



# Privacy Policy

Gold Coast Hospital and Health Service

## Privacy Policy

Published by the State of Queensland (Queensland Health), June 2025.



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## Policy Statement

Gold Coast Hospital and Health Service (**GCHHS**) is committed to managing personal information in an open and transparent manner.

## Intent of this policy

The *Information Privacy Act 2009* (Qld) (**IP Act**) and its Queensland Privacy Principles (**QPPs**) establish rules for handling personal information.

The intent of this policy is to detail how GCHHS manages personal information, including:

- a. the kinds of personal information we collect and hold, how we collect and hold that personal information and the purposes for which we collect, hold, use and disclose personal information;
- b. how to access and amend your personal information;
- c. transferring personal information outside Australia; and
- d. the process for making a complaint about our handling of personal information, and how we will manage and respond to the complaint.

## Collection of personal information

### What is personal information?

As defined in section 12 of the IP Act, personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion —

- a. whether the information or opinion is true or not; and
- b. whether the information or opinion is recorded in a material form or not.

### What personal information does GCHHS collect?

GCHHS collects, holds, uses, and discloses personal information to carry out its functions and activities. Personal information may be in any form, such as in correspondence, databases, audio recordings, images, alpha-numerical identifiers, or communicated in other mediums, including sign language, CCTV footage, or social media.

GCHHS holds personal information of clients, patients, suppliers, business partners, and employees, such as:

- name;
- contact details;
- date of birth;
- signature;
- photographs;
- unique physical characteristics (eg. tattoos, birthmarks, etc.);
- financial or bank details;
- unique identifying number;
- health information;
- recruitment information;

- cultural background, relationship details and family circumstances;
- disability funding and service provision;
- complaints and investigations;
- information recorded by way of camera surveillance systems (ie. **CCTV**) or body-worn camera (**BWC**) footage;
- occupation and employment history; and
- criminal history.

### Sensitive information

Sensitive information is personal information that has heightened meaning or value to the individual concerned. The definition of 'sensitive information' is set out in the **Definitions** section of this document.

GCHHS can only collect sensitive information if:

- it is reasonably necessary for, or directly related to, one of their functions or activities
- the collection is lawful and fair, and
- the information is from the individual unless an exemption applies (including consent, lawful authority or requirement, permitted health situation and law enforcement), or it is unreasonable or impracticable to do so.

GCHHS can only collect sensitive information in certain circumstances and must, before it discloses any sensitive personal information, take reasonable steps to ensure that the relevant person cannot be identified from the personal information, unless GCHHS is authorised to disclose that information.

### Confidential information

The *Hospital and Health Boards Act 2011* (Qld) (**HHBA**) defines confidential information as *'...information, acquired by a person in the person's capacity as a designated person, from which a person who is receiving or has received a public sector health service could be identified.'*

Importantly, the definition of confidential information (as opposed to personal information under the IP Act), concerns information communicated in confidence. The HHBA defines this as a person who is receiving, or has received, a public sector health service, and could identify the person.

Under Part 7 of the HHBA, there is a strict duty of confidentiality imposed on GCHHS in relation to the protection of confidential information. The HHBA provides that, unless explicitly excepted under the HHBA, a designated person must not disclose, directly or indirectly, confidential information to another person.

A '*designated person*' includes current and previous employees and officers of GCHHS, temporary staff, health professionals, including visiting medical officers, anyone being educated or trained at the health service, and contractors and volunteers carrying out duties on behalf of GCHHS.

Other relevant legislation may also include the *Public Health Act 2005* (Qld) and the *Mental Health Act 2016* (Qld).

## Unsolicited information

For the purposes of this policy, unsolicited information is information received by an agency that the agency took no active steps to collect; that someone has given or sent to an agency at their own instigation.

If unsolicited personal information is provided to GCHHS, GCHHS will assess whether this information could have been collected under QPP 3, and/or whether it is a public record. If the unsolicited information is not a public record, and it is lawful and reasonable to do so, GCHHS will destroy or de-identify the information as soon as practicable.

## Management of personal information

GCHHS takes steps to ensure personal information held and collected is accurate, up-to-date, and complete. GCHHS does this by maintaining and updating personal information when advised by individuals that their details have changed.

## Contracted service providers and your personal information

GCHHS must ensure personal information is safeguarded when disclosed to third parties who offer GCHHS a service. Where the service provider may access personal information, GCHHS is obliged to take reasonable steps to bind the service provider to comply with the privacy principles within the IP Act as part of the contract or service agreement.

## Use and disclosure of personal information

GCHHS is committed to ensuring that all personal information is managed in accordance with:

- *Hospital and Health Boards Act 2011* (Qld);
- *Information Privacy Act 2009* (Qld);
- *Queensland Government Information and Cyber Security Policy (IS18)* published by the Queensland Government Customer and Digital Group; and
- the *Queensland Government Information Security Classification Framework*.

GCHHS only uses your personal information for the purposes for which it was given to us, or for purposes which are directly related to one of our functions or activities.

These functions and activities include, but are not limited to:

- ensuring you receive appropriate treatment and follow-up care, including integrated care with your designated GP;
- reporting activities that assist us in monitoring and improving the way we operate as a health service;
- professional staff supervision and mentoring;
- medical research programs;
- training clinician and administrative staff;
- enabling us to recover funds in relation to services supplied;
- dealing with complaints; and
- defending legal proceedings which necessitate providing information to a lawyers.

Your personal information is not shared with other government agencies, organisations, or anyone else, unless certain circumstances apply, for example:

- you (the individual) have consented;
- you would reasonably expect, or have been told, that information of that kind is usually passed to those individuals, bodies, or agencies;
- information which may potentially identify you has been removed so that de-identified information can be used for research or education purposes;
- it is otherwise required or authorised by law;
- it will prevent or lessen a serious and imminent threat to somebody's life or health; or
- it is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

## Access and correction of personal information

### ***How can I apply to access my personal information?***

GCHHS supports your right to apply for access to your personal information held by us. Requests for information held by GCHHS can be sent to [GC-RTIP@health.qld.gov.au](mailto:GC-RTIP@health.qld.gov.au).

Information about how you can make an application to apply for access to your personal information is available at [Right to information | Gold Coast Health](#). This includes information about seeking access 'administratively' (which is generally a simpler and quicker method of seeking access) or making a formal access application under the IP Act or the *Right to Information Act 2009* (Qld) (**RTI Act**).

Access under an administrative arrangement does not affect your right to seek access to the documents under the IP Act or RTI Act. In addition, if your application cannot be processed administratively, it will generally be referred automatically for processing under IP Act or RTI Act, whichever is most appropriate.

### ***How can I apply to amend my personal information?***

If there is information in your health record that you believe is incorrect, (ie. the information is inaccurate, incomplete, misleading, or out-of-date), you may apply to have the information amended. Before making a formal amendment application, you should contact the area within GCHHS you had previous contact with as they may be able to amend your personal information without the need for a formal process. The informal option will apply in many cases—for example, where you wish to update your current contact details.

If you do wish to make a formal application to amend your personal information, please contact Right to Information and Privacy at [GC-RTIP@health.qld.gov.au](mailto:GC-RTIP@health.qld.gov.au).

## Disclosure outside of Australia

GCHHS will only transfer personal information outside of Australia in compliance with the IP Act and for legitimate purposes.

The IP Act allows the transfer of personal information outside of Australia only in certain circumstances, such as:

- where informed consent is given;

- the transfer is authorised or required by law;
- GCHHS is satisfied that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of any individual, or to public health, safety and welfare; or
- if two or more of the following criteria apply:
  - the recipient is subject to equivalent privacy obligations;
  - the transfer is necessary to perform a function of GCHHS;
  - the transfer is for the benefit of the person to whom the information relates; and/or
  - reasonable steps have been taken by GCHHS to ensure the information is protected.

An instance where GCHHS may transfer personal information outside of Australia includes where a member of the public has requested we correspond with them using a web based email service whose servers are located in another country (eg. Hotmail or Gmail).

## Security of personal information

GCHHS holds personal information securely and takes reasonable steps to protect it from misuse, interference, loss, unauthorised access, modification, or disclosure. GCHHS complies with the *Queensland Government Information and Cyber Security Policy* and the *Queensland Government Information Security Classification Framework*.

All sensitive documents must have security classifications applied to them and must be protected from unauthorised access by applying correct storage, handling, and disposal methods.

In accordance with the *Queensland State Archives' (QSA) General Retention and Disposal Schedule*, GCHHS will destroy personal information, in a secure and authorised manner, that is no longer required for any of the agency's functions.

## Interacting with GCHHS anonymously

GCHHS supports your right to deal with our agency anonymously or pseudonymously, unless it is:

- required by law, or
- impractical.

Individuals can submit a privacy complaint anonymously or pseudonymously. However, anonymous or pseudonymous privacy complaints may not be able to be sufficiently investigated and responded to.

## Privacy complaints

If you have concerns that GCHHS has not handled your personal information in accordance with the IP Act, you can make a privacy complaint.

To make a privacy complaint, forward your concerns to the GCHHS Privacy and Confidentiality Contact Officer (**PCCO**).

- Email: [GCHHSPrivacy@health.qld.gov.au](mailto:GCHHSPrivacy@health.qld.gov.au).
- Post: Right to Information and Privacy, Gold Coast Hospital and Health Service, 1 Hospital Boulevard Southport QLD 4215.



Additionally, you must send your complaint to GCHHS in writing and include:

- an address for GCHHS to respond to; and
- details about your concerns (ie. how you believe the QPPs were breached).

GCHHS has 45 business days to resolve the privacy complaint. If this does not occur, you can contact the Office of the Information Commissioner.

- Email: [complaints@oic.qld.gov.au](mailto:complaints@oic.qld.gov.au).
- Post: Office of the Information Commissioner PO Box 10143 Adelaide St Brisbane Qld 4001.

## Review and feedback

GCHHS constantly seeks to improve services and welcomes comments on ways this can be achieved.

If you have any suggestions, feedback, or complaints about the Privacy Policy, you are encouraged to contact the PCCO at [GCHHSPrivacy@health.qld.gov.au](mailto:GCHHSPrivacy@health.qld.gov.au).

## Definitions

Term	Definition	Source
<b>Personal Information</b>	Personal information means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion— (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not.	Section 12 of the <i>Information Privacy Act 2009</i> (Qld)
<b>Confidential Information</b>	information, acquired by a person in the person's capacity as a designated person, from which a person who is receiving or has received a public sector health service could be identified...	Section 139 of the <i>Hospital and Health Board Act 2011</i> (Qld)
<b>An agency held or holds personal information</b>	Personal information is held by a relevant entity, or the entity holds personal information, if the personal information is contained in a document in the possession, or under the control, of the relevant entity.	Section 13 of the <i>Information Privacy Act 2009</i> (Qld)
<b>Sensitive Information</b>	(c) information or an opinion about an individual's: (i) racial or ethnic origin; or (ii) political opinions; or (iii) membership of a political association; or (iv) religious beliefs or affiliations; or (v) philosophical beliefs; or (vi) membership of a professional or trade association; or (vii) membership of a trade union; or (viii) sexual orientation or practices; or (ix) criminal record; (d) health information about an individual; or (e) genetic information about an individual that is not	Schedule 5 (Dictionary) of the <i>Information Privacy Act 2009</i> (Qld)

	otherwise health information; or (f) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or (g) biometric templates.	
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