

Monaro Committee Cancer Research Financial Assistance Scheme (FAS)

1. Purpose

The guideline provides operational guidance for the Monaro Committee Cancer Research Financial Assistance Scheme (FAS) in relation to the legislative obligations imposed by the Health Records and Information Privacy Act 2002. The procedures include any activity that involves personal health information. In NSW, these laws are the Health Records and Information Privacy Act 2002 (HRIP Act) which regulates health privacy, and the Privacy and Personal Information Protection Act 1998 (PPIP Act) which remains applicable to non-health information.

2. Policy statement

The FAS will meet the legal and ethical obligations in relation to protecting the privacy of clients. When clients request information will be provided about their rights regarding privacy. The FAS will ensure privacy for clients when discussing matters of a personal or sensitive nature.

3. Standards

Purposes of collection of personal health information

Personal health information must be collected by lawful means and for a lawful purpose. The purpose will directly relate to, and be reasonably necessary for the FAS functions or activities.

Collection and information sought must be relevant, not excessive, accurate and not intrusive

Personal health information must be collected from the individual it relates to, unless that is unreasonable or impractical. Reasonable steps must be taken to inform the individual about how the information may be used, who may access it, and the consequences of not providing it.

Security

Personal health information will be securely housed and protected against loss or misuse. Information must be kept only as long as is necessary for the purpose (or as required by a law, such as the *NSW State Records Act 1998*), and must be disposed of securely.

Access and amendment principles

FAS allows individuals to find out what kind of information is held, what it is used for, and whether and how the individual can access it.

Access to personal health information

Individuals must be allowed to access the personal health information held about them. This must be done without excessive delay or expense.

Amendment of personal health information

Individuals may request that their personal health information be amended to ensure that it is accurate, relevant, up-to-date, complete and not misleading. FAS must either make the requested amendments or, if requested, attach to the information a statement by the individual of the amendment they sought.

Accuracy

FAS will ensure that the personal health information collected is only relevant to the assistance grant application.

Limits on use of personal health information

Personal health information will be used for the purpose for which it was collected, or for other purposes recognised by the *Act*. These include “secondary purposes” such as where there is consent for the use, the use is a “directly related purpose”, for management, training and research activities. Only deidentified data will be used. While unlikely, information can be provided for investigation and law enforcement, or where there are serious and imminent threats to individuals or the public.

Limits on disclosure of personal health information

The provisions for disclosure of personal health information are the same as those for use of this information. They also include a provision that a person’s personal health information may be disclosed to immediate family members for compassionate reasons, provided that this is not contrary to the expressed wish of the individual.

Linkages of health records

Personal health information will not be included in a system that links health records of one health service with health records in another health service unless the individual it relates to has expressly consented.

Confidentiality

FAS assessors have a common law duty of confidentiality in relation to information obtained as part of the treating relationship.