



Government of **Western Australia**  
Department of **Health**

# WA health system privacy statement

## Contents

1. Introduction	2
2. Information about you	2
2.1 Health information	3
2.2 Personal information	3
3. Collecting health and personal information	3
4. Types of information collected	3
4.1 Visiting one of our websites	4
4.2 Visiting one of our health service providers	4
4.3 As an employee, contractor or volunteer	4
5. Sharing health and personal information	4
6. Storing and protecting information	5
6.1 Storage	5
6.2 Security	5
7. Accessing or correcting your health and personal information	5
8. Lodge a privacy complaint	5
9. Additional information and resources	6

## 1. Introduction

The WA health system consists of the Department of Health, Health Service Providers and contracted health entities to the extent that they provide health services to the state.

Information in the WA health system is collected, accessed, stored, used and disclosed to support the realisation of the WA health system's vision to have a sustainable health system that delivers safe, high quality health care to all Western Australians.

A range of legislative requirements govern information in the WA health system. Although the list below is not exhaustive, key legislation includes:

- *Health Services Act 2016 and Health Services (Information) Regulations 2017*
- *Mental Health Act 2014*
- *Private Hospital and Health Services Act 1927*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2016*
- *Children and Community Services Act 2004*
- *Commonwealth Privacy Act 1988 (Australian Privacy Principles<sup>1</sup>)*
- *Coroners Act 1996*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code Act Compilation Act 1913*
- *Electronic Transactions Act 2011*
- *Evidence Act 1906, Acts Amendment (Evidence) Act 2000*
- *Freedom of Information Act 1992*
- *Freedom of Information Regulations 1993*
- *Health Act 1911*
- *Health and Disability Services (Complaints) Act 1995*
- *Human Reproductive Technology Act 1991*
- *Medicines and Poisons Act 2014*
- *Mental Health Act 2014*
- *National Health and Medical Research Council Act 1992*
- *State Records Act 2000*

## 2. Information about you

The WA health system collects, accesses, uses, stores and disposes information as per the legislation mentioned above. The main types of information are health information and personal information.

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<sup>1</sup> In accordance with Australian Privacy Principle 1 this Policy Statement is the WA health system's Privacy Policy to support the open and transparent management of personal information.

## 2.1 Health information

Health information refers to the meaning prescribed in the *Health Services Act 2016*.

Health information in the *Health Services Act 2016* section 213 means:

- a) information, or an opinion, that is also personal information, about:
  - i. the health (at any time) of an individual; or
  - ii. a disability (at any time) of an individual; or
  - iii. an individual's expressed wishes about the future provision of health services to the individual; or
  - iv. a health service provided, or to be provided, to an individual; or
- b) other personal information collected to provide, or in providing, a health service.

## 2.2 Personal information

The definition of personal information in the *Health Services Act 2016* refers to the meaning given in the *Freedom of Information Act 1992* as:

Information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead:

- a) whose identity is apparent or can be reasonably ascertained from the information or opinion; or
- b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.

## 3. Collecting health and personal information

The WA health system collects your health and personal information for many reasons under the various [legislations](#). For example:

- Providing services to you to improve your health and well-being:
  - Current and future medical treatment within one of our facilities
  - Conducting online surveys or clinical questionnaires
  - At-home treatment including Telehealth.
- Public health requirements:
  - Notification of infectious diseases
  - Serious public health incidents
  - Public health emergencies
- Planning for, provision, monitoring and evaluation of our healthcare service providers:
  - Ensuring resources for healthcare services are correctly provided
  - Capital works and maintenance on essential infrastructure
  - Managing contracts and funding agreements
  - Managing the performance of each healthcare service provider
  - Meeting reporting requirements for government and external oversight agencies
- Health related research to improve healthcare practices:
  - All research must meet national ethical and governance requirements.

## 4. Types of information collected

The WA health system collects various health and personal information depending on the purpose of your visit to our health services.

## 4.1 Visiting one of our websites

Information is collected when you visit one of our websites. Each WA health system website has a privacy statement available at the bottom of the webpage. This statement outlines:

- what the website is collecting
- the purpose of collecting the information
- what happens to your information if you complete an online form
- who may legally inspect the information in an investigation.

## 4.2 Visiting one of our health service providers

When you visit one of our health service providers, the following information is collected:

- personal information such as:
  - name and contact details
  - personal circumstances – age, gender
  - identity – date and country of birth
  - government identifiers – Medicare
  - financial – payment and bank details
- health information such as:
  - medical, health, diagnostic and treatment information
  - test results, x-ray, scans and biological samples
  - expressed wishes about future provision of health services.

## 4.3 As an employee, contractor or volunteer

As an employee, contractor or a volunteer working at one of our facilities, the following information is collected:

- name and contact details
- photographs that capture your image
- financial or bank details
- educational history
- cultural background
- occupation and employment history
- criminal history
- recruitment history
- correspondence, complaints and feedback.

## 5. Sharing health and personal information

There are times where we share your health or personal information. We may share your health or personal information to:

- your GP or the healthcare facility that you are being transferred to – this ensures your medical treatment can continue beyond the hospital visit
- your family, spouse or guardian, only with your permission.

We will not share your health or personal information with anyone else unless:

- you have provided express permission for us to do so
- it is lawful to do so as per the applicable legislation
- there is a legal obligation for us to do so.

## 6. Storing and protecting information

The WA health system is committed to ensuring your health and personal information is readily available to authorised users, when and where it is needed such as your stay in hospital, and is managed and stored according to its classification and business requirements.

### 6.1 Storage

The WA health system has different storage requirements depending on the type of information being stored:

- **Physical records** – records that can be touched and take up space must be stored, not only to ensure protection from unauthorised access and theft, but from damage caused by vermin, fire, water, mould and natural disasters. These records are stored as per the National Archives of Australia Standard for the Storage of Archival Records.
- **Digital records** – records that are either born digital or have been digitised from a physical format must be stored with appropriate security controls that align to the Australian Standards for Information Security.
- **Biological records** – records of specimens from a patient must be kept as per the Therapeutic Goods Administration: Biological standards.

### 6.2 Security

The WA health system maintains the security of your health and personal information as per the Australian Standard for Information Security. This includes the following controls:

- password, multifactor authentication and encryption
- monitoring and logging programs
- network security management programs
- physical security
- backup and disaster recovery programs
- incident management programs.

## 7. Accessing or correcting your health or personal information

To access or correct your medical records, refer to the [‘Access your WA Health medical records’](#) at the [HealthyWA](#) website. You will find answers to the following questions:

- Who do I contact to get my medical records?
- The health service has closed, who do I contact to get my medical records?
- Will I be charged a fee to get my medical records?
- Can changes be made to my medical records if information is incorrect?
- Who can I contact if I’m having difficulty getting my medical records?
- Can I access medical records about another person?
- What if I have a compliment or complaint about a health service?

## 8. Lodge a privacy complaint

If you have a privacy complaint you can visit:

- [HealthyWA – Access your WA Health medical records](#)
- [WA Office of the Information Commissioner.](#)

## 9. Additional information and resources

There are a variety of websites that can assist you in finding more information and resources:

- [Department of Health](#)
- [Child and Adolescent Health Service](#)
- [East Metropolitan Health Service](#)
- [HealthyWA](#)
- [PathWest](#)
- [South Metropolitan Health Service](#)
- [North Metropolitan Health Service](#)
- [WA Country Health Service](#)
- [WA Office of the Information Commissioner](#)

**This document can be made available in alternative formats on request for a person with disability.**

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