

Privacy Policy

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1 Purpose and Scope

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

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

We take your privacy seriously. In dealing with personal information, we comply 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 will 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 HealthCare website (www.opalhealthcare.com.au), or you can contact us if you would like a printed copy.

If you provide information to us, either via our website or by other means (whether verbal, written or electronic, 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 HealthCare collect and why?

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

- (a) **Residents of our Care Communities** - If you are a resident of a Care Community run by Opal HealthCare, the information we collect will include your personal information and is also likely to include personal information of others who are involved with your care (such as your nominated representative(s) or contact person(s)). That information will include:
 - (i) your (and your nominated representative(s) or contact person(s)) name;
 - (ii) contact details for you (and your nominated representative(s) or contact person(s)), including address, postcode, telephone and fax numbers, and email addresses;
 - (iii) demographic information about you, including age, date of birth, and gender;
 - (iv) health information about you, including medical history, medications, general

practitioners' and other health professionals' details, diagnostic imaging and reports, pathology results, photographs taken for identification and clinical purposes, diagnoses (including mental health or disability), observations and reported symptoms, and Covid-19 and influenza vaccine status information;

- (v) information pertaining to your guardianship or attorney arrangements;
- (vi) information pertaining to your personal and religious preferences;
- (vii) 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
- (viii) financial information, including information about your assets and income.

We will use and/or disclose the personal information we collect for the primary purpose for which it was collected (which, for our residents, will generally be the provision of care and services) and may also use and/or disclose it for secondary purposes as described in section 11 of this document.

- (b) **Prospective residents of a Opal HealthCare Care Community** - In order to provide you with information and status updates regarding your enquiry, we will collect the following information about you (and if your application is on behalf of someone else, we will also collect the following information for the prospective resident) which we will use to manage your enquiry:
 - (i) name and contact details, including phone number and email address;
 - (ii) prospective resident's name and date of birth;
 - (iii) prospective resident's health information (including ACAT approval details); and
 - (iv) Covid-19 and influenza vaccine status information.
- (c) **Residents and visitors to our Care Communities** - Security cameras may be in operation at Care Community premises, including at entries and exits and car parking areas and in other areas where indicated by signage. The main purpose of this monitoring is to provide a safe environment for our residents, visitors and team members. The digital files are stored in the system for 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.
- (d) **Volunteers** - We collect the following information about you and use it to assess your application to volunteer at one of our Care Communities:
 - (i) your contact details including address, postcode, telephone and fax numbers, email addresses;
 - (ii) demographic information about you, including age, date of birth, and gender;
 - (iii) your qualifications and experience;
 - (iv) police checks;
 - (v) information contained in references obtained from third parties. other information you (or third parties you nominate as referees) provide to us in connection with your application; and
 - (vi) Covid-19 and influenza vaccine status information.

- (e) **Prospective Team members** - We collect the following information and use it to assess your application for employment with Opal HealthCare:
- (i) your contact details including address, postcode, telephone and fax numbers, and email addresses;
 - (ii) demographic information about you, including age, date of birth, and gender;
 - (iii) your qualifications and experience (including any applicable licences and registrations);
 - (iv) prior employment history;
 - (v) other information you (or third parties you nominate as referees) provide to us in connection with your application; and
 - (vi) Covid-19 and influenza vaccine status information.
- (f) **Current Team members** We collect Covid-19 and influenza vaccine status information from our current team members. This information is collected for the purposes of ensuring that our team members comply with any laws, regulations, Government, public health or departmental directives concerning vaccination as well as for the purposes of compliance with any reasonable directions and policies we may put in place to ensure that we can continue to provide safe care for our residents.
- (g) **Suppliers** - If you are entering into a supply or service provider relationship with us, we may collect information about you and your employees, officers and representatives as part of our on-boarding processes. During the term of our relationship, we will also collect information that we consider is necessary to manage the service arrangement or to protect the safety of our residents and team, such as contact names and addresses, police check information (if relevant) and Covid-19 and influenza vaccine status information. We will use this information to comply with, and manage, our contractual and legal requirements.
- (h) **Users of the Opal HealthCare website** (<https://www.opalhealthcare.com.au>) - We may collect personal information from you when you visit our website, register on the website, subscribe to our newsletter, respond to a survey, or fill out a form. The types of personal information we may collect include your name and contact details. Opal HealthCare will use the information you provide to deal with your enquiry or request.

Opal HealthCare may also collect non-personal information during your use of the website, including technical information such as the browser name, the type of computer and technical information about the means you use to connect to our website. Opal HealthCare 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.

- (i) **Other collections** - Opal HealthCare may also collect personal information from you if you complete a survey, questionnaire or when you communicate with us by email, telephone, in writing or in person. We will use the information you provide to deal with 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 HealthCare collect personal information?

We only collect personal information that is reasonably necessary for our functions and activities, to protect the safety of our residents and team, 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 someone acting on your behalf if you are unable to give consent).

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 HealthCare.

6 Who does Opal HealthCare 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) an appointed guardian, attorney or a family member or friend involved in your care;
- (b) a public trustee or public guardian;
- (c) another health service provider;
- (d) past employees and other referees;
- (e) public sources (for example professional registration boards if you are a healthcare provider);
- (f) government agencies (including Medicare or your Pension Card provider and the Department of Veterans' Affairs); and
- (g) other entities in the Opal HealthCare group.

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 due to your condition), 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 HealthCare 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 mean that it will not be possible for us 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 HealthCare 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,

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

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 HealthCare 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 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) mean that you are unable 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 one of our Care Communities, it is not possible for you to remain anonymous or use a pseudonym.

When using our website or telephoning us, 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 HealthCare 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 HealthCare'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 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 any 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.

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 HealthCare 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 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 HealthCare to do so. For example, we 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);
- (b) to team members involved in the provision of your care at one of our Care Communities including clinical and administrative team members (who may not be Opal HealthCare employees);
- (c) to Medicare, DVA or your private health insurer;
- (d) to government departments and agencies such as the Department of Health, Department of Social Services, Centrelink, Guardianship Board and Department of Housing upon their request, including those agencies collecting Covid-19 vaccination information;
- (e) 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 HealthCare employees);
 - (iii) disclosures to third parties who assist us in providing care or services to our residents;
 - (iv) disclosures to our contractors who provide services to Opal HealthCare to enable us to manage our business, for example IT service providers and data storage providers;
 - (v) 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;
 - (vi) disclosures to other entities within Opal HealthCare;
- (f) where we reasonably believe that the disclosure is necessary to lessen or prevent a serious threat to the life, health or safety or any individual, or to public health or safety, and it is unreasonable or impracticable to obtain your consent;
- (g) 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.

- (h) where the disclosure is required or authorised by or under an Australian law or a court/tribunal order; and
- (i) 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 HealthCare?

You have the right to access the personal information that we hold 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. 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 HealthCare?

You have the right to request that Opal HealthCare 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 HealthCare'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 HealthCare 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 HealthCare likely to disclose personal information to entities outside of Australia?

We do not operate overseas and will generally hold all personal information in Australia.

Where Opal HealthCare 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 ensure that appropriate data handling and security arrangements are 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 a resident) and/or by contacting the Opal HealthCare Privacy Officer on 02 8241 1600, Level 11, 420 George Street Sydney NSW 2000 or privacynquiries@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 HealthCare Group). Without limitation, this includes DPG Services Pty Limited (ABN 38 090 007 999).