

Privacy Plan

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What is this plan?

The *Information Privacy Act 2009* (Qld) (IP Act):

- regulates how Queensland government agencies, including Central Queensland Hospital and Health Service, must manage personal information; and
- provides a right for individuals to apply for access and amendment of their personal information.

Central Queensland Hospital and Health Service (CQHHS) is required to comply with the Privacy Principles outlined in the IP Act, in particular the National Privacy Principles (NPPs) (Refer to [Appendix 1.](#))

These privacy principles include rules about the collection, use, quality, security and disclosure of personal information. They also provide conditions under which personal information may be transferred outside of Australia and rules regarding contracted service providers.

CQHHS must take steps to ensure staff are aware of:

- the types of personal information it holds and for what purposes; and
- how it collects, holds, uses, and discloses personal information.

The specific obligations of CQHHS when collecting and handling your personal information are outlined in the IP Act.

This privacy plan will be updated if our information handling practices change.

This plan is guided by the CQHHS Privacy Policy and reflects the Health Service's obligations to protect the privacy of patient information as outlined in the Australian Charter of Healthcare Rights.

About Central Queensland Hospital and Health Service

Central Queensland Hospital and Health Service provides public health services across Central Queensland, in hospitals and in the community. We serve a growing population of approximately 250,000 people and employ more than 3,700 staff, treating more than 700,000 patients each year.

Further information:

[Destination 2030: Great Care for Central Queenslanders](#) our long-term strategy, will shape the future of hospital and healthcare across our region and support our aim for Central Queenslanders to be amongst the healthiest in the world. www.cq.health.qld.gov.au/about-us/publications-and-reports/destination-2030-great-care-for-central-queenslanders | www.cq.health.qld.gov.au

What is personal information?

Personal information is any information or opinion about an identifiable living individual.

Your identity must be reasonably ascertainable from the information, and it does not have to be expressly indicated by the information, nor does it have to be true in order for it to be your personal information.

Personal information may be in any form, such as in correspondence, databases, audio recordings, images, alpha-numerical identifiers, or any combinations of these. It can also be spoken or communicated in other mediums, including sign language or social media.

What is sensitive personal information?

Sensitive information is a subset of personal information and it is important because of the heightened meaning or value to the individual concerned. Refer to [Appendix 2](#) for examples of sensitive information.

CQHHS can only collect sensitive information in certain circumstances and must, before it discloses your sensitive personal information, take reasonable steps to ensure that you, the subject of the personal information, can no longer and cannot in the future, be identified from the personal information.

What is confidential information?

Confidential information most often relates to patients of CQHHS who may be living or deceased.

The Hospital and Health Boards Act 2011 (Qld) (HHB Act) defines confidential information as ‘...*information, acquired by a person in the person’s capacity as a designated person, from which a person who is receiving or has received a public sector health service could be identified.*’

A ‘designated person’ includes current and previous employees and officers of the department or HHS, temporary staff, health professionals, including visiting medical officers, anyone being educated or trained at a department or HHS facility, and contractors and volunteers carrying out duties on behalf of the department or HHS.

Other relevant legislation may also include the *Public Health Act 2005* (Qld) and the *Mental Health Act 2016* (Qld).

What personal information do we collect?

CQHHS collects, holds, uses and discloses personal information to carry out its functions and activities.

CQHHS ensures personal information and handling practices are transparent and documented, and that people are given collection notices that comply with the privacy principles.

Large amounts of personal information, some of which is sensitive and health information, are of clients, patients, suppliers, business partners and employees. Refer to [Appendix 2](#) for examples of the types of personal information held on behalf of CQHHS.

The *Queensland Health Information Asset Register* provides details regarding information collected for the purpose of better health outcomes for Queenslanders. The register is available at [Queensland Health Information Asset Register](#)

How is my personal information managed?

CQHHS is committed to ensuring all personal information is managed in accordance with the National Privacy Principles (IP Act), *Information Standard 18* and the *Queensland Government Information Security Classification Framework*.

Applications and Information Systems - Data Custodians – Roles & Responsibilities

In Queensland, the *Public Records Act 2002* (Qld) provides that the State owns the public records (**including data**) of Queensland Health. Public records include records made for use by, or a purpose of, a public authority or records received or kept by a public authority. Both the Department of Health and the HHSs are public authorities.

While ownership of public records rests in the State, the Department and HHSs are separately responsible for the management, safe keeping, and preservation of all records in their possession.

To ensure that CQHHS correctly manages the data in its possession, CQHHS have created a framework of documents and procedures for all local applications. For each local application used within CQHHS, an Application and Data Custodian will be identified.

Data Custodian: A position designated with overall accountability and responsibility for decision making in relation to the data set / data collection and the ongoing capture, compliance, development, management, care, and maintenance of data to support business needs.

In CQHHS, this position is assigned to a Senior Management level position.

Application Custodian: A position designated with overall accountability and responsibility for decision making in relation to the ongoing development, management, compliance, care, and maintenance of an application to support business needs.

In CQHHS, this position is assigned to a Senior Management level position.

Application and Data Custodians are required to understand and abide by the National Privacy Principles (NPPs).

Quality of your personal information

CQHHS takes steps to ensure personal information held and collected is accurate, up- to-date and complete. These steps include maintaining and updating personal information when advised by individuals that their details have changed, and at other times as necessary.

Security of your personal information

CQHHS takes the necessary steps to protect personal information against loss, unauthorised access, use, modification, or disclosure, and against other misuse. These steps include, for example, password protection for accessing our electronic systems.

Access to clinical information systems is in accordance Queensland Health's Information Security Policy QH-POL-468:2016 and Information security user responsibilities Standard QH-IMP-066-2:2014. User access and memberships of information systems/applications are reviewed and audited regularly as per the CQHHS Software Management Policy (cq_i27).

All sensitive documents must have security classifications applied to them and must be protected from unauthorised access by applying correct storage, handling, and disposal methods.

When personal information is no longer required, it is destroyed in a secure manner, or deleted according to a Queensland State Archives approved retention and disposal schedule. Further information about retention and disposal is available at [Health Sector \(Clinical Records\) Retention and Disposal Schedule | Queensland Government](#)

Contracted service providers and your personal information

CQHHS must ensure personal information is safeguarded when disclosed to third parties in connection with the provision of a service. Where CQHHS is contracting with a service provider, and as part of the service arrangement there will be an exchange of personal information, CQHHS is obliged to take reasonable steps to bind the service provider to comply with the privacy principles within the IP Act as part of the contract or service agreement.

Transferring personal information outside of Australia

CQHHS will only transfer personal information outside of Australia in compliance with the IP Act and for legitimate purposes only.

The IP Act allows the transfer of personal information outside of Australia only in certain circumstances, such as:

- when you have agreed/consented
- the transfer is authorised or required under a law
- CQHHS is satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of any individual, or to public health, safety and welfare; or
- if two or more of the following criteria apply:
 - the recipient is subject to equivalent privacy obligations
 - the transfer is necessary to perform a function of CQHHS
 - the transfer is for the individuals benefit
 - reasonable steps have been taken by the department CQHHS to ensure the information is protected.

An instance where CQHHS may transfer personal information outside of Australia includes where a member of the public has requested the HHS to correspond with them using a web-based email service whose servers are based in another country (e.g., Hotmail or Gmail).

Transmission by Email

Email transmission of patient identifying information over public networks is prohibited by Queensland Health unless appropriate encryption processes are in place.

Within the Central Queensland Hospital and Health Service, staff are advised to **NOT** email any identifying information outside of Queensland Health.

Only those staff / work units that have the specialised encryption programs such as Secure Web Transfer/Secure Transfer Service (SWT/STS) installed on their computer and have been trained and approved to do so, may forward documents securely to external recipients.

Exceptions to the *Information Privacy Act 2009*

There are some limited circumstances where CQHHS is not required to comply with the IP Act.

For example, the NPPs do not apply to de-identified information or statistical data sets which are non-identifiable (i.e. would not allow or enable individuals to be identified). For information to be considered 'non-identifiable', all identifiable references to the individual must be removed and the context and content of the remaining details must make it impossible to identify the individual.

CQHHS is also not required to comply with certain privacy principles where an individual has previously published their personal information or provided it for the purpose of publication. However, we must be satisfied that the personal information was published or given to be published by the individual themselves.

It is also important to note that the IP Act does not apply to information of deceased persons.

Legislative obligations under the *Hospital and Health Boards Act 2011*

Under Part 7 of the HHB Act, there is a strict duty of confidentiality imposed on the Department of Health and HHS staff in relation to the protection of confidential information.

Where health information has been collected in the context of providing a health service, use and disclosure is governed by the duty of confidentiality in the HHB Act.

'Confidential information' under the HHB Act also includes information relevant to deceased persons (unlike the IP Act).

Commonwealth Privacy Act 1988

Although CQHHS is not required to comply with the *Commonwealth Privacy Act 1988*, which includes the Australian Privacy Principles (APPs), on occasion the department may, under a contract with the Australian Government, agree to comply with the APPs. In this situation, CQHHS will have a contractual obligation to comply with the APPs, in addition to its existing requirements to comply with the NPPs in the IP Act.

How does CQHHS use and disclose personal information?

What does use and disclosure mean?

In broad terms, use refers to the treatment and handling of personal information within CQHHS, particularly when it involves making decisions on the basis of the information.

Disclosure refers to making personal information available to people outside CQHHS, other than to the individual concerned, and includes the publication of personal information.

Use and disclosure of personal and health information

The IP Act and HHB Act have different requirements relating to the use and disclosure of personal and health information.

There is no distinction made between 'use' and 'disclosure' of health information in the HHB Act. The strict rules for disclosure apply to use of health information when a person who is receiving or has received a public health service could be identified.

CQHHS only uses your personal information for the purposes for which it was given to use, or for purposes which are directly related to one of our functions or activities. We do not give your personal information to other government agencies, organisations, or anyone else unless one of the following circumstances applies:

- you (the individual) have consented
- you would reasonably expect, or have been told, that information of that kind is usually passed to those individuals, bodies, or agencies
- it is otherwise required or authorised by law
- it will prevent or lessen a serious and imminent threat to somebody's life or health
- it is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

How can I apply to access or amend my personal information?

How to apply for access

Information about how you can make an application to apply for access to your personal information is provided below. This includes information about seeking access 'administratively' (which is generally a simpler and quicker method of seeking access) or making a formal access application under the provisions of Chapter 3 in the IP Act, or under the Right to Information Act 2009 (Qld) (RTI Act), whichever is applicable.

Formal access or amendment applications need to be made and processed in accordance with the relevant legislation.

Access under an administrative arrangement does not affect your right to seek access to the documents

under the IP Act or RTI Act. In addition, if your application cannot be processed administratively, it will generally be referred for processing under the IP Act or RTI Act, whichever is appropriate.

If you did not “opt out”, your discharge summaries and other important clinical information is readily available in your [My Health Record](#). For more information please visit: www.digitalhealth.gov.au or speak with your General Practitioner.

Administrative access to your health records

Health records are the property of CQHHS, and you may apply for access to your **own** health records under the Administrative Access Scheme.

Administrative Access application forms can be obtained from:

- Front Reception of any hospital or multipurpose health service within CQHHS:

Baralaba Hospital	Emerald Hospital	Rockhampton Community Health
Biloela Hospital	Gladstone Hospital	Rockhampton Hospital
Blackwater MPHS	Mount Morgan MPHS	Springsure MPHS
Capricorn Coast Health Service	Moura MPHS	Theodore MPHS

Facility contact information can be found at: www.cq.health.qld.gov.au/hospitals-and-health-centres

- Via email to cqhhs.roi@health.qld.gov.au (proof of identity will need to be mailed or personally delivered as only originals of requisite documents can be accepted).
- Online: [CQHHS Administrative Access Application Form](#)

Further information about accessing your health records is available on the CQHHS Website:

www.cq.health.qld.gov.au/patients-and-visitors/your-health-record

Administrative access to Queensland Ambulance Service patient records

Queensland Ambulance Service have an access arrangement in place to request access to patient records. These records are known as an electronic Ambulance Report Form (eARF).

To apply for access to your QAS patient record, your request can be emailed to gaspatientrecords@ambulance.qld.gov.au or by phoning (07) 3635 3371.

Alternatively, requests can be submitted via fax on (07) 3109 7701 or posted to:

Queensland Ambulance Service Information Support Unit
GPO Box 1425
BRISBANE QLD 4001

To establish your identity as the applicant, you will need to provide Queensland Ambulance Service with certified evidence of your identification, and a signed authority (if relevant). A **fee** to cover the cost of this service is payable. For further information, visit www.ambulance.qld.gov.au/our-services/patient-records

Administrative access to personnel records

Current employees

If you are a current employee of CQHHS, under Part 3 of the Public Service Regulation 2008, you are entitled to access your own employee record by writing to the Executive Director Workforce – CQHSHR@health.qld.gov.au

However, please note that in some instances, not all information can be provided through this administrative process, and you may wish to make an access application under the IP Act or RTI Act.

For further information: www.health.qld.gov.au/system-governance/contact-us/access-info/employee-records

Former employees

The provisions referred to above may not necessarily apply once you have ceased to be an employee of CQHHS.

If you are a former employee of CQHHS (and not employed by another Queensland government agency) you can contact the Workforce Division at CQHSHR@health.qld.gov.au as they may be prepared to exercise discretion to grant you access to the information you seek. If the Workforce division are unable to provide the requested information administratively, you will be advised to make your application under the *Information Privacy Act 2009*.

However, if you have moved to another Queensland government agency, and are employed under the *Public Service Act 2008* (Qld), the access provisions in the Public Service Regulation 2008 will still apply.

Right to information and information privacy applications

Applications for access to information under the RTI Act or the IP Act must be made **in writing**.

Applications to CQHHS may be lodged through the Queensland Government online facility or by completing the application form. Both the online lodgement facility and the application form are available at www.rti.qld.gov.au

Applications can also be lodged in person, post or via email. Applications should be accompanied by all required proof of identity and authorisation documents:

Email: cqhhs.roi@health.qld.gov.au

In person: First Floor Reception, Rockhampton Hospital

Post: CQHHS Release of Information Unit
Rockhampton Hospital
Canning Street, Rockhampton QLD 4700

If you request access to any documents that do not contain your personal information (e.g. non-personal in nature, or about somebody else), then your application will need to be made under the RTI Act. There is an **application fee** payable and further **processing and access charges** may also be payable.

Applications requesting access only to documents that contain your personal information are made under the IP Act. There is **no application fee or processing charges**, however there may be access charges.

If you are seeking access to any documents that contain your personal information, either under the RTI Act or IP Act, then you will be required to provide evidence of your identity at the time of making your application or within 10 business days after lodgement.

Further information about the RTI Act and IP Act is available on the Queensland Office of the Information Commissioner's website at www.oic.qld.gov.au. Additional resources can also be located at: www.cq.health.qld.gov.au/about-us/access-to-information/right-to-information

Before making a formal amendment application, you should contact CQHHS Right to Information Coordinator, (07) 4920 6734 as they may be able to amend your incorrect or out-of-date personal information without the need for a formal process (that is, an IP Act amendment application). The informal option will apply in many cases—for example, where you wish to update your current contact details. CQHHS will assist you using reasonable, available, and practicable informal options first.

However, if you wish to make a formal application to amend personal information under the IP Act, the application form can be downloaded and then submitted via post, email or in person. A copy of the amendment application form is available on the Queensland whole of government website at www.rti.qld.gov.au

There are no fees or charges for applications to amend personal information.

How to make a privacy complaint

Central Queensland Hospital and Health Service has adopted the Australian Charter of Healthcare Rights and works to protect the patient rights identified in it. One of those rights is respect for the privacy of patient information, so the HHS takes breaches of privacy seriously.

Privacy complaints should be made directly to the Privacy and Confidentiality Contact Officer (PCCO), and:

- be in writing
- include an address so we can reply
- be about your personal information (not someone else)
- give specific detail about your concerns/issues with how the Department has handled your personal information.

Privacy complaints must contain sufficient information to enable the HHS to understand the nature of your complaint, the impact it has had on you and what outcome you are seeking.

Please attach copies of any documents you consider may assist the department to investigate your privacy complaint.

During an investigation it may be necessary to disclose the nature of your privacy complaint and your identity to relevant business areas within the HHS and third parties. You can request anonymity, however, please be aware that this may mean the HHS cannot properly investigate and resolve the privacy complaint.

Should complainants feel that their privacy complaint has been dealt with unsatisfactorily, they can seek an external review through the [Office of the Information Commissioner Queensland](https://www.oic.qld.gov.au) | www.oic.qld.gov.au

Further information is also available at <https://www.cq.health.qld.gov.au/patients-and-visitors/your-health-record>

Contact information for the CQHHS PCCOs are as follows:

- CQHHS Health Information Manager (07) 4920 6941
- Rockhampton Hospital Health Information Manager (07) 4932 5361
- Gladstone Hospital Health Information Manager (07) 4976 1040
- CQHHS Right to Information Coordinator (07) 4920 6208

Email: cqhhs-privacy@health.qld.gov.au

Contact us

Privacy Enquiries

For privacy related queries, please contact the CQHHS RTI Coordinator, Release of Information Unit, on (07) 4920 6208 or email cqhhs-privacy@health.qld.gov.au

Contact information for the CQHHS PCCO's are as follows:

- CQHHS Health Information Manager (07) 4920 6941
- Rockhampton Hospital Health Information Manager (07) 4932 5361
- Gladstone Hospital Health Information Manager (07) 4976 1040

RTI – IP Access and Amendment Enquiries

For any queries relating to access and amendment applications under the RTI Act or IP Act, please direct your enquiries to:

Email: cqhhs.roi@health.qld.gov.au

Phone: (07) 4920 6208

CQHHS Release of Information Unit
Rockhampton Hospital
Canning Street,
Rockhampton QLD 4700

General Release of Information Enquiries

For all general enquiries regarding release of information, please contact the Release of Information office:

Email: cqhhs.roi@health.qld.gov.au

Phone: (07) 4920 6734

Only CQHHS employees who are appropriately authorised or delegated as decision makers can undertake duties and tasks associated with the RTI and IP legislation.

If your query relates specifically to another HHS facility, you will need to contact them directly. A list of Privacy and RTI contact officers is available at QH Decision Maker & Privacy and Confidentiality Contact Officer contacts | www.health.qld.gov.au/system-governance/contact-us/access-info/privacy-contacts

Appendix 1

Quick guide to the national privacy principles

NPP1: collection

CQHHS collects only what is necessary for its functions or activities, and does so lawfully, fairly and without unnecessary intrusion. CQHHS must collect personal information from the person it is about wherever possible and take steps to notify a person about what information is being collected, why (including whether there is a lawful requirement to collect it) and what CQHHS intends to do with it.

NPP2: use and disclosure

Personal information may be used and disclosed in particular circumstances. If certain conditions are met, a person's consent to use and disclose their personal information is not always necessary. There are rules if CQHHS intends to direct market to a person through use of their personal information.

NPPs 3 and 4: information quality and security

CQHHS must take steps to ensure the personal information held is accurate and up-to-date, and is kept secure from unauthorised access, use, modification, disclosure, destruction or loss.

NPP5: openness

CQHHS has a policy on how personal information is managed. It must be made available to anyone who asks for it.

NPPs 6 and 7: access and correction

You have a general right of access to your own personal information. You also have a right to have such information corrected if it is inaccurate, incomplete, or out-of-date.

NPP8: anonymity

Wherever possible, CQHHS allows a person to interact with the HHS anonymously if they wish to do so.

NPP9: sensitive information

Sensitive information (which includes health information) is a subset of personal information and can only be collected in certain circumstances. CQHHS must take reasonable steps to de-identify sensitive information before disclosing it.

Appendix 2

Types of personal information held by the Central Queensland HHS

CQHHS holds personal information of clients, patients, suppliers, business partners and employees, such as:

- name
- contact details
- date of birth
- signature
- photographs
- unique physical characteristics (e.g., tattoos, birthmarks)
- fingerprint or other 'biometrics'
- driver's licence number
- financial/bank details
- educational history
- unique identifying number
- medical/health/diagnostic information
- cultural background
- relationship details and family circumstances
- details of office bearers in funded organisations (i.e. names)
- disability funding and service provision
- complaints and investigations
- personal information recorded by way of camera surveillance systems (CCTV)
- occupation and employment history
- criminal history
- recruitment information.

Sensitive personal information

Personal information includes sensitive information and health information. The types of sensitive personal information which CQHHS holds include personal information about any of the following:

- race or ethnic origin
- political opinions
- membership of a political association
- religious beliefs or associations
- philosophical beliefs
- membership of a professional or trade association
- membership of a trade union
- sexual preferences or practices
- criminal records.