensure that health information is stored securely, not kept any longer than necessary, and disposed of appropriately. Information should be protected from unauthorised access, use or disclosure.</p>
<p><u>ACCESS & ACCURACY</u></p> <p>6. Transparent</p> <p>7. Accessible</p> <p>8. Correct</p>	<p>Explain to the individual what health information about them is being stored, why it is being used and any rights they have to access it.</p> <p>Allow people to access their health information without unreasonable delay or expense.</p> <p>Allow people to update, correct or amend their health information where necessary.</p>

<p>9. Accurate</p>	<p>Take reasonable steps to ensure that the health information is relevant and accurate before using it.</p>
<p><u>USE</u> 10. Limited</p>	<p>Only use health information for the purpose for which it was collected, or a directly related purpose that the person would expect.</p>
<p><u>DISCLOSURE</u> 11. Limited</p>	<p>Only disclose information for the purpose for which it was collected, for a directly related purpose that the person would expect.</p>
<p><u>IDENTIFIERS & ANONYMITY</u> 12. Not identified 13. Anonymous</p>	<p>Only identify people by using unique identifiers if it is reasonably necessary to carry out functions efficiently. If practicable provide people with the option of receiving services anonymously.</p>
<p><u>TRANSFERRALS & LINKAGE</u> 14. Controlled 15. Authorised</p>	<p>(These principles refer to health service providers and do not apply to Delta). Only transfer health information outside NSW in accordance with HPP 14. The need for consent where health information about a person is to be included in a data linkage system.</p>

Delta has developed a detailed schedule of strategies in relation to specific classifications of health information and how they will be managed, refer to Appendix 1.

2.2 Consent in Relation to Medical Assessments.

Delta will ensure that prior to arranging medical assessments (for non-work related conditions) or obtaining health information about an employee that the written consent of the employee is obtained. The consent may be obtained on an Authorisation for Release of Medical Information form.

An employee may revoke the consent to release their health information at any time, by advising the nominated officer (in writing) involved in the management of their case that they wish to withdraw their consent.

If an employee fails to consent to the release of the information, it may:

- Preclude an employee from performing certain work, given the duties contained in the Occupational Health & Safety Act 2000 (NSW);
- Mean that an employee will be unable to obtain paid sick leave pursuant to Delta's Electricity's Employees Award ;
- Mean that Delta is not in a position to issue a certificate for the purpose of allowing an employee to retire on ill health grounds.

2.3 Exemptions to the HRIP Act

1. In the private sector (Delta is deemed a "private sector person") the HRIP Act does not apply to "information about an individual that forms part of an employee record". However, in accordance with the recommendation of Privacy NSW, Delta will generally ensure that health information is managed in accordance with the Health Privacy Principles.
2. Delta is not required to comply with the HRIP Act if "non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law".

2.4 Requests to Access Health Information

For employees, access to their health information is via the appropriate nominated officer listed in the table below. However, if an employee has any concerns or difficulty in accessing their information, they may approach Delta's Privacy Officer for assistance.

Nature of Information	Relevant Contact Person
Sick leave file	Payroll Manager
Non-work related medical assessments.	Relevant Occupational Health Officer or RTW Coordinator
Services provided at the Health Centre	Relevant Occupational Health Officer or RTW Coordinator
Workers Compensation Information	Workers Compensation & Recruitment Manager
Workforce Diversity grievances (involving a disability)	Workers Compensation & Recruitment Manager
Pre-employment medicals	Workers Compensation & Recruitment Manager

If a nominated officer proposes to deny access for a request to access health information, the nominated officer must advise the Privacy Officer of the reasons for the denial prior to the decision being implemented. The Privacy Officer will review the decision to ensure that it is consistent with appropriate legislation. The employee requesting the information will then be advised of Delta's decision in writing.

2.5 Requests to Amend Health Information

An employee wishing to amend their health information should make that request in writing to the relevant officer; outlining the areas of concern and the changes they wish to make to their information.

Delta will review the request and provide a written response to the individual as to whether the change is to be made and if not, specific reasons as to why the request was denied.

2.6. Complaint Process

2.6.1 How to make a Complaint about a privacy issue.

Where an employee has a privacy complaint that relates to the manner in which Delta has managed their health information, the complaints procedure that is to be applied is provided under the Privacy and Personal Information Protection Act 1998.

Internal review procedures will apply where it is alleged that Delta has breached a health privacy principle. If the matter does not fall into this category then it will be dealt with as a regular complaint by the Privacy Officer and will be managed in accordance with Delta's Complaint Handling Procedure, which includes the provision of lodging a complaint via Delta's 1800 722 276 complaints number.

2.6.2 Internal Review Applications

An internal review application is to be in writing and must be lodged within six months from the time the complainant first became aware of the conduct that is the subject of the application. The "Health Privacy Complaints Internal Review Application Form" is to be completed and forwarded to Delta's Privacy Officer.

2.6.3 How is the Internal Review Conducted?

On receipt of the application, Delta's Privacy Officer will determine in conjunction with the Corporate Secretary, who will conduct the review. The person must not have been involved in a substantive way in matters that are the subject of the application.

The review must be completed within one month of the lodgement of the complaint. Delta must advise the applicant of the outcome of the review in writing.

2.6.4 Notification to the Complainant

When notifying the applicant of the outcome of the complaint, the following information will be provided:

- Findings of the review;
- The reasons for the finding;
- The action proposed to be taken;

2.6 Contact Details

If you have any questions regarding the issue of privacy contact Delta's nominated Privacy Officer.

Alternatively, you may seek assistance from Privacy NSW on telephone (02) 9268 5588 or their website at www.lawlink.nsw.gov.au/privacynsw.

APPENDIX 1

Procedure for the management of specific health information:

Medical Assessments (non workers compensation)

On those occasions where Delta seeks information from an employee's treating practitioners or arranges a medical assessment, the employee's informed written consent will be obtained prior to such action being taken. An updated written consent should be obtained every two years or when the original purpose of the consent changes.

At the time that written consent is obtained the Occupational Health Officer, RTW Coordinator or Manager shall provide details to the employee regarding the need for the information, how the information will be used and who will have access to the information. If an employee refuses to provide consent, they will be provided with information regarding the action that may occur as a result of their non-compliance (Refer to 2.2. Consent in Relation to Medical Assessments).

Any time a report or other information is released an email/letter should be placed on file confirming who has been provided with a copy of the material.

Data Collection

Information of a health nature should only be disclosed where it is reasonable and necessary and in line with the requirements of the HRIP Act. An employee's specific health issues should not be discussed in open forums.

Delta acknowledge that there are legitimate Occupational Health and Safety requirements in obtaining health information where there is a particular concern regarding an employee's fitness for work. However, it is appropriate that this information be disclosed on a "as needs basis" with relevant officers only.

CORVU Reports – The requesting officer should not be entitled to any information of a health nature unless it has been deemed as appropriate by the Safety & HR Manager. If the information is related to a workers compensation matter, the Workers Compensation & Recruitment Manager's approval must be sought.

Sick leave forms/medical certificates.

Any requests for access to an employee's sick leave file (other than from the employee) should be made via e-mail to the Payroll Manager to ensure only those with appropriate authority are granted access.

Workers Compensation

Relevant workers compensation legislation would override the HRIP principles however, any such conflict is unlikely to occur.



Authorisation for Release of Medical Information

Delta Electricity seeks to obtain your written consent before obtaining information from your medical practitioner(s). One way in which Delta can obtain such consent is by you signing this form. You may revoke your consent at any time by writing to the relevant Delta officer managing your case.

I, _____, consent to the release of my medical information which may be relevant to Delta assessing my:

	(a) Fitness for work #
	(b) Fitness to return to work #
	(c) Application to retire on ill health grounds ##
	(d) Some other reason (provide details):
#	<i>The information provided will among other things, assist Delta in complying with its duties under the Occupational Health and Safety Act 2000 (NSW).</i>
##	<i>The information provided will among other things, assist Delta in determining whether you meet the criteria to be retired on ill health grounds under the Delta Electricity Employees Award.</i>

I understand that the information provided may be used or disclosed to management of Delta, Delta's Occupational Health Officer/Return to Work Coordinator or a medical practitioner retained by Delta. I understand that Delta will limit the use and disclosure of the information to management of Delta who require knowledge of the information.

Name (Print):

Address:

Signature:

Date:

Witness Name (Print):

Witness Signature:

Date:

Please forward the completed form to the relevant Occupational Health Officer/Return To Work Coordinator.

Health Privacy Information Checklist

Employee Name: _____ **S/N:** _____ **Business Unit:** _____

Where Delta Electricity seeks to obtain the consent of an employee to the release of health information from a medical practitioner, the following checklist provides guidelines on the advice the employee should be given prior to providing their consent. Reference should also be made to Delta's Standard Procedure for Health Privacy Information as appropriate. The consent of the employee may be obtained on an Authorisation for Release of Medical Information form.

The advice provided by Delta's representative must be specific and tailored to the employee's individual circumstances.

Health Privacy Principles	Application	Initial
<u>What is health information?</u>	Information or an opinion about: <ul style="list-style-type: none"> ▪ the physical or mental health or a disability (at any time) of an individual, or ▪ an individual's express wishes about the future provision of health services to him or her, or ▪ a health service provided, or to be provided, to an individual, or ▪ other personal information collected to provide, or in providing, a health service 	
<u>Collection of information</u>	<ul style="list-style-type: none"> ▪ Information will be directly related to Delta's activities ▪ The information shall be relevant, accurate and up to date ▪ What information is being collected 	
<u>Storage</u>	<ul style="list-style-type: none"> ▪ Information is stored securely ▪ Information will be protected from unauthorised access, use or disclosure ▪ Information will be kept for the period defined in relevant legislation 	
<u>Access and Accuracy</u>	<ul style="list-style-type: none"> ▪ The employee can access, update or amend their own health information/records through Delta's appropriate nominated officer 	
<u>Use</u>	<ul style="list-style-type: none"> ▪ All reasonable steps will be taken to limit the disclosure of the information to the purpose for which it was collected, or to a directly related purpose that the employee would expect. 	
<u>Disclosure</u>	<ul style="list-style-type: none"> ▪ Only disclose information for the purpose for which it was collected, for a directly related purpose that the person would expect. 	
<u>Consequences for Non-Consent</u>	<ul style="list-style-type: none"> ▪ Failure to consent to the release of the information: <ul style="list-style-type: none"> - May preclude an employee from performing certain work, given the duties contained in the Occupational Health & Safety Act 2000 (NSW); - May mean that an employee will be unable to obtain paid sick leave pursuant to the Delta's Electricity's Employees Award and; - May mean that Delta is not in a position to issue a certificate for the purpose of allowing an employee to retire on ill health grounds. 	

Delta's representative explaining Health Privacy must sign and date this form and forward completed form to the relevant Occupational Health Officer or Return to Work Coordinator.

Name: _____ Position

Title: _____

Signature: _____

Date: _____



Health Privacy Complaint: Internal Review Application

Complainant Details	
Name:	Service Number:
Home Address:	
1. Please tick which of the following describes your complaint: (You can tick more than one)	
<input type="checkbox"/>	Collection of my health information
<input type="checkbox"/>	Security or storage of my health information
<input type="checkbox"/>	Refusal to let me access or find out about my health information
<input type="checkbox"/>	Accuracy of my health information
<input type="checkbox"/>	Use of my health information
<input type="checkbox"/>	Disclosure of my health information
<input type="checkbox"/>	Other
2. What is the specific conduct you are complaining about?	
3. When did the conduct occur?	
4. When did you first become aware of this conduct?	
5. This application needs to be lodged within 6 months of the date you have written for question 4. If more than 6 months has passed, you will need to provide details here explaining why you have taken more than 6 months to make your complaint. Delta's Privacy Officer in consultation with the Corporate Secretary will determine on the particular circumstances of each case whether a late application will be accepted.	

**Health Privacy Complaint:
Internal Review Application**

6. What action would you like Delta to take in the matter?

7. I declare that to the best of my knowledge the answers to all questions are correct and I have not withheld any relevant information. I understand that this form will be used by Delta to process my request for an Internal Review.

Signature: _____ Date: _____

Please forward completed form to Delta's Privacy Officer.