PRIVACY POLICY

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1. Purpose

Northern Territory PHN (NT PHN) is bound by the Australian Privacy Principles (APPs) as set out in the Privacy Act, as well as other laws and contractual agreements that impose specific obligations regarding handling personal and health information that directly or indirectly identifies a person.

The Privacy Act prescribes the APPs which regulate how personal information is handled. The APPs protect the individual's privacy by:

- regulating how personal information is collected, used, disclose and secured
- providing individuals with a right to access and correct their personal information.

NT PHN acknowledges good privacy practice is more than being compliant with the Privacy Act. Any mishandling of personal information may result in a loss of trust in us by our stakeholders, cause significant harm to others and damage our reputation.

"This Privacy Policy is maintained as part of NT PHN's Quality Management System (QMS) and Information Security Management System (ISMS), and is subject to regular review, audit, and continual improvement in alignment with ISO 9001:2015 and ISO/IEC 27001:2022.

2. Scope

This Policy applies to all individuals whose personal information is collected by NT PHN in the course of our functions and activities including employees, service providers and consultants and individuals, and all individuals whose personal information is collected in the course of receiving health-related services. The Privacy Act defines personal information as:

> *information or an opinion whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.*

Personal information includes two subcategories of information

Sensitive information

- personal information that is information or an opinion about an individual's racial origin, ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences, sexual orientation or practices or criminal record
- health information about an individual or
- genetic information about an information that is not otherwise health information

Health information

- information or opinion that is personal information and is about health (including an illness), disability or injury (at any time) of an individual, about an individual's expresses wishes about the future provision of health services to them or about a health service provided, or to be provided to an individual
- other personal information collected to provide, or in providing, a health service
- other personal information collected in connection with the donation, or intended donation, by an individual of his or her body parts, organs or body substances or
- genetic information about an individual in a form that is, or cold be, predictive of the health of the individual or a genetic relative of the individual

It is important to note that:

- De identified information can still be personal information if a person's individual identify can be reasonably ascertained from information that does not state their name
- Financial information is not considered sensitive information but must be afforded a higher level of protection.

This Policy only applies to personal information about individuals and does not cover information about organisations. Some organisational information may be deemed confidential, and reference should be made to NT PHN's Confidentiality Policy (DIN032).

Employee records are exempt from the Privacy Act provided that the organisation is using them for employment related purposes. Reference can be made to internal policies and procedures on how NT PHN manages information relating to employees and applicants for positions.

Personal information does not include, and is not, information already and lawfully in the public domain including generally available documents such as annual reports, newsletters, magazines, books and newspapers, or social media content.

3. Roles and Responsibilities

NT PHN recognises the management of personal information is an organisation-wide responsibility, and all staff are responsible for compliance with this policy.

3.1. Chief Executive Officer (CEO)

- Will ensure appropriate control mechanisms are in place, through the regular review and update of the privacy policy and any associated procedures and tools
- Will provide assistance and direction to the privacy officer as required. This may include instructing the relevant Executive Manager or other staff members to provide assistance or information to the privacy officer.

3.2. Executive Managers

- Will provide assistance, direction and information to the privacy officer as required or as instructed by the CEO
- Will support and promote understanding of NT PHN's requirements under the Privacy Act within their branch
- Will support their branch in implementing the privacy policy and any associated procedures and tools.

3.3. All Staff

- Will perform duties in accordance with organisational systems in place to manage privacy and confidentiality, including compliance with relevant policies and procedures
- Provide assistance and information to the privacy officer as required or as instructed by their Executive Manager
- Follow advice and information provided by the privacy officer
- Participate in any training or information sessions provided
- Receive queries from individuals relating to access and / or correction of personal information.

3.4. Privacy Officer

- The role of privacy officer is undertaken by the nominated officer as determined by the CEO. At the discretion of the CEO, there may be more additional staff trained to the level of privacy officer to maintain business continuity within the organisation
- Updates and maintains the privacy policy and develops and maintains tools and training for the benefit of all staff
- Ensures familiarity with current privacy issues, including legislation, best practice and attends training to further knowledge and skill where appropriate
- Provides accurate information to staff / stakeholders
- Provides assistance to the feedback officer where required
- Maintains membership within the data breach response team
- Receives queries from individuals relating to access and/or correction of personal information.

4. Policy

Under the Privacy Act, NT PHN is defined as an APP entity and must comply with the 13 APPs in managing personal information. The APPs guide NT PHN in determining how personal information is to be collected, used and disclosed, and how this information should be managed and stored. They also provide guidance for individuals accessing and correcting their own personal information.

NT PHN will ensure this Policy is available free of charge and in such a form as is appropriate.

Reasonable steps must be taken to meet the obligations outlined within the APPs. APP obligations are not strict obligations. It is established that reasonable steps may range from:

- Taking no steps at all – where privacy risks are low and costs of taking steps are high
- To highly onerous steps, where the sensitivity of information and privacy risks are high.

NT PHN will make this assessment on a case-by-case basis in view of relevant considerations such as:

- The sensitivity of the information
- What a reasonable individual might expect
- Potential negative privacy implications for the individual
- Costs of taking relevant steps
- Industry practices.

4.1. Compliance with the APPs

NT PHN complies with the APPs, as follows:

1) **Open and transparent management of Personal Information** – Personal information is managed in a robust and transparent way, through implementation of this policy and supporting frameworks.
2) **Anonymity and pseudonyms** – Individuals have the option to not identify themselves, or to use an alternate name when dealing with NT PHN in relation to certain matters, where it is lawful and practicable to do so.
3) **Collection of solicited Personal Information** – Personal information is collected through lawful and fair means only where it is reasonably necessary for, or directly related to, its functions and activities.
4) **Dealing with unsolicited Personal Information** – Unsolicited personal information received but not collected through normal processes, will be de-identified or destroyed where lawful and reasonable to do so.
5) **Notification of the collection of Personal Information** – Individuals are notified when NT PHN is collecting personal information.
6) **Use or disclosure** – Personal information is only collected and used for specified purposes. Personal information is de-identified where possible when it is disclosed.
7) **Direct marketing** – Personal information is not used for direct marketing unless authorised by the individual concerned.
8) **Cross border disclosure of Personal Information** – Personal information is not disclosed to overseas recipients.

9) **Use or disclosure of government related identifiers** – Government related identifiers are not used by NT PHN in its use or disclosure of personal information.
10) **Quality of Personal Information** – Reasonable steps are taken to ensure personal information collected is accurate, up to date and complete.
11) **Security of Personal Information** – Appropriate steps are taken to ensure personal information is protected from misuse, interference, loss, unauthorised access, modification and disclosure. NT PHN implements both technical controls (e.g., encryption, access restrictions) and organisational measures (e.g., staff training, governance oversight) to meet APP 11.3 requirements.
12) **Access to Personal Information** – Access is provided to an individual to their personal information held by NT PHN as required by the Privacy Act.
13) **Correction of Personal Information** – An individual is able to request corrections to their personal information held by NT PHN as required by the Privacy Act.

This policy shall be included in all induction programs for employees and available via the NT PHN website.

4.2. What Personal Information NT PHN collects and why

NT PHN may collect personal information, primarily from employees and contractors, including:

- Identifying information such as name, date of birth and employment details
- Contact information such as home address, home and mobile phone numbers and email address
- Government-issued identifiers including medicare numbers
- Financial information, such as bank account and credit card details
- Sensitive Information that may include information about health and health services provided.

NT PHN may also keep personal information as part of the following records:

- Recruitment and human resources
- Board, councils and membership records
- Information systems, financial management and administration
- Incident records regarding the performance of its functions and activities, such as workplace incidents
- Correspondence and stakeholder management
- Event management and attendance

- Right to information, complaints, privacy, and litigation records.

NT PHN may also need to collect health information as is necessary to provide or assist in the commissioning or provision of primary health care services. Where possible all clinical information will be de-identified.

Sometimes health information may be collected from a third party such as a health service provider. Where it is lawful and practicable, the third party is responsible for obtaining consent from the individuals involved. As part of the consent process, individuals have the right to refuse consent for their personal information to be shared with NT PHN where it will not compromise the provider's ability to provide the service to them.

NT PHN will collect information on the basis of it being lawful and fair and will take reasonable measures to ensure each individual providing personal information is informed, and understands, the purpose of the collection of the information and, where possible, NT PHN will require the consent of an individual giving personal information.

Consent under the Privacy Act can be either:

- Express (eg on signed consent form)
- Implied.

It is best practice to seek express consent wherever possible particularly where significant privacy implications are involved, to ensure the individual concerned is aware of what they are consenting to. However in many instances it may necessary to rely on implied consent.

Consent may be implied where it is reasonable to conclude from a person's words or actions that they consent.

Implied consent is NOT established merely because:

- There has been no objection from the person
- The person would probably consent (e.g. disclosure to a family member)
- The relevant use or disclosure is advantageous for the person.

4.3. Use and Disclosure of Personal Information

NT PHN will only use personal information for the purpose it has been given unless one of the following applies:

- Another purpose is directly related to the purpose for which information was given to us and it would be reasonably expected, that this information would usually be disclosed for another purpose or to other individuals, organisations or agencies
- Consent is given for the use of information for another purpose
- NT PHN is required or authorised by law to disclose information for another purpose or disclosure is reasonably necessary for the enforcement of law
- The disclosure of information is necessary to prevent harm or injury to a person.

In relation to health information from third parties, NT PHN requires its service providers to maintain confidentiality and comply with the Privacy Act and all other relevant privacy legislation.

NT PHN may also provide health information about an individual's condition to parents, children, other relatives, close personal friends, guardians, or a person exercising a power of attorney under an enduring power of attorney, unless NT PHN is expressly informed by the individual there is to be no disclosure of health information to that person.

With an individual's consent NT PHN can also use personal information for other purposes including mailing lists, fundraising or research. Unless an individual provides NT PHN with his/her express consent for this purpose, NT PHN will not use personal information in this way.

NT PHN may also, from time to time, be required to use personal information where necessary for:

- Activities such as quality assurance processes, accreditation, audits, risk and claims management, patient satisfaction surveys and staff education and training
- Invoicing, billing and account management
- Program activities involving our agents, service providers and professional advisors
- Procurement, contract management and risk management functions
- To liaise with the Commonwealth, as necessary
- The functioning of advisory groups
- The purpose of complying with any applicable laws including public health and safety circumstances.

NT PHN must not disclose or transfer personal information to overseas recipients.

NT PHN requires all third-party service providers who handle health information to obtain valid and informed consent from individuals prior to disclosure. Furthermore, NT PHN mandates that all third-party agreements include contractual clauses that ensure compliance with the Privacy Act and relevant privacy obligations. These clauses must address confidentiality, data protection, and the lawful use and disclosure of personal and health information in accordance with OAIC guidance.

4.4. Storage and Disposal of Personal Information

NT PHN will always take reasonable steps through sound technical, administrative, and physical procedures to protect personal information from misuse, loss, unauthorised access, modification or disclosure. All personal information held by NT PHN in paper form will be stored in a secure and lockable location and if in electronic form, will be password and firewall protected.

NT PHN will take reasonable steps to destroy or permanently de-identify any personal information when it is no longer needed.

Unsolicited personal information is information provided without it being requested. If NT PHN receives unsolicited personal information that it would not otherwise collect through its normal processes, it will be de-identified or destroyed where lawful and reasonable to do so.

4.5. Access to Personal Information

NT PHN will take reasonable steps to ensure that any personal information which we may collect, use or disclose is accurate, complete and up-to-date. Requests by individuals to access their personal information held by NT PHN must be made in writing to the privacy officer.

NT PHN will respond to requests for access to personal information within a reasonable period and there will be no charge for the provision of an individual's information, except in circumstances where NT PHN incurs a cost.

Access must be provided unless one of the exceptions under the Privacy Act applies. NT PHN is not required to provide an individual access to their personal information in the following circumstances:

- NT PHN reasonably believes that giving access may pose a serious threat to the life, health or safety of any individual, or public health or public safety, or is unlawful or in contravention of a court order
- Access to the information would have an unreasonable impact on the privacy of others
- The request for access is frivolous or vexatious
- There are existing or potential legal proceedings occurring between NT PHN and the individual, and the information would not be accessible through the legal discovery process
- NT PHN suspects unlawful activity or misconduct may have been engaged in relating to the NT PHN's functions and giving access to the information may prejudice taking appropriate action in relation to the matter

- Giving access would be likely to prejudice enforcement related activities conducted by or on behalf of an enforcement body
- Giving access would reveal evaluative information generated within NT PHN relating to a commercially sensitive decision-making process or would reveal NT PHN's intentions in any negotiations with any individual.

4.6. Correction of Personal Information

Requests by individuals to correct their personal information held by NT PHN must be made in writing to NT PHN's privacy officer. NT PHN will respond to requests for access to personal information within a reasonable period and there will be no charge for the provision of an individual's information, except in circumstances where NT PHN incurs a cost.

If NT PHN is satisfied that personal information is inaccurate, out of date, incomplete, irrelevant or misleading, NT PHN will correct the personal information as required under the Privacy Act. If NT PHN refuses to correct an individual's personal information, NT PHN will give the individual written notice which sets out:

- The reasons for the refusal to correct the personal information
- The processes available to complain about the refusal
- Any other matters of relevance.

4.7. Notifiable Data Breaches

NT PHN will respond to any known or suspected breaches of privacy, including data breaches in accordance with the Privacy Act by following the NT PHN data breach response plan. Where a possible breach occurs, the privacy officer will be notified, and steps taken to contain the breach as quickly as possible.

Where appropriate, an assessment of the potential breach will occur, and action taken in accordance with the Privacy Act.

4.8. Privacy Impact Assessments

NT PHN will conduct Privacy Impact Assessments (PIAs) for new initiatives, systems, or processes that involve the handling of personal information.

4.9. Privacy Concerns or Complaints

If an individual has concerns in relation to the way his/her personal information has been handled, they are able to contact NT PHN's privacy officer.

If NT PHN receives complaints from stakeholders in relation to the management of personal information, the following procedures apply:

From external stakeholders:

- The complaint will be managed in accordance with NT PHN's external feedback policy
- The privacy officer is to liaise with the feedback officer as required, and under the direction of the relevant Executive Manager and CEO.
- Details of the feedback officer are as follows:

Feedback Officer

GPO Box 2562
DARWIN NT 0801
08 8982 1000

From staff members:

- The complaint will be managed in accordance with the NT PHN's internal complaints and grievance policy
- The privacy officer is to liaise with the Manager, People and Culture as required, and under the direction of the relevant Executive Manager or CEO.

Further Information

Definitions	**Australian** privacy principles: In accordance with section 14 of the Privacy Act, means the 13 privacy principles contained in Schedule 1 of the Privacy Act. **Privacy Act:** Means the Privacy Act 1988 (Cth), as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) and the Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth).
Related Controlled Documents	GAR104 Confidentiality Policy DAT001 Data Breach Response Plan GAR124 Data Governance Policy PPC012 Internal Complaints and Grievance Policy GAR020 Whistleblower Policy
Relevant Legislation	Privacy Act 1988 (Cth) Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth) Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)
References	https://www.oaic.gov.au/s/privacy-officer-toolkit/ Office of the Australian Information Commissioner (OAIC) – Guide to Health Privacy and APP Guidelines.

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6	CIO	NT PHN Board, Resolution 586	31 May 2021	Whole of document review as per policy review schedule including update to appointment of Privacy Officer	
7	Governance and Procurement Lead	NT PHN Board, Resolution 764	29.05.2023	Removal of reference to CIO	
8	Governance and Performance Lead	NT PHN Board, Resolution 972	12 December 2025	Minor amendments to maintain compliance to updated APP requirements and inclusion of reference to QMS/ISMS.	
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