



Australian Government
Professional Services Review

Professional Services Review

Privacy Policy

April 2023

Privacy Policy

1. Introduction

- 1.1. As an Australian Government agency, Professional Services Review (PSR) is required to have a privacy policy by the *Privacy Act 1988* (Australian Privacy Law).
- 1.2. Having a privacy policy is part of how PSR ensures that we manage information about individuals in an open and transparent way. We take our privacy obligations and your privacy rights seriously.

2. Who are we?

- 2.1. PSR is a small agency within the Commonwealth Health portfolio.
- 2.2. We review cases of possible inappropriate practice relating to the Medicare Benefits Schedule (MBS), the Child Dental Benefits Scheme (CDBS) and the Pharmaceutical Benefit Scheme (PBS). That's all we do.
- 2.3. We are required to do this by the *Health Insurance Act 1973* (HIA). The HIA requires us to do this to protect the integrity of these health programs, and in so doing also protect patients and the community from the risks of inappropriate practice.
- 2.4. Further information about PSR can be found on PSR's website.

3. What is a privacy policy?

- 3.1. Our privacy policy sets out important information about how we handle personal information and how to exercise your rights about your personal information.
- 3.2. Personal information is information or an opinion about an individual, where that person can be reasonably identified. It doesn't matter whether that information or opinion is true or not.
- 3.3. This privacy policy sets out how PSR handles personal information including:
 - the kinds of personal information we collect and hold
 - how we collect and hold personal information
 - the purposes for which we collect, hold, use and disclose personal information
 - how you may access and correct personal information that PSR holds about you



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- how you can make a complaint about a breach of our privacy obligations
- when information about you might go overseas, and in what circumstances.

4. What PSR collects and how

- 4.1. We collect information that is relevant to conducting reviews under Part VAA of the HIA, and running the PSR agency.

REVIEWS BY THE DIRECTOR

- 4.2. Our reviews are governed by a framework set out in the HIA. Information about the kinds of steps that may be taken during a review can be found in our [guide to the PSR process](#).
- 4.3. A review starts when Medicare writes to the Director of PSR and asks them to review the conduct of a healthcare provider or a healthcare business (the person under review, or PUR).
- 4.4. Medicare encloses information about the PUR which explains why the review has been requested. This information usually includes statistics about how the PUR or their staff have used the MBS, PBS or CDBS, and correspondence that Medicare has had with the PUR in the lead up to Medicare writing to the Director.
- 4.5. The Director then chooses whether and how to conduct an investigation. If the Director conducts an investigation this may include:
- the Director asking Medicare to provide information about services provided by the PUR, which includes information about the person to whom the service was provided
 - the Director requiring the production of medical records for some of the patients identified by Medicare from the person or business who holds them, so that the provider's conduct can be examined. This happens under a legal notice
 - the Director meeting with and inviting submissions from the PUR.
- 4.6. In addition to identifying patients seen by the PUR and the PUR, medical records may also identify members of the patient's family or social group, and other healthcare providers.
- 4.7. During a review, a PUR is often assisted by a lawyer, their insurer, or a support person. We collect the information about the involvement of these individuals in the review that we receive in correspondence and discussions with them.



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- 4.8. We may also collect information from the public domain, particularly the internet, as part of collecting and checking information relevant to a review. This includes professional registration and contact details.

REVIEWS BY A COMMITTEE

- 4.9. Sometimes, the Director will refer the conduct of the PUR to a PSR Committee for investigation. If this happens, the PSR Committee usually collects the same kind of information as the Director and uses legal notices to do this.
- 4.10. PSR Committees also conduct hearings, which involve discussion about the conduct of the PUR when providing services to identified patients. Those discussions are recorded in a transcript.
- 4.11. When a Committee concludes its review, it prepares a draft and final report. If the final report contains findings of inappropriate practice it is provided to the Director and the Determining Authority. The Determining Authority decides what action to take if the Committee finds that the PUR has engaged in inappropriate practice, taking into account submissions from the PUR and any relevant information from the Director. The Determining Authority's decision is then provided to Medicare.

RUNNING AN AGENCY

- 4.12. As part of managing our day to day operations, we collect information from our staff, contractors, consultants and statutory appointees (together, our people), as part of voluntary selection processes and our ongoing work relationship with them. This includes information like their contact, banking and superannuation information, and more sensitive information such as their tax file number, criminal record, disabilities and membership of unions and professional associations.
- 4.13. We may also collect information about our people from others where it is relevant to our working relationship. This could include things like references for new applicants to join us, or a report from a medical professional as part of managing a disability or a workplace injury.
- 4.14. We also collect personal information from organisations that provide us goods and services as part of dealing with their people in buying or using the goods and services.
- 4.15. We also maintain a website. When you visit the PSR website, we use Google Analytics to collect or view website traffic information. Google Analytics has its own privacy policy. Information collected when you visit the PSR website may include the IP address of the device you are using and information about sites that IP address has come from. PSR uses this information to maintain and improve our



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website. In relation to Google Analytics, you can opt out of the collection of this information using the Google Analytics opt-out browser add-on.

5. How we use and disclose personal information

REVIEWS

- 5.1. PSR is subject to secrecy provisions in the HIA. This means we are restricted in what we can do with personal information we collect during a review. As a result, we keep your personal information confidential to PSR for the purpose of making review decisions unless we are required or authorised by law to share it.
- 5.2. There are limited circumstances where we can share personal information with people who are not part of the review process. These include:
 - when we give evidence or make submissions in court proceedings. This can happen, for example, if a PUR challenges a decision made as part of a review. If this happens, PSR asks the Court for confidentiality orders to protect sensitive information
 - if a healthcare provider is referred to a professional body, like the Australian Health Practitioner Regulatory Authority, because of concerns about a significant threat to life or health, or failure to meet professional standards
 - when we provide information to an enforcement body (like the police or Medicare investigators) because it looks like a crime or a breach of a civil penalty provision has occurred
 - if the review has been finalised by an agreement or a final determination under the HIA. In some circumstances, the Director publishes personal information about the PUR on their website. The Director has a policy about this which is available [here](#).
- 5.3. When we are using personal information as part of conducting a review, we use the services of contractors and consultants. They are bound by the same secrecy obligations as PSR staff. PSR also uses software and infrastructure that are maintained by other organisations to store and transmit information.

RUNNING AN AGENCY

- 5.4. We use and disclose information about our people, and people applying to join us. We do this as part of recruitment, paying wages and entitlements, booking travel, providing a safe workplace and otherwise managing our relationship with our people.



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- 5.5. We also use and disclose personal information as part of purchasing and consuming goods and services used by the agency.
- 5.6. PSR may use and disclose this kind of personal information for other purposes, including where it is required or authorised by an Australian law, for the investigation of a crime or serious misconduct, and to prevent or lessen a serious threat to life or health.

6. How we hold information

- 6.1. Personal information may be held by us or by people or organisations (including contracted service providers) acting on our behalf.

STORAGE BY PSR

- 6.2. PSR has controls in place to protect the information we collect from loss, unauthorised access or disclosure and from any other misuse. Our controls include:
- access to personal information collected is restricted to authorised persons
 - our internal network and databases are protected using firewall, intrusion detection and other technologies, and can only be accessed by authorised users
 - paper files containing personal and sensitive information are protected in accordance with Australian Government security policy
 - PSR's premises are under 24-hour surveillance and access is via security pass only, with all access and attempted access logged electronically
 - PSR conducts system audits and staff training to ensure adherence to our established protective and IT security practices
 - separation of PBS and MBS information.
- 6.3. PSR stores and disposes of personal information in accordance with the *Archives Act 1983*. PSR's disposal schedule under this legislation means that it destroys patient information it has gathered as part of a review as soon as practicable after the review is finalised.



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STORAGE BY OTHERS FOR PSR

- 6.4. When PSR engages others to help us with storing personal information, our contracts with them require them to maintain an equivalent level of security for the data, to the standard PSR applies with its own storage.
- 6.5. Personal information we collect may be stored electronically for us by other organisations (that is, stored in the cloud). We do this as part of using software or platforms provided by others. When we do this, we require that the personal information we store is kept separate, is kept secure, and is kept in Australia. This means we look at things like whether the storage arrangements have been certified under the Information Security Registered Assessor Program (IRAP).
- 6.6. Our storage of personal information in the cloud might be short term, such as when we receive documents through the Kiteworks document sharing platform, or longer term when we archive our emails.

OVERSEAS INFORMATION FLOWS

- 6.7. Some cloud products we use capture information about how our people use the product, and then use that information for things like product development and marketing overseas. None of the personal information we store in the cloud goes overseas.
- 6.8. If a PUR is overseas during a review, then we may correspond with them about their review at the physical or electronic address they choose.

7. How we maintain our privacy standards

- 7.1. PSR is required to conduct a privacy impact assessment (PIA) for all high risk privacy projects. This includes projects that involves new or changed ways of handling personal information that are likely to have a significant impact on the privacy of individuals.
- 7.2. A PIA is an assessment of a project that identifies the impact that the project might have on the privacy of individuals and sets out recommendations for managing, minimising or eliminating that impact. We publish a register of completed PIAs on our website.
- 7.3. Please contact PSR's privacy officer if you want to:
 - obtain access to your personal information
 - request a correction to your personal information



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- update your personal information
- make a complaint about a breach of your privacy
- query how your personal information is collected, used or disclosed
- make a suggestion or comment in relation to our privacy policy
- ask questions about our privacy policy.

7.4. PSR's privacy officer can be contacted by telephone on (02) 6120 9100 or by email at enquiries@psr.gov.au.

8. How to seek access to and correction of personal information

ACCESS TO YOUR PERSONAL INFORMATION UNDER THE AUSTRALIAN PRIVACY LAW

- 8.1. PSR takes steps to ensure that the personal information we collect is fit for purpose. Because our reviews look at what happened in the past, we may need to look at personal information which is old, or not up-to-date.
- 8.2. Where current information is important to our dealings with you – such as if we are sending you correspondence or making payments to you – we take steps to maintain and update personal information when you advise us that your personal information has changed and at other times as necessary.
- 8.3. Under the Australian Privacy Law an individual has a right to ask for access to personal information that PSR holds and ask that we correct that personal information. You can ask for access or correction by contacting us using the contact details set out at paragraph 7.4 of this privacy policy. PSR must respond to your request within 30 days. If you ask, we must give you access to your personal information, and take responsible steps to correct it if we consider it is incorrect, unless there is a law that allows or requires us not to. Secrecy provisions in the HIA may affect your ability to access and correct information.

9. Updating your personal information

- 9.1. If you are dealing with us about a current review it is important to tell us if circumstances change to ensure that the information we hold, use or disclose about you is accurate, up-to-date and complete. You can contact us to update



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your personal information using the contact details set out at the end of this privacy policy.

ACCESS TO YOUR PERSONAL INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 1982 (FOI ACT)

- 9.2. Alternatively, you may make a request for access to documents containing your personal information under the FOI Act, by emailing PSR at foi@psr.gov.au. Under the FOI Act, PSR can refuse access or only give access to certain information (for example, where your personal information is contained within a document that is commercially sensitive, or has the intertwined personal information of multiple people).
- 9.3. If PSR denies an FOI request, in whole or in part, PSR will set out its reasons in writing.
- 9.4. PSR will try to make personal information available within 30 days after receiving an individual's request. There is no charge for PSR providing the individual's personal information under a request or under the FOI Act. However, some charges may apply to requests under the FOI Act that extend to additional documents.
- 9.5. Further information about making FOI requests (including when fees and charges may apply) is available on PSR's FOI web page or by telephoning (02) 6120 9100.

10. How to make a complaint

COMPLAINTS TO PSR

- 10.1. If you believe PSR has breached your privacy rights, you can contact PSR using the contact details set out at paragraph 7.4 of this APP Privacy Policy. PSR will treat the complaint seriously and is committed to providing a fair and timely response. Please allow an adequate opportunity for the complaint to be dealt with by PSR, generally giving 30 days for a response.
- 10.2. Upon receipt of your complaint, we will:
 - gather the facts relevant to the complaint
 - investigate the issues raised and consider how your request regarding outcomes can be met
 - communicate our response to you in person and in writing, and invite you to reply to our response



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- identify any systemic issues raised and possible responses
 - record your complaint and outcome.
- 10.3. These steps will be taken according to the Office of the Australian Information Commissioner (OAIC) [checklist for addressing privacy complaints](#).

COMPLAINTS TO THE OAIC

- 10.4. If you are not satisfied with our response to your complaint you may make a complaint to the OAIC. Where appropriate the OAIC can make preliminary enquiries into the matter, investigate and/or attempt to resolve the complaint by conciliation.
- 10.5. The [Commissioner's privacy complaint handling process](#) provides more information about what the Commissioner will do if you make a complaint to the OAIC.
- 10.6. The Australian Information Commissioner's details are:

Telephone: 1300 363 992
Email: enquiries@oaic.gov.au
Post: Australian Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5288
Sydney NSW 2001

11. Document Review

The *Privacy Policy* was reviewed and endorsed by the Executive Management Team on 1 May 2023.

This Policy will be reviewed annually from the date of endorsement. In addition, the policy will be reviewed after events that might affect the contents, such as legislative or major administrative changes.

Date of effect: 1 May 2023

Date of next review: May 2025





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