

PRIVACY POLICY

Policy Details

Document Group: Information and Records Management

Assigned Owner: Risk, Quality and Compliance

Approved by: Executive Team

1. Purpose

This policy aims to ensure that all actions by Bendigo Community Health Services (BCHS) and its employees, Board Directors, consultants, contractors and sub-contractors are in accordance with relevant privacy laws and standards in relation to health, personal and organisational information.

2. Scope

This policy applies to all BCHS employees, Board Directors, consultants, contractors and sub-contractors.

3. Definitions

Privacy: in the context of this policy, privacy is the right of an individual to be able to control who can see or use information about them.

Confidentiality: the obligation for people not to use private information, whether private because of its content or the context of its communication, for any purpose other than that which it was given to them.

Health information: information or an opinion about the health or disability of an individual, an individual's expressed wishes about the future provision of health services; and any health services provided or to be provided to an individual; including information collected in connection with the provision of a health service (and therefore includes personal details such as name, date of birth, contact details).

Personal information: information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, or an individual who is reasonably identifiable. Personal information includes (but is not limited to) an individual's name, date of birth, contact details and bank account details.

Organisational information: all and any administrative, operational, and business information; including organisational documentation and/or information located within BCHS systems; whether directly or indirectly controlled by BCHS; including any information or documentation developed or reviewed by BCHS employees in the duties of their employment; and any other information BCHS employees become aware of or are informed of through the course of their employment.

Refer to BCHS Key Definitions for the definitions of key words used in BCHS policies, procedures and related documents.

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4. Policy Overview

BCHS values privacy and confidentiality and is committed to protecting the privacy and rights of individuals (including clients and employees) in relation to their personal and health information, in addition to their physical privacy when accessing BCHS services and programs, and the privacy and confidentiality of organisational information.

BCHS' Privacy Policy aims to:

- Communicate roles and responsibilities in relation to privacy management;
- Guide the organisation in protecting the health and personal information of our clients to the highest standard;
- Provide confidence to the Board, clients, other stakeholders and community.

To support its commitment to this policy BCHS will:

- Ensure all BCHS employees are provided with BCHS' Privacy Policy prior to employment commencing;
- Ensure relevant privacy management information is accessible to BCHS clients;
- Ensure BCHS' Privacy Policy is made available on its website;
- Maintain relevant procedures which further outline roles, responsibilities and obligations which support effective privacy management;
- Ensure appropriate systems and processes are in place to support effective privacy management, including relating to physical and cyber security;
- Ensure appropriate systems and processes are in place to manage any complaints or feedback in relation to the privacy of their information and/or BCHS' privacy management practices;
- Ensure appropriate systems and processes are in place to identify and promptly investigate any reported or observed breaches of BCHS' Privacy Policy;
- Comply with any direction, guideline, determination, or recommendation made by the Victorian Health Services Commissioner or the OAIC.

The Senior Leader Risk and Quality will act as BCHS' Privacy Officer.

5. Policy

Privacy of Client Health and Personal Information

All BCHS employees, Board Directors, consultants, contractors, and sub-contractors are responsible for maintaining the privacy, confidentiality and security of health and personal information dealt with in the course of their duties and employment with BCHS.

BCHS' commits to manage all client health and personal information in line with the 11 Health Privacy Principles (HPP) outlined in the Health Records Act (Vic):

Health Privacy Principle (HPP)	
HPP 1 - Collection	
HPP 2 - Use and Disclosure	
HPP 3 - Data Quality	
HPP 4 - Data Security	
HPP 5 - Openness	
HPP 6 - Access and Correction	
HPP 7 - Identifiers	
HPP 8 - Anonymity	

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HPP 9 - Trans-border data flows
HPP 10 - Transfer or closure of the practice of a health service provider
HPP 11 - Making information available to another health service provider

BCHS' commits to manage all client health and personal information in line with the 13 Australian Privacy Principles (APP) outlined in the Privacy Act (Cth):

Australian Privacy Principle (APP)
APP 1 - Open and transparent management of personal information
APP 2 - Anonymity and pseudonymity
APP 3 - Collection of solicited personal information
APP 4 - Dealing with Unsolicited Personal Information
APP 5 - Notification of the collection of personal information
APP 6 - Use or disclosure of personal information
APP 7 - Direct Marketing
APP 8 - Cross-border disclosure of personal information
APP 9 - Adoption, Use or Disclosure of Government Related Identifiers
APP 10 - Quality of personal information
APP 11 - Security of personal information
APP 12 - Access to personal information
APP 13 - Correction of personal information

Requirements and practical guidance in relation to the HPPs and APPs are outlined in BCHS' Privacy Protection Procedure.

Collection, Use and Disclosure of Personal Information in Emergencies and Disasters

Where Australia's Prime Minister or the delegated Minister declares an emergency or disaster affecting Australian citizens or permanent residents, either in Australia or overseas, BCHS must comply with requirements relating to the collection, use and disclosure of personal information with relevant authorities under Part VIA of the *Privacy Act 1988 (Cth)*.

In Victoria, a State of Disaster declared under the *Emergency Management Act 1986 (Vic)* activates emergency powers, including the authorised collection, use and disclosure of information necessary to support emergency management, public safety, service coordination, and quality and safety responses across all or part of Victoria. BCHS' Privacy Officer will oversee the appropriate response to these obligations, where required.

Collection, Use and Disclosure of Information for Quality and Safety Purposes

BCHS must comply with requirements around the collection, use and disclosure of confidential information for a quality and safety purpose under Part 6B of the *Health Services (Quality and Safety) Regulations 2020 (Vic)*. Where requested, BCHS must provide information to Safer Care Victoria and the Victorian Agency for Health Information (VAHI) as prescribed entities. For BCHS, this includes information relating to in-scope incident reporting through the Victorian Health Incident Management System (VHIMS), overseen by VAHI.

Disclosure of Information Overseas

BCHS will not share personal or health information outside of Australia (unless under circumstances permitted by law) without consent.

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BCHS will ensure if personal or health information leaves Victoria, the same privacy protections are owed to the client/s information. BCHS will not transfer any information outside of Victoria without due process.

BCHS will gain consent to transfer information from the client however where it is not practical to gain consent, BCHS will endeavour to ensure that the disclosure is to an organisation that is bound by similar laws and privacy obligations.

Physical Privacy of Clients

BCHS employees must ensure the right of a client to physical privacy.

Privacy of Employee and Board Director Information

BCHS commits to ensuring the privacy and confidentiality of all employee and Board Director personal and health information including information contained in employee HR records.

Privacy of Organisational Information

All BCHS employees, Board Directors, consultants, contractors and sub-contractors are responsible for maintaining the privacy, confidentiality and security of other organisational information (including intellectual property) dealt with in the course of their duties and employment with BCHS.

Information, records, correspondence and other work-related documents created, received or maintained in the course of employment or engagement with BCHS are the property of BCHS. BCHS may access, use or review this information where required for legitimate operational, legal, quality improvement, safety, governance or compliance purposes, in accordance with applicable legislation and organisational policies.

Collection and Use of De-identified Information for Quality Improvement and Research

BCHS may collect and use de-identified, aggregated information from client records to support quality improvement, service planning, program evaluation, accreditation and approved research.

Where practicable, information used for these purposes will be de-identified so that individual clients cannot reasonably be identified. Identifiable personal or health information will only be used or disclosed for research with client consent or where authorised by law.

BCHS will ensure that all information used for quality improvement and research is managed securely and in accordance with applicable privacy legislation and ethical requirements.

Community Advisory Committee

The BCHS Community Advisory Committee forms part of the organisation's quality improvement framework by providing client feedback and advice to support service improvement. Committee members must maintain the privacy, confidentiality and security of any provided shared information in the course of their role and are bound by this Privacy Policy.

Privacy and Artificial Intelligence Usage at BCHS

All use of AI tools at BCHS must comply with the Privacy Act 1988 (Cth), the Australian Privacy Principles (APPs), and relevant state legislation. Employees must not enter any identifiable client, employee, or confidential organisational information into unapproved AI systems. Only approved AI tools with appropriate privacy and data security agreements may be used, and any privacy breaches must be reported and managed according to BCHS procedures.

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Training

All BCHS employees will be required to complete mandatory training to ensure they understand their responsibilities and obligations in relation to appropriate privacy management.

6. Related Legislation, Regulations and Standards

Privacy Act 1988 (Cth)
 Privacy Regulation 2013 (Cth)
 Privacy and Data Protection Act 2014 (Vic)
 Health Services Act 1988 (Cth)
 Health Records Act 2001 (Vic)
 Health Records Regulations 2023 (Vic)
 Health Services (Quality and Safety) Regulations 2020 (Vic)
 Charter of Human Rights and Responsibilities Act 2006 (Vic)
 Emergency Management Act 1986 (Vic)
 RACGP standards
 QIC – Health and Community Standards
 Strengthened Aged Care Quality Standards 2025

7. Related Documents

Privacy Protection Procedure
 Privacy Breach Response Procedure
 Disclosure of Client Information Procedure
 Client Record Management Procedure
 9.06 Client-Patient Health Information Audit Procedure
 12.05 Document Control and Management Procedure
 My Health Record Policy
 Child and Family Safety and Wellbeing Policy
 Information Sharing Scheme Procedure
 Code Of Conduct Policy
 Consent Procedure
 9.07 Closed Circuit Television (CCTV) Procedure
 Artificial Intelligence Usage Policy
 Client Information Booklet
 Client Rights and Responsibilities Statement
[OVIC Privacy Laws – Quick Reference Guide](#)

8. Responsibilities

BCHS Board Directors

- Ensure BCHS that has an appropriate privacy management framework in place;
- Demonstrate commitment and leadership in relation to privacy management;
- Ensure they understand their responsibilities and comply with this policy and related documents

BCHS Privacy Officer

- Oversee and coordinate BCHS' privacy management framework;
- Oversee the investigation and response to any privacy-related complaints or incidents.

BCHS Executive Leaders and Operations Managers

- Demonstrate commitment and leadership in relation to privacy management;

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- Ensure they understand their responsibilities and comply with this policy and related documents;
- Ensure BCHS Senior Leaders understand their responsibilities and comply with this policy and related documents;
- Ensure this policy and related documents are regularly reviewed and maintained in line with applicable legislation, guidelines and standards;
- Ensure that any breaches of this policy are managed in line with Performance Management Policy and Procedures.

BCHS Senior Leaders

- Demonstrate commitment and leadership in relation to privacy management;
- Ensure they understand their responsibilities and comply with this policy and related documents;
- Ensure BCHS employees understand their responsibilities and comply with this policy and related documents;
- Ensure that any breaches of this policy are managed in line with Performance Management Policy and Procedures.

BCHS Employees

- Ensure they understand their responsibilities and comply with this policy and related documents.

Consultants, contractors and sub-contractors

- Ensure they understand their responsibilities and comply with this policy and related documents.

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