



specialist aged care

Opal Privacy Policy

This policy was updated 22/12/2015

1. Purpose and scope

This Policy sets out the types of personal information collected, used and disclosed by each of:

- (a) DPG Services Pty Limited (ABN 38 090 007 999);
- (b) Domain Aged Care No 2 Pty Limited (ABN 41 104 429 183);
- (c) Domain Aged Care (Kirra Beach) Pty Limited (ABN 24 111 506 444);
- (d) Domain Aged Care (Victoria) Pty Limited (ABN 36 118 771 485);
- (e) Domain Annex Pty Limited (ABN 30 060 719 557);
- (f) Domain Aged Care (QLD) Pty Limited (ABN 49 104 420 671);
- (g) Domain Aged Care Management Pty Limited (ABN 22 113 753 834); and
- (h) Aquarius Aged Care Pty Limited (ABN 71 152 767 710).

These companies are involved in operating the various homes within the Opal Aged Care and Opal Specialist Aged Care Group and are collectively referred to as **Opal** in this policy.

Opal takes your privacy seriously and is committed to open and transparent management of personal information.

In dealing with personal information, Opal complies with the *Privacy Act 1988* (Cth), relevant State and Territory privacy legislation and Parts 4.2 and 6.2 of the *Aged Care Act 1997* (Cth).

This policy will be updated from time to time without notice. The most recent version of this policy will be available on the Opal website, www.opalagedcare.com.au.

2. What is personal information?

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

3. What is sensitive information?

Sensitive information means:

- (a) information or an opinion about an individual's:
 - (i) racial or ethnic origin;
 - (ii) political opinions;
 - (iii) membership of a political association;

- (iv) religious beliefs or affiliations;
- (v) philosophical beliefs;
- (vi) membership of a professional or trade association;
- (vii) membership of a trade union;
- (viii) sexual orientation or practices;
- (ix) criminal record;

that is also personal information;

- (b) health information about an individual;
- (c) genetic information about an individual that is not otherwise health information;
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification;
- (e) biometric templates.

4. What kinds of personal information does Opal collect and why?

The types of personal information that Opal collects from you will depend on your relationship with us and the home that you are dealing with.

- (a) **Residents of Opal homes:** In order to provide care and residential services to you we collect the following information about you:
 - (i) first name(s) and surname;
 - (ii) contact details for you and your identified emergency contacts, including address, postcode, telephone and fax numbers, email addresses;
 - (iii) demographic information about you, including age, date of birth, and gender;
 - (iv) information regarding your spouse including their name, address and contact details;
 - (v) health information about you, including medical history, medications, general practitioner and other health professionals details, diagnostic imaging and reports, pathology results, photographs taken for identification and clinical purposes, diagnoses (including mental health or disability), observations and reported symptoms;
 - (vi) billing information for you, including pensioner concession card (including type of pension and issuer), health insurance membership, ambulance cover, Medicare and DVA numbers;
 - (vii) bank account details for direct debit (where you have filled in a request form for this payment option); and
 - (viii) credit card details (where you have filled in a request form for this payment option).

We also use this information for the management of the care and residential services, including:

- (ix) billing/debt-recovery, service-monitoring, funding, complaint-handling, incident reporting, developing and planning services, evaluation, quality assurance or audit activities, and accreditation activities;
- (x) asking you to complete a survey or questionnaire for the purposes of service improvement;
- (xi) education and training of our staff, where de-identified information is not sufficient for this purpose; and
- (xii) disclosure to a medical expert for medico-legal opinion, an insurer, an employed practitioner's medical defence organisation, or lawyer, for the purpose of addressing liability/indemnity matters, for example following an adverse incident, or for anticipated or existing legal proceedings.

- (b) **Nominated representatives of the resident:** In order to provide care and residential services to our residents, persons nominated by the resident or the resident's legal representative (together **nominated representatives**) often receive information and accounts, and may be contacted for instructions regarding the wellbeing of the resident. We collect the following information about you as a resident's nominated representative:
- (i) first name(s) and surname;
 - (ii) contact details including address, postcode, telephone and fax numbers, email addresses; and
 - (iii) where applicable, the name of the organisation and their position.
- (c) **Prospective residents of Opal homes:** In order to provide you information and status updates of your enquiry, we will collect the following information about you (and if your application is on behalf of someone else, we will also collect the following information for the prospective resident):
- (i) name and contact details, including phone number and email address;
 - (ii) prospective resident's name and date of birth;
 - (iii) prospective resident's health information (including ACAT approval details), that may have been supplied with the enquiry or a tour of a home;
 - (iv) type of placement required; and
 - (v) general information regarding the enquiry, including date and source of enquiry, follow up calls and tours, and waitlist information.
- (d) **Volunteers:** In order to assess your application to volunteer at an Opal home, we collect the following information about you:
- (i) your contact details including address, postcode, telephone and fax numbers, email addresses;
 - (ii) demographic information about you, including age, date of birth, and gender;
 - (iii) your qualifications and experience;
 - (iv) police checks; and
 - (v) information contained in references obtained from third parties.
- (e) **Prospective employees:** In order to assess applications for employment at Opal, we collect the following information about you as a prospective employee:
- (i) your contact details including address, postcode, telephone and fax numbers, email addresses;
 - (ii) demographic information about you, including age, date of birth, and gender;
 - (iii) your qualifications and experience; and
 - (iv) information contained in references obtained from third parties.
- (f) **Suppliers:** If you are one of our suppliers or provide services to Opal, we may collect information about you that we consider is necessary to manage the service arrangement, such as the nature of the products and services that you provide, quotes that you provide and your payment details, including bank account details.
- (g) **Users of our website (<http://www.opalagedcare.com.au>):** We may collect personal information from you when you visit our website, register on the website, subscribe to our newsletter, respond to a survey, or fill out a form. The types of personal information we may collect include your name and contact details. Opal will use the information you provide to deal with your enquiry or request.
- Opal may also collect non-personal information during your use of the website, including technical information (which is not personal information) including the browser name, the type of computer

and technical information about the means you use to connect to our website. Cookies may be downloaded. This information is used to understand how users engage with the website and to assist us to improve our services and resources on the website.

- (h) **Other collections:** Opal may also collect personal information from you if you complete a survey, questionnaire or when you communicate with Opal by email, telephone, in writing or in person. Opal will use the information you provide to deal with your enquiry or request.

We will ordinarily use information for the same purpose for which it was collected. In some cases we may use your information for a different purpose, but we will only do so with your consent or otherwise as permitted by law.

5. When does Opal collect personal information?

We only collect personal information that is reasonably necessary for our functions and activities or otherwise in compliance with the requirements of APP3 and 4.

We will usually collect sensitive information with your consent (or consent from someone acting on your behalf if you are unable to give consent).

In some circumstances we may collect sensitive information without your consent. We will comply with the requirements of APP3 in doing so. Some of the circumstances in which we may collect sensitive information without your consent include where:

- (a) collection is required or authorised by or under an Australian law or court/tribunal order;
- (b) we reasonably believe the collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety, and it is unreasonable or impracticable to obtain your consent.
- (c) collection is necessary to provide a health service to you, and either:
 - (i) the collection is required or authorised by or under an Australian law; or
 - (ii) the collection occurs in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality that bind Opal.

6. Who does Opal collect personal information from?

Who Opal collects personal information from will depend on the circumstances of the collection.

- (a) **Directly from you:** Opal tries to collect personal information that is about you directly from you. We will collect personal information from you:
 - (i) when you are able to provide us with information;
 - (ii) if you complete a survey, questionnaire or you communicate with Opal by email, telephone, in writing or in person;
 - (iii) if you are providing services to Opal or residents at an Opal home; or
 - (iv) if you apply for employment at Opal.
- (b) **From other people:** Where it is unreasonable or impracticable to collect information directly from you (because you do not have the information or you are unable to provide the information due to your condition), Opal may obtain personal information about you from another person. For example, Opal may collect personal information about you from:
 - (i) a pathology provider or imaging provider who has performed a service on request from your healthcare provider to provide healthcare services to you;
 - (ii) your General Practitioner or another healthcare provider who has information about your condition to assist us in providing healthcare services to you;

- (iii) a member of your family, a friend, your nominated representative, or your carer to assist us in providing services to you;
 - (iv) Medicare or your Pension Card provider to assist us in processing billing for healthcare services provided to you; and
 - (v) a reference identified on your application for employment at Opal.
- (c) **Publicly available sources:** Opal may collect information about you from the public domain, for example professional registration boards if you are a healthcare provider providing services at an Opal home.
- (d) **From the Opal website:** When you visit an Opal website, our web server may:
- (i) collect information (which is not personal information) including the browser name, the type of computer and technical information about the means you use to connect to our website; and
 - (ii) download a cookie to your computer. A cookie is a small piece of information sent by our server to your browser. Cookies do not contain personal information about you but can identify a user's browser. Opal uses cookies to capture information about a user's browser. If you do not wish to receive cookies, you may set your browser to refuse them but this may mean that some parts of the website will not function properly.

7. Can I choose to remain anonymous in dealing with Opal and can I use a pseudonym?

If you are a resident at one of our homes you will be asked to provide Opal with personal information such as your name, address, medical details and your Department of Social Services ID number. You may remain anonymous or use a pseudonym, however where you choose to do so, we are not able to receive Government funding for the services provided to you. In this case, you will be an unfunded resident and a contract will be drawn up with you that will include the full costs for the services provided. You should also be aware that your decision to not provide us with your personal information may:

- (a) adversely impact the quality of care Opal can provide to you, and in some cases, could be dangerous to your health. For example:
 - (i) we will be unable to link other health information we hold about you, limiting our ability to provide coordinated care; and
 - (ii) if you chose not to tell us medical information that is relevant to your care we will not provide care based on all of the relevant information.
- (b) mean that you are unable to claim Medicare, pension card benefits, DVA or health insurance refunds for your care. You should contact these entities to discuss the availability of refunds in these circumstances.

If you are a healthcare provider providing healthcare services at an Opal home, it is not possible for you to remain anonymous or use a pseudonym. Opal is required to ensure that you are properly qualified to provide services and so is required to know your identity.

When using our **website** or **telephoning Opal**, you can remain anonymous or use a pseudonym. However, this may prevent us from being able to provide you with certain services. For example, we will not be able to provide you with services that involve delivery to your contact address if you chose not to tell us your address.

8. How does Opal hold personal information?

Opal holds personal information on databases, electronic and hard copy files. Opal's backup information is held in Australia by a third party service provider, which complies with industry standard security policies.

9. Do we use your personal information for direct marketing?

We will only use your personal and sensitive information for direct marketing if you consent to us using this information in this way.

If you have consented to us providing direct marketing to you and you wish to stop receiving such marketing, please contact the Opal Privacy Officer on 02 8241 1600, Level 27, 135 King St. Sydney NSW 2000 or privacyenquiries@opalagedcare.com.au.

10. Who does Opal disclose personal information to and why?

We disclose personal information in accordance with the requirements in APP6.

This means that we will usually disclose information for the particular purpose for which it was collected, including where required for providing the services, between our entities.

For our residents, this will include disclosures that are necessary to provide care and residential services. For example, disclosure of your personal information to:

- (a) your private healthcare provider who you have engaged to provide health services at an Opal home;
- (b) staff involved in the provision of your care at an Opal home (including healthcare providers, nurses, physiotherapists, occupational therapists) or administrative staff (involved in reception duties), including staff who are not our employees;
- (c) Medicare, DVA or your private health insurer for the purposes of billing; and
- (d) Government departments such as Centrelink, Guardianship Board and Department of Housing upon their request.

In some cases we will disclose information for a different purpose to that for which it was collected. We may do this when:

- (e) you consent to the disclosure (or someone acting on your behalf consents if you are unable to give consent);
- (f) disclosure is for the facilitation of health services provided to you (i.e.: a purpose directly related to the primary purpose of collection) where you would reasonably expect Opal to disclose the information. For example we may disclose personal information to pathology providers and imaging providers for the purposes of those third parties conducting tests as ordered by your healthcare providers;
- (g) disclosure is for the management of our service (ie: a purpose related or directly related to the primary purpose of collection). For example:
 - (i) billing/debt-recovery, service-monitoring, funding, complaint handling, incident reporting, developing and planning services, evaluation, quality assurance or audit activities, and accreditation activities;
 - (ii) education and training of our staff (who may not be our employees), where de-identified information is not sufficient for this purpose;
 - (iii) disclosure to a medical expert for medico-legal opinion, an insurer, an employed practitioner's medical defence organisation, or lawyer, for the purpose of addressing liability/ indemnity matters, for example following an adverse incident, or for anticipated or existing legal proceedings;
 - (iv) disclosure to our contractors who provide services to Opal, for example IT service providers and data storage providers; and
 - (v) disclosure to other entities within Opal;

- (h) the disclosure is required or authorised or authorised by or under an Australian law or a court/tribunal order;
- (i) we reasonably believe that the disclosure is necessary to lessen or prevent a serious threat to the life, health or safety or any individual, or to public health or safety, and it is unreasonable or impracticable to obtain your consent;
- (j) we are providing a health service to you, we may disclose to a 'person responsible' for you if:
 - (i) you are physically or legally incapable of giving consent to the disclosure, or physically cannot communicate consent to the disclosure;
 - (ii) we are satisfied that either the disclosure is necessary to provide appropriate care or treatment to you, or the disclosure is made for compassionate reasons;
 - (iii) the disclosure is not contrary to any wish you expressed before you became unable to give or communicate consent, and of which we are aware or could be reasonably expected to be aware; and
 - (iv) disclosure is limited to the extent reasonable and necessary for providing appropriate care or fulfilling the compassionate reasons.
- (k) we are otherwise permitted to make the disclosure in accordance with APP6.

We will also ensure that any disclosures comply with Parts 4.2 and 6.2 of the *Aged Care Act 1997* (Cth).

11. How can I access my personal information held by Opal?

You have the right to access the personal information that Opal holds about you. There are some limited exceptions to this.

If you request to access your personal information, we will ask you to verify your identity and specify what information you wish to access. This will help us to identify the relevant information.

To make a request to access your personal information please contact the Opal Privacy Officer on 02 8241 1600, Level 27, 135 King St. Sydney NSW 2000 or privacyenquiries@opalagedcare.com.au.

12. How can I seek correction of personal information held by Opal?

You have the right to request that Opal corrects information held by us about you if you consider that the information we hold is not accurate, not up-to-date, not complete, not relevant or is misleading. We will make the correction if we agree that the information is inaccurate, not up-to-date, incomplete, irrelevant or misleading.

To make a request to correct your personal information, please contact the Opal home that collected your information (if known) or the Opal Privacy Officer on 02 8241 1600, Level 27, 135 King St. Sydney NSW 2000 or privacyenquiries@opalagedcare.com.au.

13. How can I complain about Opal's handling of my personal information?

If you believe that we have dealt with your personal information inappropriately, please make your complaint by firstly contacting the Opal Privacy Officer on 02 8241 1600, Level 27 135 King St. Sydney NSW 2000 or privacyenquiries@opalagedcare.com.au.

Opal has internal processes for investigating and resolving privacy complaints. We will work to resolve privacy concerns with you within a reasonable timeframe.

If you are not satisfied with our response to your complaint, you may contact the Office of the Privacy Commissioner who may investigate your complaint.

14. Is Opal likely to disclose personal information to entities outside of Australia?

Opal stores all personal and sensitive information about residents in Australia.

Where Opal uses third party service providers to store personal data, we will require the service provider to store that personal information in Australia, or where that is not possible, we will require the service provider to comply with the APPs.

15. How can I get more information about privacy?

For enquiries or feedback about this policy, or for complaints about Opal's handling of your personal information, please contact the Opal Privacy Officer on 02 8241 1600, Level 27, 135 King St. Sydney NSW 2000 or privacyenquiries@opalagedcare.com.au.

General information about privacy is available from the Office of the Australian Information Commissioner: <http://www.oaic.gov.au/>.