

2.5.3. Privacy Policy

Current as of: September 2024

Introduction

This privacy policy is to provide information to you, our patient, on how your personal information (which includes your health information) is collected and used within our practice, and the circumstances in which we may share it with third parties.

Why and when your consent is necessary

When you register as a patient of our practice, you provide consent for our GPs and practice staff to access and use your personal information so they can provide you with the best possible healthcare. Only staff who need to see your personal information will have access to it. If we need to use your information for anything else, we will seek additional consent from you to do this.

Why do we collect, use, hold and share your personal information?

Our practice will need to collect your personal information to provide healthcare services to you. Our main purpose for collecting, using, holding and sharing your personal information is to manage your health. We also use it for directly related business activities, such as financial claims and payments, practice audits and accreditation, and business processes (eg staff training).

What personal information do we collect?

The information we will collect about you includes your:

- names, date of birth, addresses, contact details
- medical information including medical history, medications, allergies, adverse events, immunisations, social history, family history and risk factors
- Medicare number (where available) for identification and claiming purposes
- healthcare identifiers
- health fund details.

Dealing with us anonymously

You have the right to deal with us anonymously or under a pseudonym unless it is impracticable for us to do so or unless we are required or authorised by law to only deal with identified individuals.

How do we collect your personal information?

Our practice may collect your personal information in several different ways.

1. When you make your first appointment our practice staff will collect your personal and demographic information via your registration.
2. During the course of providing medical services, we may collect further personal information.
This may include information being collected through electronic transfer of prescriptions (eTP) or My Health Record, eg via Shared Health Summary, Event Summary.
3. We may also collect your personal information when you visit our website, send us an email or SMS, telephone us, make an online appointment or communicate with us using social media.

4. In some circumstances personal information may also be collected from other sources. Often this is because it is not practical or reasonable to collect it from you directly. This may include information from:
- your guardian or responsible person
 - other involved healthcare providers, such as specialists, allied health professionals, hospitals, community health services and pathology and diagnostic imaging services
 - your health fund, Medicare, or the Department of Veterans' Affairs (as necessary).

When, why and with whom do we share your personal information?

We sometimes share your personal information:

- with third parties who work with our practice for business purposes, such as accreditation agencies or information technology providers – these third parties are required to comply with APPs and this policy
- with other healthcare providers
- when it is required or authorised by law (eg court subpoenas)
- when it is necessary to lessen or prevent a serious threat to a patient's life, health or safety or public health or safety, or it is impractical to obtain the patient's consent
- to assist in locating a missing person
- to establish, exercise or defend an equitable claim
- for the purpose of confidential dispute resolution process
- when there is a statutory requirement to share certain personal information (eg some diseases require mandatory notification)
- during the course of providing medical services, through eTP, My Health Record (eg via Shared Health Summary, Event Summary).

Only people who need to access your information will be able to do so. Other than in the course of providing medical services or as otherwise described in this policy, our practice will not share personal information with any third party without your consent.

We will not share your personal information with anyone outside Australia (unless under exceptional circumstances that are permitted by law) without your consent.

Our practice will not use your personal information for marketing any of our goods or services directly to you without your express consent. If you do consent, you may opt out of direct marketing at any time by notifying our practice in writing.

How do we store and protect your personal information?

Your personal information may be stored at our practice in various forms. Since 2010 all records at the Practice are maintained electronically within the medical management software system. Items such as imaging films are not kept by the Practice, they are returned to the patient.

Our practice stores all personal information securely. Computers are password protected. Access to the Medical Management Software requires a login and password specific to each user. Data is backed up regularly onsite and in a secure cloud based in Australia that is also compliant with Australian Privacy

Laws. All staff and contractors are required to sign a confidentiality agreement prior to employment.

How can you access and correct your personal information at our practice?

You have the right to request access to, and correction of, your personal information.

Our practice acknowledges patients may request access to their medical records. We require you to put this request in writing and our practice will respond within thirty days. There is no cost for requesting to view your medical record however there may be fees charged to provide a copy of your medical records to you.

Our practice will take reasonable steps to correct your personal information where the information is not accurate or up to date. From time to time, we will ask you to verify that your personal information held by our practice is correct and current. You may also request that we correct or update your information, and you should make such requests in writing to the Practice Manager.

How can you lodge a privacy-related complaint, and how will the complaint be handled at our practice?

We take complaints and concerns regarding privacy seriously. You should express any privacy concerns you may have in writing. We will then attempt to resolve it in accordance with our resolution procedure. You can contact the Practice Manager by emailing manager@berkeleyvaledoctors.com.au. The contact number for the Practice Manager is 02 4388 3985. The postal address is PO Box 6086, Long Jetty, NSW, 2261. Responses to concerns will be made within 30 days.

You may also contact the OAIC. Generally, the OAIC will require you to give them time to respond before they will investigate. For further information visit www.oaic.gov.au or call the OAIC on 1300 363 992.

Privacy and our website

Our Website collects anonymous information that occurs through the website or social media via use of website analytics, cookies. This information is used for analyzing and updating content of the website and is not shared elsewhere.

This privacy policy will be reviewed regularly to ensure it is in accordance with any changes that may occur. When this policy is amended, the latest version will be available at each Practice.

2.5.4. AI Policy

Purpose:

This policy establishes guidelines for the use of Artificial Intelligence (AI) tools as scribes in clinical settings at the practice. The aim is to improve the efficiency of documentation while maintaining patient privacy, confidentiality, and high standards of care.

Scope:

This policy applies to all healthcare professionals, administrative staff, and IT personnel at [Practice Name] who use or interact with AI scribe tools in any form.

1. Definition of AI Scribe

An AI scribe is a software tool powered by artificial intelligence that assists clinicians in documenting patient encounters. The tool may transcribe conversations, extract relevant clinical information, and generate draft notes that can be reviewed, edited, and finalized by the healthcare provider.

2. Key Objectives

- **Improve Efficiency:** Reduce the administrative burden on clinicians, allowing more time for patient care.

- **Enhance Accuracy:** Provide more accurate and consistent documentation of patient visits.
- **Maintain Compliance:** Ensure that all AI-assisted documentation meets Australian regulatory requirements, including those related to medical record-keeping, patient privacy, and confidentiality.

3. Responsibilities of Healthcare Providers

- **Review and Edit Notes:** Healthcare providers are responsible for reviewing, editing, and approving all AI-generated documentation. The AI scribe should not be regarded as a substitute for professional clinical judgment.
- **Accuracy:** Providers must ensure that AI-generated notes accurately reflect the patient encounter. Any errors, omissions, or inaccuracies must be corrected promptly.
- **Patient Consent:** Patients should be informed that AI-assisted documentation is being used during their consultations. Consent for using AI tools must be documented as part of the patient's general consent to treatment.

4. Patient Privacy and Confidentiality

- **Data Security:** All AI scribe tools must comply with the Australian Privacy Principles (APPs) under the Privacy Act 1988 (Cth). The practice must ensure that AI tools used do not compromise the confidentiality or security of patient information.
- **De-identification:** AI tools should, where possible, operate with data de-identification features to minimize exposure of personally identifiable information to third-party vendors.
- **Data Storage:** Any data processed by AI tools must be stored securely, with access limited to authorized personnel only.

5. AI Scribe Usage Guidelines

- **Initial Setup and Training:** Only AI tools that have been rigorously tested and are compliant with Australian healthcare standards should be used. Staff must receive training on how to use the system appropriately.
- **Clinical Oversight:** AI-generated notes should always be overseen by a qualified healthcare provider who is responsible for ensuring that the content is accurate, complete, and clinically appropriate.
- **Updates and Maintenance:** AI tools should be regularly updated to ensure they remain compliant with any changes in medical standards, regulations, and technology.

6. Compliance with Regulatory and Legal Requirements

- **Australian Health Practitioner Regulation Agency (AHPRA):** AI-generated documentation must meet the standards set by AHPRA and other relevant regulatory bodies, including maintaining a clear and accurate record of the clinical encounter.
- **Medical Records Legislation:** AI-assisted documentation must comply with local medical record-keeping regulations, including the retention and access rights to patient records, as well as the management of amendments or corrections to records.

7. Quality Assurance and Audits

- **Ongoing Monitoring:** Regular audits will be conducted to ensure that AI scribe systems are functioning correctly and that documentation is accurate. Any discrepancies or issues identified during audits will be addressed promptly.

- **Feedback Mechanism:** A system will be in place to allow healthcare providers to provide feedback on the AI scribe tool's performance and suggest improvements.

8. Limitations of AI Scribes

- **Not a Substitute for Clinical Judgment:** AI tools should never replace a clinician's judgment. The AI tool is designed to assist with documentation, not to make clinical decisions.
- **Contextual Understanding:** AI may not fully understand the nuances of complex medical conditions or patient concerns. Providers should ensure that all relevant information is accurately reflected in the medical record.

9. Consent and Communication

- **Informed Patient Consent:** Patients must be informed that AI-assisted documentation is being used in their consultation. This consent should be documented in the patient's medical record. If a patient does not wish for AI tools to be used, the clinician should continue to document manually.
- **Transparency:** Clinicians should communicate to patients that the use of AI technology is for documentation purposes only and does not impact the quality or scope of care provided.

10. Review and Evaluation

This policy will be reviewed annually or whenever there are significant changes to the practice's AI systems, regulatory requirements, or medical record-keeping standards.