

Workers Care Program

Privacy principles

How we collect, store, use, and disclose your personal health information

Workers Care respects your privacy and treats the management of your personal and health information very seriously.

We manage your personal and health information in accordance with the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002.

We are also governed by:

- The Workers Compensation Act 1987 and
- The Workplace Injury Management and Workers' Compensation Act 1998

These acts contain specific rules about how we can use your personal and health information while managing your participation in Workers Care.

We apply these legal obligations when collecting, storing, using, and disclosing your personal and health information while managing your participation in Workers Care.

The following principles apply to your personal and health information in any form, including electronic or paper records, audio records, or x-rays.

1. Why we collect information about you

We collect personal and health information only if it is lawful to do so and where it is reasonably necessary for our purpose. We only collect information that it is necessary for us to complete our functions under s60, s60AA, s64B and s64C of the Workers Compensation Act 1987.

We collect your information to decide whether you are eligible to be in Workers Care and to manage your ongoing treatment and care needs. The information we collect also helps us manage your participation in Workers Care.

2. What kind of information we may collect

We only collect personal and health information that is relevant to your participation in Workers Care. This information may include:

- information about your accident and the injuries you sustained
- your progress with rehabilitation
- other information about your health including your medical history
- your treatment and care needs, including your community support and current living arrangements

It may include reports from medical, health and workplace rehabilitation providers, and others. We may also ask

for your bank account details for any reimbursement to you.

3. How we use and disclose your information

We will use and disclose your personal and health information for the purpose for which it was collected or a directly related purpose. Additionally, from time to time, we might use your information for developing customer improvement programs.

We might also disclose your personal or health information for research or compilation of statistics where it is reasonably necessary and in the public interest. In those circumstances, we will ensure that the information is de-identified and reasonably necessary for those purposes or that the information is otherwise provided in accordance with Human Research Ethics Committee requirements.

4. Who we might obtain your personal and health information from or give it to

Your personal and health information may be collected in many ways, including in writing, verbally, via online portals, applications, or other forms of written record.

We may need to give documents and/or information about you to others, or get documents and/or information from others. The people and institutions we may do this with include:

- a relative, friend, guardian, or other legal representative
- your current, former, or prospective employer, or current or former work colleague, or any other persons who can provide information regarding your employment arrangements
- an insurer carrying on the business of providing Workers' Compensation, CTP Insurance, or personal injury insurance
- a social or community worker
- a medical or health care practitioner or service provider, including hospitals (including private)
- ambulance and/or other emergency services
- a person who is qualified to assess the treatment, care, and support needs of a person
- Personal Injury Commission (if a dispute arises)
- any person to whom disclosure is ordered by a tribunal or court
- Commonwealth or State government departments or agencies involved in your case, including Centrelink, Medicare, NSW Family and Community Services, NSW State Insurance Regulatory Authority (SIRA), the Lifetime Care and Support Authority, or an educational institution (e.g. TAFE)
- If you live or travel overseas, any private or government entity necessary to deliver treatment and care services to you or otherwise manage your participation in the scheme
- any other person to whom icare is required to disclose the information by law
- third party contractors engaged by icare to deliver any aspect of the management of the Workers Compensation scheme including a quality auditor engaged by contract to review management of the scheme
- any legal practitioner engaged in representing a party making a claim for compensation or damages (including personal injury, Workers Compensation, or CTP)

We may also obtain information about you from publicly available sources of information.

5. Transferring your information outside New South Wales

Sometimes we may need to transfer your information to other States and Territories, as well as to the Commonwealth. This may be to determine if you are eligible for Workers Care, to provide treatment and care services, or as part of the Commonwealth-State reporting obligations.

If you live in a different state or overseas, we will need to do this most of the time. If we need to transfer your personal or health information outside of NSW, we will ensure that we have lawful authority to do so, or otherwise request your consent.

6. Keeping your information relevant and up to date

We take reasonable steps to ensure that your personal and health information is relevant, up to date and complete. We may ask you to verify information we hold about you and to ensure it is accurate. Every so often, we will ask you to renew your consent to us for collecting, using, storing, and disclosing your personal and health information.

7. We keep your information secure

We protect your information from unauthorised access, use, misuse, modification, disclosure, and loss. Your information is stored securely, not kept any longer than necessary, and disposed of in accordance with our record keeping obligations.

8. You can access and correct your information

If you ask us, we will tell you what personal and health information about you we have, and give you access to it, unless denying access is authorised by another law. We will allow you to update, correct or amend your personal or health information in certain circumstances, for instance if it is inaccurate.

9. If you act for someone as an authorised representative

You may be able to give consent to collect, use, and disclose information acting for someone as an authorised representative. An authorised representative means:

- If a worker has impaired decision-making capacity or a disability an authorised representative is someone acting for a worker as a person responsible within the meaning of section 33A (4) of the Guardianship Act 1987, being a guardian, a spouse or partner, a carer, or a close friend or relative (as defined in the Guardianship Act 1987)
- An attorney for the worker under an enduring power of attorney
- A person who is otherwise empowered under law to exercise any functions as an agent of or in the best interest of the worker

10. If there is a dispute about how we are managing your personal or health information

If you believe we are not managing your personal or health information in accordance with these principles, then you have rights to ask us to review our conduct.

For more information

For further information about how icare, including Workers Care, meets its privacy obligations please visit the privacy pages on our website at www.icare.nsw.gov.au Go to > privacy > your privacy.

If you have any questions about privacy, confidentiality, or access to information please contact Workers Care, from 9:00am to 5:00pm, Monday to Friday.



Workers Care Program

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