

Privacy Policy

5 May 2022

1 Purpose and Scope

This document sets out Opal's policy on handling the personal information that we collect about individuals.

In this document, references to "Opal" (and "we" and "us") are references to entities in the Opal Health Care Group, including the entities listed in section 16 of this document which are involved with the operations of Opal's residential aged care homes (Care Communities).

Opal takes your privacy seriously. In dealing with personal information, Opal complies with the Privacy Act 1988 (Cth), relevant State and Territory privacy legislation and Parts 4.2 and 6.2 of the Aged Care Act 1997 (Cth).

This policy may be updated from time to time and any amendments will apply to the information we hold at the time of the amendment. The most recent version of this policy will be available on the Opal website (www.opalhealthcare.com.au), and you can contact us if you would like a printed copy.

If you provide information to us, either via the Opal website or by other means (verbal, written, electronic or other), you agree to our collection, handling, use and disclosure of that information in accordance with this Policy.

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2 What is personal information?

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (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.

3 What is sensitive information?

Sensitive information means:

- (a) information or an opinion about an individual's:
 - (i) racial or ethnic origin;
 - (ii) political opinions;
 - (iii) membership of a political association;
 - (iv) religious beliefs or affiliations;
 - (v) philosophical beliefs;
 - (vi) membership of a professional or trade association;
 - (vii) membership of a trade union;
 - (viii) sexual orientation or practices;
 - (ix) criminal record;
- (b) health information about an individual;
- (c) genetic information about an individual that is not otherwise health information;
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; and
- (e) biometric templates.

4 What kinds of personal information does Opal collect or maintains and why?

The types of personal information that Opal collects from you or maintains about you (and the way we use and disclose that information) will depend on your relationship with us.

- (a) **Residents of Opal Care Communities** – If you are a resident of an Opal Care Community, the information we collect, receive or maintain about you will include the following information:
 - (i) your name;
 - (ii) your contact details, including address, postcode, telephone and fax numbers, and email addresses;
 - (iii) demographic information about you, including age, date and place of birth, and gender;
 - (iv) health information about you, including medical history, medications, general practitioners' and other medical and health professionals' details and notes, medical

assessments, health information for reports to the Government and regulator (including information reported under the National Aged Care Quality Indicator Program), care plans, incident reports, diagnostic imaging and reports, hospital records, pathology results, photographs taken for identification and clinical purposes, diagnoses (including mental health or disability), observations and reported symptoms

- (v) vaccinations status information including Covid-19 and influenza vaccine status information;
- (vi) information about your family status, relatives, carers and visitors;
- (vii) information about your authorised representative (guardianship or attorney) arrangements including your authorised representative's name and contact details and a copy of their appointing document;
- (viii) information pertaining to your personal and religious preferences;
- (ix) billing information for you, including pensioner concession card (including type of pension and issuer), health insurance membership, ambulance cover, Medicare and DVA numbers and bank account details (where you have filled in a request form for this payment option); and
- (x) financial information, including information about your assets and income; and
- (xi) any other information required to comply with any laws, regulations, Government, State, health and regulatory authorities' orders and directives and our policies and procedures or needed to protect the health and safety of our residents, team members and anyone at the Care Community.

We will use and/or disclose the personal information we collect or maintain about you for the primary purpose for which it was collected (which, for our residents, will generally be the provision and administration of care and services) and may also use and/or disclose it for secondary purposes as described in section 10 of this document.

- (b) **Prospective residents of Opal Care Communities** – If you made enquiries or requested information (in writing or verbally) in relation to becoming a resident of an Opal Care Community, we will collect the following information about you (from you or from any person making the enquiry on your behalf) which we will use to respond to and manage your enquiry and provide you the information you requested:

- (i) name and contact details, including phone number and email address of prospective residents and the person making enquiries on their behalf (if any);
- (ii) prospective resident's name and date and place of birth;
- (iii) prospective resident's health information (including ACAT approval details); and
- (iv) prospective residents' vaccination status information including Covid-19 and influenza vaccine status information.

Depending on the status of your application, we may also collect some of the information described in clause 4(a) above.

- (c) **Authorised Representatives** if you are an authorised representative (attorney, guardian, financial manager) of an existing or prospective resident we will collect the following information (from you or the resident) and will use it as required to provide and administer care and services to the resident and confirm decisions and actions on their behalf or relating to them (which may be recorded with your details in the resident care notes and other records relating to resident care):

- (i) your name and contact details including address, postcode, telephone and fax numbers, email address;

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- (ii) information about your appointment as authorised representative (including a copy of the appointing document) and relationship to the resident; and
 - (iii) information required to verify your identity (such as driver license details)
 - (d) **Guarantors** – if you agreed to act as guarantor in the agreement between us and the resident, we will collect the following information and use it as required to assess, process, administer and enforce the guarantee you provide:
 - (i) your name and contact details including address, postcode, telephone and fax numbers, email address; and
 - (ii) information required to verify your identity (such as driver license details); and
 - (iii) information required for the guarantee (such as financial or property securities)
 - (e) **Volunteers and students** – We collect the following information (from you or anyone acting for you) and use it to assess and process your application to volunteer or undertake a student placement at an Opal Care Community and administer the volunteering or placement:
 - (i) your name and contact details including address, postcode, telephone and fax numbers, email addresses;
 - (ii) demographic information about you, including age, date and place of birth, and gender;
 - (iii) your qualifications and experience;
 - (iv) police, NDIS and any other checks required for working in aged care;
 - (v) information contained in references obtained from third parties and, other information you (or third parties you nominate as referees) provide to us in connection with your application;
 - (vi) Vaccination status information including Covid-19 and influenza vaccine status information; and any other information required to comply with any laws, regulations, Government, State, health and regulatory authorities' orders and directives and our policies and procedures or needed to protect the health and safety of our residents, team members and anyone at the Care Community.
 - (f) **Prospective Team members** – We collect the following information and use it to assess and process your application for employment at Opal and administer your potential employment:
 - (i) your contact details including address, postcode, telephone and fax numbers, and email addresses;
 - (ii) demographic information about you, including age, date and place of birth, and gender;
 - (iii) your qualifications and experience (including any applicable licences and registrations);
 - (iv) prior employment history;
 - (v) employee screening information including police, NDIS and any other checks required for working in aged care, medical checks;
 - (vi) other information you (or third parties you nominate as referees) provide to us in connection with your application;
 - (vii) vaccination status information including Covid-19 and influenza vaccine status information; and

- (viii) any other information required to comply with any laws, regulations, Government, State, health and regulatory authorities' orders and directives and our policies and procedures or needed to protect the health and safety of our residents, team members and anyone at the Care Community.
- (g) **Current Team members** – We will collect from you the information collected from Prospective Team Members as well as financial information which we will use to process and administer your remuneration payment and employee entitlements, including details of your bank account, superannuation fund and tax file number.

Also, your name and role will be recorded in documents and notes prepared in the course of your employment, including resident care notes, and information related to your performance may be recorded in your employee file.

- (h) **Suppliers, service providers, contractors and consultants** – If you supply products or services to us (including medical, allied health, pharmacy and medication management services), we may collect the following information about you and your employees, officers and representatives and use it to manage and administer our supply arrangement and process any related payments:
 - (i) your contact details including address, postcode, telephone and fax numbers, and email addresses;
 - (ii) your qualifications and experience (including any applicable licences and registrations);
 - (iii) vaccination status information including Covid-19 and influenza vaccine status information;
 - (iv) police, NDIS and any other checks required for working in aged care, medical checks;
 - (v) other information you (or third parties you nominate as referees) provide to us in connection with your services;
 - (vi) financial information as required to assess your credit status and process and administer payments to you, including details of your credit, banking and accounts information; and
 - (vii) any other information required to comply with any laws, regulations, Government, State, health and regulatory authorities' orders and directives and our policies and procedures or needed to protect the health and safety of our residents, team members and anyone at the Care Community.
- (i) **Anyone entering Opal Care Communities (residents, team members, volunteers, students, suppliers, service providers, visitors and others)** – as part of entry screening requirements which are aimed to protect the health and safety of our residents and team members we will collect from anyone wishing to enter Opal Care Communities the required entry screening information including name and contact details, information about vaccination status (including Covid-19 and influenza) and related evidence, Covid-19 related information and any other information required by Government, State health and regulatory authorities.

Also, security cameras may be in operation at Opal premises, including at entries and exits and car parking areas and in other areas indicated by signage, and they may capture the images of anyone within their coverage area. The main purpose of the security cameras monitoring is to provide a safe environment for our residents, visitors and team members. The digital footage files are generally stored in the system for up to 90 days for review should an incident occur. We will only use the security camera footage to personally identify you for security, risk management, and incident investigation purposes, and they may be reviewed by external parties authorised by law or court to access them.

- (j) **Users of the Opal website** (<https://www.opalhealthcare.com.au>) and social media outlets (including Facebook, Instagram, LinkedIn) – We may collect personal information from you

when you visit or register on our website, subscribe to our newsletter, respond to a survey, fill out a form or upload a post or comment. The types of personal information we may collect include your name and contact details. Opal will use the information you provide to process, respond to or manage your enquiry, request, post, comment or feedback.

Opal may also collect non-personal information during your use of the website, including technical information such as the browser name, the type of computer, technical information about the means you use to connect to our website and the time and location of your connection and visits. Opal uses “cookies” on its website. Cookies are very small files that a website uses to identify you when you come back to the site and to store details about your use of the site. This information is used to understand how users engage with the website and to assist us to improve our services and resources on the website. If you do not wish to receive cookies, you may set your browser to refuse them but this may mean that some parts of the website will not function properly.

- (k) **Other collections** – Opal may also collect personal information from you if you complete a survey, questionnaire or when you communicate with Opal by email, telephone, in writing or in person. Opal will use the information you provide to process, respond to and manage your enquiry or request.

We will ordinarily use information for the primary purpose for which it was collected. In some cases we may use your information for a related secondary purpose, but we will only do so with your consent or otherwise as permitted by law.

5 When does Opal collect personal information?

We only collect personal information that is reasonably necessary for our functions and activities, to protect the health and safety of our residents, and team, to comply with any laws, regulations, Government, State, health and regulatory authorities’ orders and directives and our policies and procedures, or otherwise in compliance with the requirements of the Australian Privacy Principles (APP)¹, including APP2, APP3 and APP4.

We will usually collect sensitive information with your consent (or consent from your authorised representative).

In some circumstances we may collect sensitive information without your consent. We will comply with the requirements of APP 3 in doing so. Some of the circumstances in which we may collect sensitive information without your consent include where:

- (a) collection is required or authorised by or under an Australian law or court/tribunal order;
- (b) we reasonably believe the collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety, and it is unreasonable or impracticable to obtain your consent;
- (c) collection is necessary to provide a health service to you, and either:
 - (i) the collection is required or authorised by or under an Australian law; or
 - (ii) the collection occurs in accordance with rules established by competent health or medical bodies that deal with obligations of professional confidentiality that bind Opal.

6 Who does Opal collect personal information from?

We will usually collect your personal information from you. However, sometimes we may need to collect information about you from third parties such as:

- (a) Your authorised representative (an appointed guardian attorney, public trustee or guardian)

¹ The Australian Privacy Principles are contained in *Schedule 1 of the Privacy Act 1988(Cth)*

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- (b) a family member or friend involved in your care;
 - (c) another health or other service provider;
 - (d) public sources (for example professional registration boards if you are a healthcare provider);
 - (e) Government agencies, regulators and public health authorities (including Medicare or your Pension Card provider and the Department of Veterans' Affairs);
 - (f) other entities in the Opal Health Care group;
 - (g) in relation to team members – other team members, referees, education and training providers, professional bodies and associations and regulatory authorities; and
 - (h) In relation to guarantors and service providers – financial institutions, credit providers, licenses and qualification providers and referees and insurers.

We will collect personal information from third parties where it is unreasonable or impractical to collect it directly from you (for example, because you do not have the information or you are unable to provide the information), where we have your consent to do so, or where we are otherwise legally permitted to do so.

7 Can I choose to remain anonymous in dealing with Opal and can I use a pseudonym?

Where possible, you will have the option to deal with us on an anonymous basis. However, in many cases this will prevent or limit our ability to provide the services or support you are seeking or deal with you effectively.

In particular, if you are a resident at one of our Care Communities you will be asked to provide Opal with personal information such as your name, address, medical details and your Department of Social Services ID number. You may remain anonymous or use a pseudonym, however where you choose to do so, Government funding may not be available for the services provided to you. In this case, you will be an unfunded resident and a contract will be drawn up with you that will include the full costs for the services provided. You should also be aware that your decision to not provide us with your personal information may:

- (a) adversely impact the quality of care Opal can provide to you, and in some cases, could be dangerous to your health. For example:
 - (i) we may be unable to link other health information we hold about you, or that other healthcare or service providers hold about you, limiting our ability to provide coordinated care; and/or
 - (ii) if you chose not to inform us of medical information that is relevant to your care, we will not be able to provide care based on all of the relevant information; and/or
- (b) prevent or limit your ability to claim Medicare, pension card benefits, DVA or health insurance refunds for your care. You should contact these entities to discuss the availability of refunds in these circumstances.

If you are a healthcare provider providing healthcare services at an Opal Care Community, it is not possible for you to remain anonymous or use a pseudonym.

When using our website or telephoning Opal, you can remain anonymous or use a pseudonym. However, in many cases it will not be possible for us to assist you with your specific needs if you wish to do so.

8 How does Opal protect your personal information?

Protecting your personal information is important to us and we take steps to keep it secure, whether the information is held on databases, electronic or hard copy files. Opal's backup information is held in Australia by a third party service provider, which complies with industry standard security policies.

Although we take all reasonable security measures, we are not responsible for third party circumvention of security measures on electronic databases or at any of our premises.

We require our team members and service providers who handle personal information to comply with privacy laws and will take appropriate action in response to breaches of those laws. All new team members are required to acknowledge this Policy when they accept an offer of employment. Matters of privacy and confidentiality are also addressed in our contractual arrangements with service providers.

In the event of a data breach, we have processes in place to respond to that breach (including to manage required notifications) in compliance with applicable laws.

9 Do we use your personal information for direct marketing?

We will only use your personal information for direct marketing if you consent to us using your information in this way or would reasonably expect us to do so, and you may request us not to do so at any time.

If you have consented to us providing direct marketing to you and you wish to stop receiving such marketing, please contact us (see the contact details in section 15).

10 How does Opal use and disclose personal information?

We use and disclose personal information in accordance with the requirements in APP 6.

This means that we will usually use and disclose information for the primary purpose for which it was collected. For our residents, this will include disclosures that are necessary to provide, administer, assess, review and improve care and residential services.

We may also use and disclose information for certain related secondary purposes (i.e. purposes related to the primary purpose of collection or, in the case of sensitive information, directly related to that primary purpose) where you would reasonably expect Opal to do so as well as secondary purposes permitted by APP6.

For example, Opal may disclose your personal information:

- (a) to third parties involved in your care, such as your general practitioner or other medical or allied health professionals (including pathology, imaging and other service providers where those services are directed by your health professionals or required for your care);
- (b) to team members involved in the provision of your care at the Opal Care Community including clinical and administrative team members (who may not be Opal employees);
- (c) to Medicare, DVA or your private health insurer;
- (d) to pharmacies and service providers involved in the supply and administration of your medications and their management and review;
- (e) to Government, State, regulatory and health departments and agencies such as the Department of Health, Department of Social Services, Centrelink, Guardianship Board and Department of Housing (or their contractors and agents) upon their request, including those agencies collecting Covid-19, influenza and other vaccination information;
- (f) to Government, State, regulatory and health departments and agencies (or their contractor

and agents) for the purpose of quality review and improvement programs including the National Aged Care Quality Indicator program (unless you withdraw your consent to this) customer surveys and services reviews and ratings;

- (g) for certain purposes associated with the management of our services, such as:
 - (i) disclosures in connection with billing/debt-recovery, service- monitoring, funding, complaint handling, incident reporting, developing and planning services, evaluation, quality assurance or audit activities, and accreditation activities;
 - (ii) disclosures for the education and training of our team members (who may not be Opal employees);
 - (iii) disclosures to third parties who assist us in providing, administering, assessing, reviewing or improving care or services to our residents;
 - (iv) disclosures to our contractors who provide services to Opal to enable us to manage our business, for example IT service providers and data storage providers;
 - (v) disclosures to regulatory and law enforcement bodies including if required for investigations and notification of complaints, serious incidents and reportable events;
 - (vi) disclosures to a medical expert for medico-legal opinion, an insurer, an employed practitioner's medical defence organisation or lawyer, for the purpose of addressing liability/indemnity matters, for example following an adverse incident, or for anticipated or existing legal proceedings;
 - (vii) disclosures to other entities within Opal;
- (h) where we reasonably believe that the disclosure is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety, and it is unreasonable or impracticable to obtain your consent;
- (i) to a 'person responsible' for you if:
 - (i) you are physically or legally incapable of giving consent to the disclosure, or physically cannot communicate consent to the disclosure;
 - (ii) we are satisfied that either the disclosure is necessary to provide appropriate care or treatment to you, or the disclosure is made for compassionate reasons;
 - (iii) the disclosure is not contrary to any wish you expressed before you became unable to give or communicate consent, and of which we are aware or could be reasonably expected to be aware of; and
 - (iv) the disclosure is limited to the extent reasonable and necessary for providing appropriate care or fulfilling the compassionate reasons.
- (j) where the disclosure is required, authorised or permitted by or under an Australian law or a court/tribunal order; and
- (k) with your consent (which may be express or implied) or as otherwise authorised by you.

11 How can I access my personal information held by Opal?

You have the right to access the personal information that Opal holds about you. There are some limited exceptions to this.

If you request to access your personal information, we will ask you to verify your identity and specify what information you wish to access. This will help us to identify the relevant information. If you request information on behalf of another person (including a resident or employee) we will ask you for evidence confirming your authority to act for that person. To make a request to access your personal information please contact us by any of the methods set out in Section 15. We will do our best to respond to your request within 30 days. If it is going to take longer than 30 days, we will contact you to let you know.

12 How can I seek correction of personal information held by Opal?

You have the right to request that Opal corrects personal information held by us about you if there is an error or inaccuracy in that information.

To make a request to correct your personal information, please contact us using any of the methods set out in Section 15.

13 How can I complain about Opal's handling of my personal information?

If you have any concerns or complaints about our handling of your personal information, you can contact us using any of the methods set out in Section 15.

Opal has internal processes for investigating and resolving complaints. We will work to resolve privacy concerns with you within a reasonable timeframe.

If you are not satisfied with our response to your privacy-related complaint, you may contact the Office of the Australian Information Commissioner. You can reach them on 1300 363 992 or find them online at <http://www.oaic.gov.au/>.

14 Is Opal likely to disclose personal information to entities outside of Australia?

Opal does not operate overseas and will generally hold all personal information in Australia.

Where Opal uses third party service providers to store personal information, we will require the service provider to store that personal information in Australia, or where that is not possible, we will require the service provider to have appropriate data handling and security arrangements in place.

15 Who to contact

If you wish to contact us for any of the purposes described in the Policy, you can do so by calling, emailing or writing to the General Manager of your Care Community (if you are an Opal resident) and/or by contacting the Opal Privacy Officer on 02 8241 1600, Level 11, 420 George Street Sydney NSW 2000 or privacyenquiries@opalhealthcare.com.au.

16 Application of this Policy

This policy applies to DAC Finance Pty Limited, Principal Healthcare Finance Pty Limited and their respective subsidiaries (which together comprise the Opal Health Care Group). Without limitation, this includes DPG Services Pty Limited (ABN 38 090 007 999).