

# Independent Doctor Privacy Policy

The Doctor, Dr Emile Malek, takes your privacy seriously and is committed to protecting your privacy. The Doctor is bound by the Privacy Act and the APPs. This Doctor Privacy Policy describes how the Doctor treats your Personal Information.

By contacting the Doctor directly or via Tandem, scheduling an appointment for, and/or having a consultation with, the Doctor (whether the consult is completed by you or not), you consent to the Doctor collecting, holding, using and disclosing your Personal Information in accordance with this Doctor Privacy Policy.

This Doctor Privacy Policy may be amended from time to time. You will be notified of important changes and provided with a prominent link to those changes for a reasonable length of time following the changes. You consent to any amendments to this Doctor Privacy Policy by continuing to contact the Doctor (or via Tandem), schedule an appointment for, or have a consultation with, the Doctor. Please ensure you regularly check the Doctor's website for updates of this Doctor Privacy Policy.

If you have any questions about our use of your Personal Information or have any concerns about this Doctor Privacy Policy, please contact the Doctor:

Name: Dr Emile Malek  
Tel: 07 5552 1888.  
Post: Labrador Medical Centre,  
32 Central Street Labrador QLD 4215  
(please attention the individual doctor in written correspondence sent by post).

The Doctor has engaged Tandem to provide various services and facilities to assist the Doctor to carry out its medical practice. As part of this arrangement, Tandem may collect data including Personal Information for and on the Doctor's behalf. Please refer to Tandem's privacy policy which outlines how Tandem collects, uses and otherwise deals with Personal Information, available at: <https://www.tandemhealth.com.au/privacy-consent>.

## Personal Information collection and usage

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This Doctor Privacy Policy relates to all information supplied by you (or Tandem on your behalf) to the Doctor including:

- **Contact information:** your name, position, role, company or organisation, telephone number email, postal address emergency contact details;
- **Communications:** information provided in communications with the Doctor or Tandem including when you book (or enquire about booking) an appointment with the Doctor;
- **Information from public sources:** for example, from LinkedIn and similar professional networks, directories or internet publications;
- **Financial information:** the Doctor or Tandem (on the Doctor's behalf) may obtain your bank account details (or third party payer details) for example when taking payment for an appointment with a Doctor (whether that appointment has occurred or not and including a deposit, or late or cancellation fees);
- **Medical information:** the Doctor or Tandem (on the Doctor's behalf) may collect information about your health and medical history for the purpose of your consultation and to process payment and rebates, for example through HICAPS and Medicare;
- **Social media:** interactions with Tandem's or the Doctor's social media presence including posts, likes, tweets;
- **Technical information:** when you access the Doctor's website (or Tandem's website) and technology services;

- **Online data:** when you access the Doctor's website (or Tandem's website), app and technology services, information about your visit including URL clickstream to, through and from the Doctor's website (or Tandem's website) (including date and time), information about your network as such as information about devices, nodes, configurations, connection speeds and network application performance; pages viewed or searched for, page response times, download errors, length of visits and interaction information (such as scrolling, clicks, mouse-overs) and other similar information and whether you click on particular links or open emails from the Doctor or Tandem;
- **Medicare number:** your Medicare number (in certain circumstances where it is necessary for us to liaise with Services Australia); and
- **Individual Healthcare Identifier (IHI):** your IHI number (in certain circumstances for the purposes of communicating and managing health information including through the My Health Record in accordance with the *Healthcare Identifiers Act 2010* (Cth)).

Personal Information may be received directly from you or third parties who assist with the Doctor's (and or Tandem's) legal obligations. This information may be exchanged over the phone, by email, SMS, in person or in any other form of written communication. Personal Information may also be obtained about you from a healthcare professional such as a specialist doctor.

Online bookings can be made via services available on the Doctor's website. The Doctor will access and use the Personal Information you provide to those services in accordance with this Privacy Policy. Please refer to the collection statement and privacy policy for details on how third parties that the Doctor engages collects, uses and otherwise deals with your Personal Information. For example, HotDoc has information about its privacy practices here: <https://practices.hotdoc.com.au/privacy-policy/> and <https://practices.hotdoc.com.au/terms-of-services-patients/>.

If you send the Doctor an email containing Personal Information, the Doctor will use all reasonable endeavours to ensure the confidentiality of that information. The Doctor's internet host and Tandem (on the Doctor's behalf) may monitor emails sent to the Doctor for maintenance, service provision, and fault detection purposes. The Doctor may also monitor emails to ensure compliance with its legal obligations. The Doctor may forward emails to Tandem or other third parties where the email contains feedback or complaints, or to assist the Doctor with the management of its practice. Email is not a secure method of communication and for that reason, the Doctor does not encourage communication via email. If you are concerned about sending your Personal Information by email, you should consider contacting the Doctor in person, by alternative written means or by telephone.

Personal Information is not collected about your online activities across third party websites or online services.

The information you provide to the Doctor (or via Tandem on the Doctor's behalf), will not be made available to other doctors, staff of Tandem or interested parties either: (a) without firstly obtaining your written consent (unless required or permitted by law); or (b) in accordance with this Doctor Privacy Policy.

Under the Privacy Act, you have the option of not identifying yourself or using a pseudonym unless identification is required or authorised by or under law or it would be impracticable to deal with individuals who have not identified themselves. If you do not wish to identify yourself and provide your Personal Information, then you do not have to do so, however it may affect the Doctor's ability to treat you or see you for a consultation.

## How your Personal Information is used

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Your Personal Information is used by the Doctor for the following purposes:

- to enable the Doctor to provide medical services to you;
- to communicate with you including for example sending you reminders, clinical follow-up information or other useful resources related to your consultation including clinical outcomes;

- receiving or responding to feedback, enquiries or concerns you may have;
- compliance with law, including circumstances where disclosure is required without your consent for example where a serious threat to life, health or safety exists. The Doctor may obtain further information from you to comply with the law if required; and
- for quality assurance and improvement of processes purposes for example risk management

## Why your Personal Information is used

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Your Personal Information may be collected, held, used or disclosed for a number of reasons including:

- with your consent for example you share details for particular purposes including relating to receiving medical services;
- to contact you, for example, to respond to your queries, or to tell you something important;
- to comply with legal, regulatory and licencing requirements;
- to look after your health and wellbeing when providing medical services to you.

## Why Sensitive Information may be used

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Sensitive Information is only used if:

- it is not otherwise permitted under this Doctor Privacy Policy, but you have provided express and informed consent for the particular processing;
- it is necessary to protect your vital interests or those of another person for example, in medical emergencies;
- you have manifestly made the data public for example, where you have published it on social media;
- it is necessary to deal with legal claims for example, involving court proceedings;
- it is necessary for substantial public interest for example, to prevent or detect unlawful acts; or
- it is permitted by applicable law.

## Who your Personal Information is shared with

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There are instances where the Doctor will disclose your Personal Information including where it is permitted or required by law, or as follows:

- **To Tandem:** to allow Tandem to assist the Doctor to manage its files, records, and bookings, process payments and otherwise conduct its business;
- **Law enforcement bodies and our regulators:** or authorities in accordance with law or good practice for example by order of a court or otherwise required by law including mandatory notification of certain diseases;
- **Healthcare professionals:** including hospitals and specialists for example in connection with your referrals and scripts;

- **Government related third parties:** including Services Australia and the Department of Veteran's Affairs in connection with the medical services including for payment and claim processing;
- **Family or representative:** any person, family member, representatives or other organisations that you have consented or where we are required, permitted, authorised or otherwise directed to by law;
- **Appropriate parties in the event of emergencies:** in particular to protect health and safety of you and others including where it is required to prevent serious risk to the health, safety or life of you or another; and
- **You consent:** in instances where you consent for example to provide a report to another medical professional, lawyer, insurer or advisor, to discuss with another person connected with your treatment (including a spouse, parent or employer).

## How your Personal Information is stored

The Doctor will keep your patient records including any notes taken during your consultation private and in accordance with the Privacy Act (subject to legal obligations). Any reasonable request from you to be provided with your Personal Information cannot be withheld.

Tandem may be asked by the Doctor to store your Personal Information in physical and electronic form (or a combination) on their behalf. All of your Personal Information, whether stored by the Doctor or Tandem, will be stored securely using good practice physical, technical and administrative security measures.

Where your Personal Information is also kept by Tandem, how your information is dealt with by Tandem is provided for under its own privacy policy. We encourage you to read Tandem's privacy policy which can be found on Tandem's website.

## How long your Personal Information is stored for

Data collected can be stored for different periods of time depending on what it is and how it is used. Generally, your information is kept for as long as needed to provide medical services, comply with legal, accounting or regulatory requirements or to deal with claims. The Doctor and Tandem have a legal requirement to store your information for at least seven years from the time you had last contact with the Doctor, or if you are a minor, until you turn 25 years of age.

Once your Personal Information is no longer needed (for example you no longer see the Doctor at Tandem's premises), it will be destroyed (either by shredding physical documents or deleting electronic information from all servers, subject to any back-up records).

## How you can correct your Personal Information

If you believe that any Personal Information that the Doctor or Tandem holds is inaccurate, out of date, incomplete, irrelevant or misleading, please contact the Doctor or Tandem in writing. It is your responsibility to advise of any changes to your Personal Information (for example change of residential address, email address or phone number). Either the Doctor or Tandem will respond within a reasonable time (but being no more than 30 days after your request) and will endeavour to correct any Personal Information. You may request that you be provided with your Personal Information or it be deleted. Any written request by you cannot be unreasonably withheld. However, in some limited circumstances the requested corrections to Personal Information may be refused, in which case you will be provided with written reasons for this decision.

## Access to your Personal Information

All individuals have a right to request access to their Personal Information. Please contact the Doctor if you would like to access your Personal Information. The Doctor will generally provide you with access to your Personal Information within a reasonable period (but being no more than 30 days after your request). Depending on the

amount of information requested, the Doctor (or Tandem on the Doctor's behalf) may charge an administration fee to cover the cost of retrieving the information and supplying it to you.

Access to Personal Information may be refused in a number of circumstances, such as where the information relates to anticipated legal proceedings or the request for access is frivolous or vexatious. If the Doctor denies or restricts your access, you will be provided with a written explanation.

If you have any concerns about the way your Personal Information is stored, disclosed or otherwise managed, or believe that a breach of your privacy has occurred, please contact the Doctor in writing. The Doctor will respond to your concerns as soon as reasonably practicable (and no more than 30 days after your request). If you are for whatever reason not satisfied with the response or resolution of your concerns or complaint, you can contact the Office of the Australian Information Commissioner on 1300 363 992 or by visiting [www.oaic.gov.au](http://www.oaic.gov.au).

## Use of Commonwealth government identifiers

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The Doctor will not use Commonwealth government identifiers (**Identifiers**) (for example, Medicare numbers) as an identifier of individuals. Identifiers will only be used or disclosed in the circumstances permitted by the Privacy Act.

## Where your information will be held

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Your data may be stored in different parts of the world, and your information may be transferred out of Australia. Data protection laws vary by country. In the event that data is stored in another country, all reasonable steps will be taken to protect your information in line with locally applicable data protection requirements.

## Definitions

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In this Doctor Privacy Policy, the following terms have the meaning given to them below unless the context requires otherwise:

- (a) **APPs:** means the Australian Privacy Principles;
- (b) **Doctor Privacy Policy:** means this privacy policy as amended from time to time made available on the Doctor's own website and available in physical copy upon request;
- (c) **Doctor:** the independent medical practitioner doctor named in this privacy policy that operates its practice out of Tandem, that you are treated by (or intend to be treated by) whether or not you engage the services of that doctor or not;
- (d) **Personal Information:** has the meaning given to it in the Privacy Act, which includes information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not or in a material form or not;
- (e) **Privacy Act:** means the *Privacy Act 1988* (Cth) as amended from time to time;
- (f) **Sensitive Information:** has the meaning given to it in the Privacy Act, which includes information or an opinion about an individual's racial or ethnic origin, political opinions, religious beliefs, sexual orientation or criminal record;
- (g) **Tandem:** Tandem Health Pty Ltd ACN 122 173 086 as trustee for the Tandem Health Unit Trust trading as Labrador Medical Centre; and
- (h) **You/Your:** means the individual who we collect the Personal Information from and about.