

Policy Title: Privacy Policy - Southern Cross Community Healthcare

Policy Statement

Southern Cross Community Pty Ltd ACN 002 998 503 (**Southern Cross, we, us, or our**) offers disability and aged support services, to assist participants remain in their own home and to improve quality of life.

We provide services to participants in New South Wales, Queensland, South Australia, Victoria, and the Australian Capital Territory.

We are committed to respecting and protecting your privacy.

This privacy policy (**Privacy Policy**) explains how we will collect, use, disclose, store, and protect personal information collected from you. This Privacy Policy also describes the way in which you may access or correct your personal information that we hold, and how to contact us if you have any complaints in relation to your privacy.

We will handle your personal information in accordance with applicable privacy and health records laws, including the *Privacy Act 1988* (Cth) (**Privacy Act**) and its *Australian Privacy Principles (APPs)*, and other applicable state based laws in Australia.

What is 'personal information'?

'Personal information' includes information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information is true or not and whether the information is recorded in a material form or not. For example, this may include your name, age, gender, postcode and contact details.

Personal information includes 'sensitive information', which is a special subset of personal information. Sensitive information includes identifying health information about you (eg. details of your health and medical history, or information in respect of the health services you have received). Sensitive information also includes information about racial or ethnic origin, political opinions or associations, religious or philosophical beliefs, and sexual orientation or practices.

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Why we may collect your personal information

We may collect personal information from you so that we and/or your medical practitioners (and their medical practices and their staff) can provide services to you.

We collect your personal information to:

- verify your identity;
- seek your authority if someone else is registering for our services on your behalf, such as your health services provider or your representative;
- link your records with us to:
 - a Medicare account, myGov account or My Health Record;
 - your health service provider and for your provider to communicate with you (including appointment reminders, updates and newsletters);
- match you with the right support workers;
- allow medical practitioners to help manage participant care, including to:
 - manage appointments and payments;
 - dictate, review and send correspondence;
 - use diagnostic tools;
 - use clinical decision support tools;
 - access and manage health data (eg. patient history);
 - to communicate with the participant, health service providers and other medical practitioners (eg. specialists and allied health);
 - capture and upload images; and/or
 - use our other practice management functions;
- enable us to respond to any queries or complaints;
- to enable Government rebates to be paid to your nominated bank account; and
- to enable health and other personal information about you in to be included in your records and be provided to relevant health service providers and government agencies.

You are not required to disclose your personal information to us. However, if you do not provide the information requested, we may not be able to provide our services effectively or you may not receive the full benefit of the services we offer.

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What types of personal information do we collect?

We may also collect the following personal information about participants, either directly from the participant, or from the participant's health services provider, medical practitioner, or responsible person:

- name, sex, date of birth, postal address, email address and telephone numbers;
- health and medical history, including your symptoms, medications, and any previous diagnoses;
- details of the products and services we have provided to you or that you have enquired about, including any additional information necessary to deliver those products and services and respond to your enquiries;
- occupation and employment details, religion, country of birth, indigenous status and racial or ethnic origin, where relevant to the services we may provide to you;
- Medicare number and/or concession card details, if relevant;
- private health fund and private health insurance cover details, if relevant;
- NDIS related information;
- payment, credit card information and billing details;
- any additional information relating to you that you provide to us directly throughout the provision of our services to you or through other websites or accounts from which you permit us to collect information;
- information you provide to us through customer surveys; or
- any other personal information that may be required in order to facilitate your dealings with us.

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What types of personal information do we collect? (continued)

Our personnel may take photos of participants for the following reasons:

- Clinical purposes – e.g. a wound, injury that needs review/monitoring. In this circumstance, personnel would ask the participant if they can take a photo which they may send on to their Community Coordinator, Manager, or member of the clinical treating team in order to ensure appropriate care and response can be put in place;
- social reporting purposes – e.g. a photo of participants on outings / activities to send to the relevant organisation that provides funding for services to you, or to your treating team for reporting purposes (also only with your verbal consent);
- if participants (or their representatives), e.g. in a shared support house, request photos to be taken, to print and display inside their home.

In all of those cases, the photos must be deleted from the phone, device or camera once it is no longer required for the purpose it was taken.

Participants provide general consent to the above uses of photography, which is outlined in the Southern Cross Participant Information booklet, when they sign their Service Agreement - unless they advise otherwise. Any additional instances where photography is required or requested, require an individual consent form from the participant or their representative.

We may collect personal information from individuals who are not medical practitioners or participants, such as job applicants, service providers or contractors, to enable us to work or transact with them. This may include personal information provided through job applications, proposals and contracts.

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How do we collect your personal information?

We will collect your personal information in a lawful and fair way and in a manner that is not unreasonably intrusive.

We will only collect your personal information:

- over the phone when you contact our National Contact Centre;
- via the Service Agreement which you complete prior to commencement of our services, completion of which also provides your consent for collection of personal information;
- where you have consented;
- from an online portal accessed via our website;
- if you are a Southern Cross employee or other worker, via the 'My Info' portal;
- from health service providers, medical providers and government agencies where you have given consent or given your information for the purpose of receiving health and related services;
- from third parties who refer you to us, which third parties we reasonably know to have obtained your prior consent;
- from a 'responsible person' where you lack physical or mental capacity, or in an emergency; or
- otherwise in accordance with the law.

A 'responsible person' for a participant includes:

- a parent of the participant;
- a child or sibling of the participant (who is at least 18 years old);
- spouse or de facto partner of the participant;
- a participant's relative (if the relative is over 18 years old and part of the participant's household);
- the participant's guardian;
- a person exercising an enduring power of attorney granted by the participant that is exercisable in relation to decisions about the participant's health;
- a person who has an intimate personal relationship with the participant; or
- a person nominated by the participant to be contacted in the case of emergency.

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How do we collect your personal information? (continued)

Responsible person' includes step relationships, in-laws, adopted relationships, foster relationships and half-brothers and sisters.

Often, your health service provider, medical practitioner or other practice which you attend will obtain your consent in written form. However, it is often the case that you give consent at the time you give the information, regardless of whether you sign a form or not. Separately, by providing personal information to us, you consent to our collection, use and disclosure of your personal information in accordance with this Privacy Policy and any other arrangements that apply between us.

If you are a participant, we will either collect your personal information directly from you, or from your health service provider, medical practitioner or practice, or responsible person through their interactions with you or within our system.

If you are a job applicant, supplier, contractor or service provider, we may collect your personal information from you, including via our "Current Opportunities" page when you apply for a position, from third parties such as your referees and through required screening checks such as a police check.

Points of interaction include when you:

- register or apply for our services;
- interact with our personnel;
- communicate with us through our service providers, through correspondence, verbal discussions, or email, or when you share information with us via any other means; or
- otherwise interact with our business.

When we collect your personal information, we will as soon as is practicable take reasonable steps to notify you of the details of the collection (including notifying you through this Privacy Policy), such as the purposes for which the information was collected, the organisations (if any) to which the information will be disclosed, and also notify you that this Privacy Policy contains details on how you may access or correct your information, and how you may raise any complaints.

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How do we use your personal information?

If you are a participant we generally use your personal information for the following main purposes:

- to provide you with access to and use of our services;
- to provide support for the use of our services;
- to provide you with information regarding the services we provide;
- to assess an appropriate person to provide the services to you;
- to respond to your questions or complaints;
- to maintain and improve our services, including to request your participation in a quality improvement activity (such as a survey) or research; and
- to provide anonymised and aggregated data for the purposes of research (subject to terms of the data remaining anonymised).

If you are a job applicant, supplier, service provider or contractor, we may use your personal information to manage our relationship with you.

We may also use your personal information for purposes which are permitted under the applicable privacy laws, which include:

- where we use your information for purposes which are directly related to the main purpose for which we collected it, in circumstances where you would reasonably expect us to use your information for these purposes; or
- where we reasonably believe that use of your information 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.

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How do we use your personal information?

Examples of directly related purposes include:

- billing or debt recovery (provided this is done consistently with confidentiality obligations);
 - management, funding, complaint-handling, planning, evaluation and accreditation activities, and quality assurance, incident monitoring or clinical audit activities (although we would consider whether de-identified information can achieve these purposes); or
 - disclosure to a medical expert (for a medico-legal opinion), insurer, medical defence organisation, or lawyer, for the purpose of addressing liability indemnity arrangements (such as reporting an adverse incident), legal proceedings, or for the provision of legal advice.
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How do we disclose your personal information to others?

We respect the privacy of your personal information and we will take reasonable steps to keep it confidential and protected.

As part of our service, we may need to disclose personal information to the following persons to the limited extent required to enable and support the services that we provide to you:

- for payments for services and claiming of benefits, to Medicare, private health funds and other benefit providers;
 - to other health service providers and medical practitioners (eg. to diagnosticians and to specialists);
 - to transfer pathology and other test results to your health service providers and medical practitioners;
 - to service providers of secure cloud storage of information (in Australia); and
 - to agents of Southern Cross for other outsourced practice management functions.
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How do we disclose your personal information to others? (continued)

We will not otherwise disclose your personal information to third parties unless you have consented, or we are otherwise permitted or required to do so by law. This may include disclosure of your personal information in the following circumstances:

- disclosure to comply with our legal obligations, including where we are required to provide information under a subpoena or Court order or other mandatory reporting requirements under law;
- to communicate with the Office of the Australian Information Commissioner or a state based privacy body (eg. the Information and Privacy Commission NSW, the Victorian Health Complaints Commissioner, the Health and Community Services Complaints Commissioner (South Australia), the Office of the Health Ombudsman (Queensland), or ACT Health Services Commissioner) if you make a privacy complaint or that body makes an inquiry of us; or
- where we are otherwise authorised or permitted to do so under law, including:
 - where we disclose your information for purposes which are directly related to the main purpose for which we collected it, in circumstances where you would reasonably expect us to disclose your information for these purposes;
 - where we reasonably believe that disclosure of your information 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; or
 - where this is reasonably necessary for the establishment, exercise or defence of any legal claim.

If you are a job applicant, supplier, service provider or contractor, we may disclose your personal information to manage our relationship with you.

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Will we transfer your personal information overseas?

We generally do not transfer personal information overseas.

In the event that we need to disclose personal information overseas, we will comply with the requirements of the Privacy Act and applicable State based laws, when disclosing personal information outside of the applicable State in which services are provided and overseas.

We will only disclose your personal information overseas if:

- you have provided your prior consent;
- the receiving person or organisation is subject to a law, binding scheme or binding contract that provides substantially similar protection to the APPs which you can access and enforce; or
- if the disclosure is otherwise required or authorised by law.

We will in all cases take reasonable steps to ensure that any such recipient of your personal information does not breach the APPs and HPPs.

Research

In certain circumstances, the Privacy Act permits the handling of health information and personal information for health and medical research purposes, including where it is impracticable for researchers to obtain individuals' consent.

We may use your health information (including disclosing it to third parties), where it will be relevant to public health or public safety and where we intend for the outcome of the research or statistical exercise to have an impact on, or provide information about, public health or public safety.

This may include exchanging research and statistics on communicable diseases, cancer, heart disease, mental health, injury control, diabetes and the prevention of childhood diseases.

Where we deal with or disclose your health information in this manner, we will do so with your consent (where it is for the same (primary) purpose for which the information was collected or directly related to the primary purpose of collection).

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Research (continued)

However, we are also allowed to use or disclose health information where it is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety, and:

- it is impracticable to obtain your consent;
- the use or disclosure is conducted in accordance with the relevant Privacy Act guidelines (the "*Guidelines approved under Section 95A of the Privacy Act 1988*", also known as the "*Section 95A guidelines*"); and
- in the case of disclosure, we reasonably believe that the recipient will not disclose the information, or personal information derived from it.

We will always take reasonable steps to de-identify your personal information before disclosing it, and we will deal with and disclose to third parties who are subject to the same obligations of privacy and confidentiality.

Direct Marketing

If we intend to engage in any marketing communications, we may send you such communications in accordance with any previous consent you have provided or any marketing communication preferences that you have notified to us, and in accordance with the requirements under the Privacy Act and the *Spam Act 2003* (Cth).

If you have previously agreed or consented to receiving marketing communications, but no longer wish to receive such marketing communications you can contact us using our contact details set out below to modify your preferences, or you can simply opt-out of such communications using the instructions or opt-out link provided in the marketing communication sent to you.

In no instance will we:

- sell or transfer your personal information to a third party for their marketing purposes; or
 - use your sensitive health information for marketing purposes.
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Quality of the personal information we hold

We take reasonable steps to ensure that the personal information we collect, use and disclose is accurate, up-to-date, complete, relevant and not misleading. You can assist us in keeping your personal information accurate by informing us of any updates to your personal information using our contact details below.

How can you access and correct your personal information?

You have a right to seek access to, and correction of the personal information we hold about you.

Southern Cross personnel may access the online portal, My Info, to access, and in some instances update, the personal information we hold about them.

You may also request access to the personal information that we hold about you, using our contact details set out below. In certain circumstances, we may refuse to allow you access to your personal information where this is authorised by the law, such as where providing access would have an unreasonable impact on the privacy of other individuals, providing access would pose a serious threat to the life or health of any person or to public health or safety, or giving access would be unlawful.

If you believe that the personal information we hold about you requires correction (for example, because the information is inaccurate, out-of-date, incomplete, irrelevant or misleading), you may request that the information be corrected using our contact details set out below.

If we refuse your request for access or correction, we will provide you with reasons for the refusal in writing, and details about how you may complain about the decision.

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Data breaches

We are required to comply with mandatory 'notifiable data breach' scheme (**NDB scheme**) under the Privacy Act. The NDB scheme applies when an 'eligible data breach' of personal information occurs.

Please refer to our Notifiable Data Breach Policy located on our website for further information on data breaches.

Our Website and cookies

We may collect your personal information through your interactions with our website at www.scch.com.au.

Where you upload information via our website, by the very act of your upload you consent to us keeping your personal information for the purposes of dealing with your inquiries and our potentially supplying our services to you.

We will deal with any personal information collected via our website in accordance with this Policy and the law.

We also collect data through our use of 'cookies' and other internet technologies.

Cookies are small data files which are stored on your device's browser. Cookies are stored in order for your internet browser to navigate a website. Cookies will not identify you, but they do identify your internet service provider, browser type and browsing habits.

We will not use cookies to collect your identifying personal information. The cookies may collect statistical information about your visit to our website (such as the pages you visit on the website) in order to remember your preferences and allow you to navigate the website more easily. They may contain data put into our website's server, including partially completed application forms to assist you in completing them at a later time. Your computer then stores the data as files inside your browser cache.

The default setting of most internet browsers is to accept cookies automatically, but you can choose whether to allow cookies through your browser settings.

We also collect your IP address to create an audit trail of events that take place on our website and to track and aggregate non-identifiable information, your referring website addresses, browser type and access times.

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Links

If we provide links through our website or the System to third-party websites, add-ins, plug-ins and applications, those links are provided for convenience and may not remain current or be maintained.

Unless expressly stated otherwise, we are not responsible for the privacy practices of, or any content on, those linked websites, add-ins, plug-ins or applications, and have no control over or rights in those linked websites, add-ins, plug-ins or applications. The privacy policies that apply to those other websites, add-ins, plug-ins or applications may differ substantially from our Privacy Policy, so we encourage individuals to read them before using those websites, add-ins, plug-ins or applications.

Privacy related questions and complaints

We respect your privacy and we take all feedback, input, complaints and concerns regarding privacy very seriously.

If you have any questions about privacy-related issues, you would like to request access to or correction of your personal information, you would like further information about this Privacy Policy, or you have a concern or complaint your privacy or the handling of your personal information by us, you may lodge your question, concern or complaint in writing to us at:

Email: enquiries@scch.com.au

Telephone number: 1800 989 000; or

Address:

Southern Cross Community Healthcare

Attn: Privacy Officer

Level 1, 50 O'Connell Street

North Parramatta NSW 2150.

Where you contact us, we will respond to you as soon as possible, but no later than 30 days from receipt of your question or complaint.

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Privacy related questions and complaints (continued)

If you are not satisfied with our response, or if you do not wish to raise a question or complaint with us directly, you may wish to contact:

- Office of the Australian Information Commissioner at www.oaic.gov.au; or
 - New South Wales Health Care Complaints Commission;
 - Victorian Health Complaints Commissioner;
 - Health and Community Services Complaints Commissioner (South Australia);
 - Office of the Health Ombudsman (Queensland); or
 - ACT Health Services Commissioner.
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Updates to this Policy

We may update this Privacy Policy from time to time. We will notify you about any changes to this Policy through our website at www.scch.com.au, and we will make the most current version of the Privacy Policy available when you receive services from us, or on your request.

Effective Date

11th of March, 2024
