

Policy: Careway Privacy Policy

Introduction

The Careway Partners (My Accelerated Care Limited, HBHealthcare Pathways Limited, Manawatu ICP Limited, Wellington ICP Limited, Nelson-Marlborough ICP Limited and Southern Sports Orthopaedic Group Limited), carrying on business under the name "Careway", and referred to in this statement as Careway / "we" / "us" / "our", is committed to safeguarding the privacy of patient personal and health information. We may collect certain personal information and/or health information from you. For instance, we collect your personal details so we can provide you with medical treatment and advice. We have developed this Privacy Statement to inform you about: 1. our legal obligations relating to your privacy; 2. what information we may collect from you; 3. the purposes of collecting personal and health information about you; 4. how we source this information; 5. the storage and security of this information; 6. how you can access your personal and health information and ensure it is accurate; 7. the retention of your information; 8. the limits of our use and disclosure of your information; and 9. how you may complain about possible breaches of privacy, and how that complaint will be handled.

1. Our legal obligations

- a. Privacy Act 2020 (the "Act");
- b. Health Information Privacy Code 2020 (the "Code") (relating to health information); and
- c. Information Privacy Principles under the Act ("IPPs") (relating to personal information)

Personal information

Under the Act and the IPPs, organisations that are in possession of an individual's 'personal information' must observe certain restrictions and standards concerning the collection, use, disclosure, and security of that information. Personal information is defined by the Act as 'information about an identifiable individual'.

Health information

The Code applies to 'health information' collected, held, used, and disclosed by health agencies. The Code takes the place of the IPPs for the health sector. The Code applies to us as it applies to all agencies providing health and disability services, as well as to agencies that do not provide health services to individuals, but which are part of the health sector.

You can read more about these laws on the website of the NZ Privacy Commission (www.privacy.org.nz).

2. What information we may collect

We often collect personal information that is regarded as health information. Health information may only be collected where it is reasonably necessary for, or directly related to, one of our business functions or activities. Where required by law or regulation, we will handle this type of personal information differently from other types of personal information due to its special nature.

Health information is defined in the Code and includes information:

- about the health of an individual e.g., medical history;
- regarding disabilities that an individual currently has or has had in the past;
- about any health or disability services that are being provided or have been provided in the past;
- provided by an individual in connection with the donation of a body part or bodily substance;
- derived from the testing or examination of any body part or bodily substance; and
- about an individual collected before, or in the course of, and incidental to, the provision of any health service or disability service to that individual

Examples of types of health information that we may collect about you includes, but is not limited to, your:

- name;
- email address;
- residential address;
- date of birth;
- contact details;
- occupation;
- the name of your GP;
- emergency contact details;

- health insurance details (if applicable);
- NHI number;
- medical information regarding the injury being treated;
- prior medical history; and
- the names and contact details of any medical practitioners who are credentialed to treat patients;
- receipt of workers compensation payments.

3. Purposes of collection – Why does Careway collect this information?

Health information about you will only be collected if:

1. the information is collected for a lawful purpose connected with a function or activity of Careway; and
2. the collection of the information is necessary for that purpose.

If you are to receive, or have received, a service from Careway, or if you are a Careway provider providing services for Careway, we will collect and hold your personal or health information for reasons including, but not limited to:

- confirming your identity;
- providing the required treatment, service and advice, including:
- providing patients with the clinical treatment that they have requested; and
- to enable Careway providers to work with Careway and treat our patients.
- administering and managing those services e.g., to contact you to provide advice or information relating to your treatment;
- to offer applications (often referred to as an 'App') containing patient health information to Careway providers in order for Careway providers to review their patient's health information and enable timely care to the patient;
- for generating claims;
- to comply with legislative and regulatory requirements and provisions;
- to perform administrative functions including accounting, risk management and record keeping.

4. How do we source this information?

We will only collect your personal or health information in a manner that is:

1. by lawful means; and
2. by a means that, in the circumstances of the case, is fair and does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Information collected from you

We have an obligation to collect your personal and/or health information directly from you unless we consider that one of the exceptions within the Act or the Code apply.

Collection may take place in situations that include, but are not limited to:

- when you complete the Careway enrolment paperwork;
- when you, as our patient, provide information before, during or after your patient admission at one of our hospitals;
- when you, as one of our Careway providers, contract with Careway to provide services;
- each time we have contact with you by telephone or email, or when you visit our website and complete a form, questionnaire or use the online chat function.

Information collected from others Exceptions within the Act and the Code allowing for health information to be collected about you from another source include, but are not limited to, situations where we believe on reasonable grounds that:

- you authorise collection of the information from someone else;
- you are unable to give your authority to us to collect the information, so the information is retrieved from, or authorised to be collected from, your representative;
- compliance would somehow prejudice the interests of the individual concerned or health and safety of someone else;
- compliance is not reasonably practicable in the circumstances;
- the collection is for the purpose of assembling a family or genetic history of an individual and is collected directly from that individual;
- the information is publicly available;

- the information will be used for statistical or research purposes whereby the individual concerned will not be identified; and
- non-compliance is necessary to avoid prejudice to the maintenance of the law, for the protection of public revenue, or for the conduct of proceedings before a Court or Tribunal.

At Careway specifically, we may collect health information about you for the purposes set out above from:

- medical practitioners and/or other healthcare service providers or external agencies including ACC;
- any other third party authorised by you such as a relative, a person with your power of attorney or other health services provider, if it is unreasonable or impracticable to collect it from you; and
- if applicable, from forums whereby the information is publicly available.

To facilitate continuation of your care, we may disclose personal and/or health information to your nominated general practitioner and other care providers.

If you do not want your information disclosed to your nominated general practitioner, please let us know.

If you do not provide the health information we request, or do not consent to our collecting that health information from third parties, then depending upon the type of health information concerned we may not be able to provide you with appropriate treatment or care.

If we have collected information about you, we must take reasonable steps in the circumstances to ensure that you are aware that we have collected your information and what we intend to do with it.

5. How is your information stored and is it secure?

Where your personal or health information is provided to us, we are required to manage your information safely and with respect as per the Act and the Code.

We store personal information in a variety of ways, including paper and electronic formats. The security of your health and personal information is important to us. We will ensure that your information is protected by such security safeguards as are reasonable in the circumstances to take action against –

- loss;
- access, use, modification, or disclosure that is not authorised; and
- other misuse.

When we no longer need your personal information for a purpose for which it may be used or disclosed by us, we will take steps that are reasonable in the circumstances to destroy that information or make sure it is anonymised. We do not need to destroy or anonymise information that we are required to retain by a New Zealand law or a court/tribunal order.

Where personal information is transferred by you to Careway over the internet, we cannot guarantee that a transmission of information is always secure, despite reasonable efforts made by us to make the pathway secure. While we maintain the highest security measures, we cannot ensure information sent by you is secure and therefore it is transmitted by you at your own risk.

6. Access and correction of your information

Careway takes reasonable steps to ensure that all health and personal information held about you is held for purposes in which it lawfully may be used. It also takes such steps reasonably required so that the information is accurate, up to date, complete, and not misleading.

You may request access to and/or correction of any of the personal and health information held by Careway by contacting info@careway.co.nz, the Careway Privacy Officer. Details of what kinds of information we hold and for what purposes it can be obtained may also be requested, as well as information on how we collect, use, store, and disclose your information.

To enable us to process your request, we ask that you contact the Careway Privacy Officer in writing by post or by email and provide:

- your name;
- your date of birth;
- the specific information that you are requesting access to;
- whether the request is urgent and your reasons for this;
- details of other persons that may be involved in the request and, where applicable, their consents of disclosure; and
- where applicable, a statement of the correction sought.

In the event that your request is urgent, please make this clear in your request and include your reasons for urgency. We will consider the reasons stated for urgency when determining priority to be given to responding to it.

Where your access or correction request may result in disclosure of personal or health information about other individuals, the request for access must include the appropriate consents or a declaration that consent has been given before the personal information is released.

We will acknowledge a request for access and respond to your requests as soon as reasonably practicable and no later than 20 working days from the date the request is received, unless we have extended the time limit for responding to your request in accordance with the provisions of the Act.

There are certain circumstances permitted under the Act where we might not be able to fulfil your request. If that happens, we will provide reasons in writing for the denial or limitation on access, the options available to you to dispute the decision.

If you disagree with decisions made, we encourage you to consult with the Careway privacy complaint section at the bottom of this statement.

Access

If a request is granted, access to your information will either be in the form of copies or by allowing you to view hardcopies of the information at a time agreed.

We may seek indemnification from you of the reasonable costs of making the information available. Regard may be had to the cost of labour and materials involved in making the information available and to the urgency attached to the matter. We will not charge you for the decision-making involved in responding to requests.

Correction

If you establish that the personal or health information we hold about you is not accurate, complete, or up-to-date, we will take reasonable steps to correct the information. This includes informing every other person to whom we have disclosed the information. Please assist us to keep accurate details by informing us whenever your details change or whenever you become aware that our records are inaccurate.

In the event you provide us with a statement of correction and a decision is made by the Privacy Officer not to correct the information as requested, we will take such steps that are reasonable to ensure that the statement of correction is attached to the original information in a manner that ensures that it will always be read with the information.

We may seek indemnification from you of the reasonable costs of assisting you in making a correction request and/or by attaching a statement of correction to the relevant information. We will not charge you for the decision-making involved in responding to requests.

7. Our retention of the information

The minimum period we are legally required to retain health information relating to an identifiable individual is 10 years.

Careway will not keep your personal or health information for longer than is required for the purposes for which it was obtained and/or used; unless it is necessary or desirable for the purposes of providing your health or disability services.

8. Limits to our use and disclosure of the information

Our policies and procedures ensure our staff treat your personal and health information confidentially and discreetly. We will use and disclose your personal and health information, for purposes directly related to your treatment or treatment of your patients, in ways you would reasonably expect for your ongoing care, or in accordance with this Privacy Statement.

Use

Careway will only use your health and personal information that had been obtained for a specific purpose, for that specific purpose and not another purpose, unless we believe on reasonable grounds that the:

- use of the information for the other purposes is authorised by the individual concerned or his or her representative;
- purpose for which the information is to be used is directly related to the purpose in connection for which it was obtained;
- source of the information is a publicly available publication and that it would not be unfair or unreasonable to use the information;
- use of the information for that purpose is necessary to prevent or lessen a serious threat to public health or public safety or the life or health of an individual;
- information is to be used for statistical or research purposes and is in a form where the individual concerned will not be identified; and
- use of the information for that other purpose is necessary to avoid prejudice to the maintenance of the law or for the conduct of proceedings before any Court or Tribunal.

Disclosure within New Zealand

Careway will not disclose your health or personal information to any other individual or entity unless we reasonably believe that you have authorised us to disclose the information, and/or we reasonably believe that an exception within the Code or the Act apply.

Examples of where Careway may be required to disclose include, but are not limited to:

- if we are required to disclose some health information to government agencies to comply with laws regarding the reporting of notifiable diseases and statistics;
- where your information is being required as evidence in a Court or Tribunal or for a legal investigation/proceeding;
- the information is being disclosed to other individuals or entities relevant to your care and for a necessary purpose, for example:
 - ACC,
 - your general medical practitioner; and
 - other healthcare service providers.

If there has been a break in the continuity of patient care, we might need to seek your consent before releasing personal information to a new doctor or health professional. If the situation is an emergency, consent is not required.

We cannot use your personal and/or health information for direct marketing purposes unless you provide authorisation.

If we are required to disclose your information to any person or entity in connection with the provision of our service, we ensure that we will do everything reasonable to prevent any unauthorised use or disclosure of the information.

Any use of your information by that third party is limited solely to the purpose of that third party.

Disclosure outside of New Zealand

Your personal or health information will only be disclosed to foreign entities that have comparable privacy laws to that of the Act and the Code unless you provide express informed consent otherwise.

Due to the way in which we store electronic data, in some instances, it is necessary for your information to be transferred to a foreign scheme or a foreign country for security purposes.

The Schedules of the Act and the website of the Office of the Privacy Commissioner contain lists of prescribed binding schemes and prescribed countries in which it considers do not meet this threshold. Careway will ensure that the prescribed lists of countries and schemes are regularly referred to in its decisions on whether to disclose information.

Unique identifiers

Careway will only assign a unique identifier to you if it is necessary to enable its operations efficiently. We will make reasonable efforts to ensure unique identifier assigned are not the same as a unique identifier assigned by another agency.

9. Careway privacy complaints process

You should first direct any complaint of an alleged breach of the Act or the Code to Privacy Officer at info@careway.co.nz.

The complaint can be emailed to info@careway.co.nz or posted to Careway, PO Box 9911, Auckland 1149

We will investigate your complaint and respond to you as quickly as possible (usually within 30 days of hearing from you). If your complaint takes longer to resolve, we will let you know how the investigation is progressing.

If you are not satisfied with how we have dealt with the complaint, or if you are concerned about another matter relating to Careway's handling of privacy matters, you may contact the Office of the Privacy Commissioner at:

Office of the Privacy Commissioner

PO Box 10 094

Wellington, 6143

New Zealand

Telephone 0800 803 909

Email: enquiries@privacy.org.nz

Your consent

By commencing or continuing your relationship with us, you are taken to have authorised to the collection and disclosure of personal information, including health information, by us from and to third parties as detailed in this Privacy Statement.

You should note that you do not have to provide us with your personal or health information. However, depending on the circumstances, this may prevent us from being able to provide our services to you.