Privacy Policy of Nelson Family Medicine

1. Introduction

1.1 Nelson Family Medicine (**we, us, our**) is a health and disability services provider general practice clinic, operating as part of a network of general practice clinics supported by Nelson Bays Primary Health (Hauora Matua ki Te Tai Aorere) (**PHO**).

1.2 We collect, use and share personal information about you to allow us to provide you with health and disability services. Our collection of personal information is subject to the New Zealand Privacy Act 2020 and all regulations and subordinate legislation implemented under it (including the Health Information Privacy Code 2020 (**Health Information Privacy Code**) (together **Privacy Law**).

1.3 We are committed to adherence with Privacy Law and to protecting the privacy of all patients and other individuals that interact with us, whether through our healthcare services, website, communications, or other dealings. This privacy policy (**Policy**) explains how we may collect, use, disclose and protect your personal information (including your health information) in accordance with our obligations under Privacy Law.

1.4 Nothing in this Policy alters your rights under the Privacy Act 2020 or the Health Information Privacy Code. If you would like to learn more about these rights, please visit www.privacy.org.nz.

1.5 For the purposes of Rules 3 and 3A of the Health Information Privacy Code, please also see a summary of the notifiable matters required by those rules in the Appendix to this Policy.

2. Why we collect your personal information

2.1 We may collect and use your personal information for the following purposes (**Purposes**):

Purpose	Description
Providing and coordinating care	To verify your identity, provide safe and effective health and disability services, manage your ongoing treatment, coordinate your care with other healthcare providers, and maintain accurate medical records.
Funding and eligibility	To obtain government funding and subsidies on your behalf (including through our PHO and Health New Zealand (Te Whatu Ora)) and to check your eligibility for publicly funded services.
Communications	To contact you about appointments, recalls, test results, and other health-related communications, and to respond to queries you send us.
Billing and practice administration	To bill you and collect amounts owed, and to run and improve our services and systems.

Purpose	Description
Quality improvement and statistics	To participate in national and local quality improvement programs. For these activities we use de-identified or anonymised information wherever possible. Where your information is linked to your National Health Index (NHI) number for processing, published reports are anonymised so individuals are not identified.
Health programmes you join	If you enrol in a health program (for example, diabetes management, breast screening, or immunisation), we share the relevant information with our PHO or the external agency that manages the program.
Audits and assurance	For financial and service audits. Auditors access only what is necessary and, if clinical content is reviewed, this is done by an appropriately qualified health practitioner. You may also be contacted by an auditor to confirm that services were provided.
Research (with safeguards)	For health research approved by an appropriate ethics committee. Research findings will not be published in a form that could reasonably identify you.
Legal and compliance	To comply with our legal and professional obligations, including regulatory reporting, notifiable disease reporting, Police and coronial inquiries, and other obligations under health sector legislation.
With your authorisation or as otherwise permitted by law	For any other purpose you authorise, or that is permitted or required under the Privacy Law.

2.2 We only collect and use your personal information for reasons associated with these Purposes.

3. Your acknowledgement to our collection, use and disclosure of your personal information

3.1 By engaging with us (including by enrolling as a patient or attending appointments), you acknowledge that your personal information will be collected, used and disclosed in accordance with this Policy.

4. Types of personal information we may collect

4.1 When you enrol with us or otherwise engage with our practice, we collect two types of personal information from you:

(a) **Health information**: Including any information about your health and medical history, any disabilities you have or have had, and details of any health or disability support services you have received, any information you provide in connection with donating body parts or bodily substances (such as blood or tissue samples), and any information collected about you during or in connection with providing you with health care.

(b) **General personal information**: Personal information, which is not health information, including your name, address, contact details, date of birth, ethnicity, workplace and

similar identifying information, and, where you interact with our website, device, network and location information.

4.2 The nature and extent of the personal information that we collect about you depends on the Purpose for which it is collected, the context of our interaction, and the means via which that interaction occurs.

4.3 Examples of personal information that we may collect include the information listed below:

Nature of interaction	Personal information that may be collected
Patient enrolment and appointments	• Name. • Date of birth. • Contact details (such as your address, email address and phone number). • National Health Index (NHI) number. • Emergency contact details. • Ethnicity. • Gender. • Billing and payment information.
Provision of healthcare services	• Health and medical history. • Details of disabilities. • Information about health and disability support services received. • Clinical notes and assessments. • Test results and diagnostic information. • Medications and prescriptions. • Referral information. • Information provided in connection with donating body parts or bodily substances (such as blood or tissue samples). • ACC claim information.
General enquiries or communications	• Name. • Contact details (such as your email address and phone number). • The content of your enquiry or correspondence.
Marketing and promotional interactions	• Names of recipients of health promotion or marketing materials. • Contact details to which materials are to be sent. • Communication preferences.
Feedback, surveys or research activities	• Names of respondents/participants (where not completed on an anonymous basis). • Preferences, opinions, and other feedback provided to us.
Website use and interactions	• IP address. • Device and browser information. • Location data. • Cookies.
Patient portal use (WELL)	• Login credentials. • Appointment booking information. • Messages sent through the portal. • Information accessed via the portal.

Nature of interaction	Personal information that may be collected
General compliance matters	• Other information we are required to collect to meet a legal, regulatory or compliance obligation (where applicable).

4.4 We offer our healthcare services to children and young people. To do so, we need to collect and use personal information relating to minors. We also use this information for the Purposes set out in this Policy (as applicable), and, where permitted or required by law, for child-safety and public health activities. Where we collect personal information about minors, we will:

(a) ensure that the collection, use and disclosure of that information is fair, reasonable and necessary, giving particular consideration to the age and vulnerability of the minor; and

(b) require the consent or authorisation of a parent or legal guardian for patients under 16 years of age, where appropriate.

4.5 More detailed information about why we collect the personal information outlined above is available upon request.

5. How we collect your personal information

5.1 Subject to the remainder of this clause, we may collect your personal information (including your health information) directly from you, from third parties, or from other sources where the information is publicly available.

5.2 Where practicable in the circumstances, we will collect personal information directly from you. We collect your health information directly from you when you enrol with us, attend appointments, receive care, or communicate with us (for example, by phone, email, or through our patient portal WELL).

5.3 Where it is impracticable in the circumstances to collect personal information directly from you, or where we have reasonable grounds to believe that an exception to Rule 2 of the Health Information Privacy Code (or Information Privacy Principle 2 of the Act) applies, we may collect your personal information from a source other than you. Examples of circumstances in which we may indirectly collect your personal information include:

Circumstance	Indirect collection practice
Provision of healthcare services	We may receive health information about you from hospitals, specialists, laboratories, pharmacies, midwives, radiologists, allied health providers, Health New Zealand (Te Whatu Ora), and ACC who are involved in your care. Whether collected directly or indirectly, your health information is collected, used, and shared in accordance with the rules set out in this Policy and the Health Information Privacy Code.
PHO and government health programmes	Where you are enrolled in a health programme (such as immunisation, diabetes management, or cardiovascular risk assessment), we may receive information from the PHO or external health agency managing the programme.
General legal compliance	From time to time, a legal or regulatory obligation may require us to collect personal information about you from third-party sources.

5.4 For the purposes of Information Privacy Principles 2 and 3, where we collect your personal information directly or indirectly:

(a) that collection will only occur as necessary to further any of the Purposes;

(b) the personal information will be held by us and will only be disclosed to third parties in accordance with clause 7; and

(c) you have the rights to access to and the correction of the personal information that we hold about you, as further detailed in clause 13.

6. Provision of personal information is voluntary

6.1 Providing your personal information (including your health information) to us is voluntary. You are not legally required to give us your information. However, if you choose not to provide certain information, we may not be able to:

(a) treat you safely and effectively (because we may lack important details about your health history, allergies, or current medications);

(b) enrol you with the practice or our PHO;

(c) access government subsidies on your behalf, which may result in you paying higher fees for consultations and services; or

(d) coordinate your care with other providers involved in your treatment.

7. Who we may disclose your personal information to

7.1 We may disclose your personal information to:

(a) other health professionals directly involved in your care (such as specialists, hospitals, laboratories, radiologists, pharmacies, midwives, and allied health providers);

(b) our PHO, for funding and service coordination purposes;

(c) the Ministry of Health / Health New Zealand (Te Whatu Ora) for national health records, funding, and public health purposes;

(d) ACC, where relevant to an injury claim;

(e) any business that supports our services, including any person that hosts or maintains any underlying IT system or data centre that we use, any payment providers, and patient management system providers;

(f) a person who can require us to supply your personal information (such as a regulatory or government authority), or any other person authorised by the Act, the Health Information Privacy Code, or another law (such as a law enforcement agency);

(g) other agencies where disclosure is required or permitted by law;

(h) any entity that we enter into any joint venture with or any other business that we are sold to or merged with; and/or

(i) any other person authorised by you.

7.2 Where health information is disclosed outside of New Zealand, this will only occur in accordance with Rule 12 of the Health Information Privacy Code.

7.3 We will only disclose personal information to the parties listed in clause 7.1 if it is necessary and appropriate to facilitate the Purposes for which your personal information was collected, or where disclosure is otherwise authorised under Privacy Law.

8. How long we will store your personal information

8.1 We will ensure that your personal information is not retained for longer than is necessary to fulfil:

(a) the Purpose that it was collected; and

(b) any legal or regulatory requirements applicable to the retention of that personal information.

8.2 In respect of health information, the Health Act 1956 requires all health information held by healthcare providers to be retained for a minimum of 10 years from the date of the last encounter with you (unless the records are transferred to another provider or to the patient). We will retain your health information for at least this period.

8.3 Non-health personal information (such as website usage data and general enquiry records) will be retained only for as long as necessary to fulfil the Purpose for which it was collected and any applicable legal requirements.

8.4 Once there is no longer a basis to hold information pursuant to clause 8.1, that information will be securely deleted or de-identified.

9. How we protect your personal information

9.1 We take all reasonable steps to keep your personal information (including your health information) safe from loss, unauthorised activity or other misuse, in accordance with Rule 5 of the Health Information Privacy Code. These steps include:

(a) adopting and regularly reviewing the performance and terms of our internal data security policies and systems (including electronic security, operational security, and physical security measures) to ensure that they are fit for purpose and protect your personal information from unlawful processing, accidental loss, destruction and damage;

(b) requiring all personnel that deal with patient information to be bound by appropriate confidentiality agreements;

(c) providing privacy and confidentiality training to all new personnel during their induction, and ongoing refresher training; and

(d) ensuring that our physical environment is arranged so that health information cannot be inadvertently seen or overheard by unauthorised persons.

9.2 Where we disclose personal information in accordance with clause 7, we will take reasonable steps to ensure that the recipient has appropriate data security policies and systems in place prior to disclosure.

10. Visiting another doctor

10.1 If you visit another GP who is not your regular doctor, you will be asked for permission to share information from that visit with us.

10.2 In certain circumstances where you visit another GP as a casual patient, that practice can make a claim for a government subsidy. In this circumstance we will be informed of the date of that visit, but the name of the practice you visited and the reason for the visit will not be disclosed to us unless you give your consent.

11. Direct marketing

11.1 In accordance with the Purposes, we may use your personal information to send you health promotion materials, service notifications, or other communications about our services. We may carry out these communications by email, phone, text message, patient portal notification, or post.

11.2 You have the right to revoke your agreement to receive direct marketing communications at any time by contacting us, or by selecting “unsubscribe” in the relevant communication. For the avoidance of doubt, this does not affect communications that are necessary for the provision of your healthcare (such as appointment reminders or important health notifications).

12. Privacy breaches

12.1 If we become aware of a privacy breach involving your personal information, we will:

(a) assess the breach to determine whether it amounts to a notifiable privacy breach (as that phrase is defined in the Act);

(b) investigate the cause and effects of the breach; and

(c) take reasonable steps to prevent similar breaches from occurring again in the future.

12.2 Where the breach is assessed as being a notifiable privacy breach (that is, it is likely to cause serious harm), we will notify the Privacy Commissioner and (subject to any appropriate exceptions applying) the affected individuals of the breach in accordance with the requirements of the Act.

13. Your rights to access to and correction of your personal information

13.1 Under the Act and the Health Information Privacy Code, you have the following rights:

(a) The right to access readily retrievable personal information held by us about you, including your health information (under Rule 6 of the Health Information Privacy Code). This right is subject to certain grounds for our refusal as outlined in the Act.

(b) The right to request corrections to the personal information that we hold about you (under Rule 7 of the Health Information Privacy Code for health information). Should you request a correction, we will make the correction where the correction is reasonable and we are reasonably able to make it. If we are unable to make the correction, we will take reasonable steps to note the requested correction in our records against your data.

13.2 If you would like to exercise the above rights, please contact our Privacy Officer using the details set out in clause 15. We will respond to any access or correction request as soon as reasonably practicable, and no later than 20 working days after receiving it. In your message, please clearly state what information you are requesting, provide evidence of your identity, and notify us of anything else you deem relevant to your request. Please note that, in considering your request, we may need to request additional information from you in order to verify your identity prior to acting on your request.

14. Changes to this policy

14.1 Please note that we may make changes to this Policy by uploading a revised Policy onto our website at www.nelsonfamilymedicine.co.nz. Any changes will be effective from the date that

the revised Policy is uploaded. We encourage you to review the Policy regularly for the latest information on our privacy practices. We may also notify you of material changes at your next appointment or via our patient portal.

14.2 Where we make material changes to this Policy that affect how we handle your health information, we will take reasonable steps to bring those changes to your attention prior to those changes taking effect.

15. How you can contact us about privacy matters

15.1 If you have any queries or requests concerning this Policy, or would like to exercise one of your rights under clause 13, please contact our Privacy Officer at:

Nicky Douglas
Privacy Officer
Nelson Family Medicine
Email: office@nelsonfamilymedicine.co.nz

16. How you can contact the Office of the Privacy Commissioner

16.1 If you are unhappy with how we have handled any privacy issues you have experienced or otherwise feel that we have breached your privacy, you are entitled to submit a complaint to the Office of the Privacy Commissioner. More information about this process can be found at https://www.privacy.org.nz/your-rights/making-a-complaint-to-the-privacy-commissioner/at www.privacy.org.nz.

16.2 Complaints can be submitted to the Office of the Privacy Commissioner via any of the following means:

(a) by completing the online Complaints Form; or

(b) by calling the Office of the Privacy Commissioner at 0800 803 909.

Appendix - Notifiable matters under the Health Information Privacy Code 2020

#	Subject	Comments
1.	**Collection of Health Information**	We collect your Health Information directly from you when you enrol with us, attend appointments, receive care, or communicate with us (e.g. by phone, email, or patient portal). We also collect Health Information about you indirectly (for example, we may receive information from hospitals, specialists, laboratories, allied health providers, pharmacies, midwives, Health New Zealand (Te Whatu Ora), and ACC who are involved in your care). Whether collected directly or indirectly, your Health Information is collected, used, and shared in accordance with the rules set out in this notice.
2.	**The purpose for which the Health Information is being collected**	We collect your Health Information to: • provide you with safe and effective healthcare and coordinate your care with other providers; • maintain accurate medical records; • obtain government funding and check your eligibility for publicly funded services; • contact you about appointments, recalls, and test results; • bill you and administer our practice; • participate in quality improvement programmes and health research (using de-identified information where possible, and with ethics committee approval where required); • meet our legal and professional obligations or as otherwise authorised by law; • for purposes ancillary to the purposes listed above; and • for other necessary purposes (where authorised by you or by law).
3.	**The intended recipients of the Health Information**	Your Health Information may be shared with: • other health professionals directly involved in your care (e.g. specialists, hospitals, laboratories, radiologists, pharmacies, midwives, and allied health providers); • our Primary Health Organisation, Nelson Bays Primary Health (Hauora Matua ki Te Tai Aorere) (**PHO**) for funding and service coordination; • the Ministry of Health / Health New Zealand (Te Whatu Ora) for national health records and funding purposes; • ACC, where relevant to an injury claim; and • other agencies where required or permitted by law.
4.	**Name and address of health agency collecting and holding the Health Information**	Nelson Family Medicine of 132 Collingwood Street, Nelson 7010, is the health agency that both collects and holds your Health Information. If you wish to contact us about any privacy matter, including requests to access or correct your information, you can call us at 03 548 0918 or email us at office@nelsonfamilymedicine.co.nz.
5.	**Supply of Health Information is voluntary**	Providing your Health Information to us is voluntary. You are not legally required to give us your information. However, if you choose not to provide certain information, the consequences detailed in row 6 may follow.
6.	**The consequences of failing to provide Health Information**	If you do not provide the requested Health Information, we may not be able to treat you safely and effectively (because we may lack important details about your health history, allergies, or current medications), enrol you with the practice or our PHO, access government subsidies on your behalf, which may result in you paying higher fees for consultations and services, or coordinate your care with other providers involved in your treatment.
7.	**Your rights of access to, and correction of, Health Information**	Under Rules 6 and 7 of the Health Information Privacy Code, you have the rights to ask us what health information we hold about you, request access to that information, and request corrections if you believe any of your information is inaccurate, incomplete, or misleading. Where you seek to exercise your rights, you do not need to give a reason for doing so. However, you will be required to provide proof of your identity. If you request a correction and we choose not to make a requested correction, you can ask to have your disagreement noted on your file. We will respond to any access or correction request as soon as reasonably practicable, and no later than 20 working days after receiving it. To make a request, please contact us using the details above.