



# Victorian Healthcare Experience Survey Program

## Privacy and Consent – Frequently Asked Questions

### What is the Victorian Healthcare Experience Survey Program?

The Victorian Healthcare Experience Survey (VHES) Program collects, analyses and reports feedback from recent users of Victorian public health, community health, mental health and palliative care services (hereafter referred to as health services) about their experience of care. It is used by health services, the Victorian Department of Health (DH) and Ambulance Victoria to identify ways they can improve. The survey is managed by the Victorian Agency for Health Information (VAHI), a division of DH, and conducted by Ipsos Australia, an independent research company engaged under a contract with DH. The contract requires Ipsos and any subcontractors to comply with the Health Privacy Principles and Information Privacy Principles and to ensure the survey is conducted in accordance with applicable privacy laws.

The VHES Program primarily distributes surveys via an electronic data collection model however some surveys are still distributed via a paper-based model. Under the new VHES agreement, those surveys that are still paper based will be reviewed with an intention to transition them to an electronic model in 2022-23.

The VHES Program collects feedback via two different ways;

- out-of-service model whereby consumers and/or carers are invited to participate either via email, SMS and/or a paper-based invitation with information on how to complete the survey electronically. Please note some out-of-service surveys still retain a paper-based survey instrument.
- in-situ model whereby consumers and/or carers are invited to participate and complete a survey whilst accessing the health service. This can include access to a QR code and/or electronic link to complete the survey, or distribution of a hard copy paper-based survey.

Out-of-service Surveys	
Adult Inpatient	Maternity
Adult Emergency	Ambulance Emergency
Paediatric Inpatient	Ambulance Planned
Paediatric Emergency	Adult Specialist Clinics
Palliative Care Bereaved Carers	Paediatric Specialist Clinics
Palliative Care Community (Client and Carer)	Mental Health Carer Experience of Service (CES)
Community Health	HAAC PYP

In-situ Surveys	
Palliative Care In-Hospital (Client and Carer)	Mental Health Your Experience of Service (YES)

## Has DH completed a Privacy Impact Assessment for the VHES Program?

A privacy impact assessment (PIA) is a detailed analysis of the proposed flows of personal information, and potential privacy risks and impacts of a project. The purpose of conducting a PIA is to add value to projects that involve the handling of personal information by identifying and eliminating or minimising privacy risks, and ensuring compliance with legal obligations including:

- the Information Privacy Principles (IPPs) as contained in the *Privacy and Data Protection Act 2014* (Vic) (the PDP Act); and
- the Health Privacy Principles (HPPs) as contained in the *Health Records Act 2001* (Vic) (the Health Records Act).

DH has conducted a PIA for the VHES Program.

Key privacy considerations identified in the VHES PIA are:

- ensuring collection statements and notices accurately describe all collections, uses and disclosures of information for the purpose of the VHES and other surveys, so survey respondents understand why their information is being collected and how it will be handled and used;
- ensuring data are only collected where this is necessary for the VHES Program, that data will be kept secure, that wherever possible non-identifying data will be sought, and that data will be protected from being re-identified;
- use of Ispos and other third party providers it may engage in administering the surveys are subject to contracts that require them to comply with the IPPs and HPPs in dealing with data, and in particular:
  - limiting uses and disclosures to those permitted by law;

- (ii) ensuring reasonable steps are taken to ensure the accuracy, completeness and security of data;
- (iii) notification of data breaches; and
- (iv) ensuring policies and procedures are implemented to enable individuals to seek access to, and correction of, their personal information.

The PIA is regularly reviewed and updated to ensure changes to the methodology and information flow between health services, DH and Ipsos Australia continues to comply with the requirements of privacy and other laws.

## What patient information does Ipsos receive to administer the survey?

For out-of-service survey categories, health services may provide Ipsos with limited patient information to enable sampling, distribution and collection of the surveys, including assigning the correct survey to the respondent. Types of patient information that may be provided include name, contact details (mobile, email, address), date of birth, care category, dates of admission and discharge, indigenous status and spoken language.

For in-situ survey categories, Ipsos does not receive any patient information from health services, aside from service volumes. This enables Ipsos to print the appropriate survey quantities for health services to distribute locally.

## How is the disclosure of patient information authorised for the purpose of the VHES Program?

The disclosure of limited information (being health information) about a patient by a health service to Ipsos (as contractor to DH) for the purpose of survey administration is authorised under law, including under the *Health Records Act 2001 (Vic)*. This authorisation is provided either on the basis that:

- the disclosure is for the secondary purpose of obtaining patient feedback to improve services (through the sending of a survey), and the patient would reasonably expect the disclosure to occur for that secondary purpose (Health Privacy Principle (HPP) 2.2(a)); or
- the disclosure is for the purposes of:
  - monitoring, improving or evaluating the health service (through the sending of a survey); and
  - that purpose cannot be served by the disclosure of information that does not identify the individual and it is impracticable for consent to be sought (on the basis that it would be practically difficult and administratively

- onerous to obtain consent from all patients to use their information to distribute the survey to them); and
- o any identifying information collected will not be published in a generally available publication. (HPP 2.2(f)).

## Are health services in breach of legislation if they disclose patient information for Ipsos to administer the survey?

As noted above, DH takes the view that health services would be authorised by the Health Records Act to disclose patient information to Ipsos for the purpose of administering the survey. The authorisation under HPP 2.2(a) would be even more clearly and certainly available where the Health Service/Ambulance Victoria has given patients a collection notice that mentions it may use and disclose their information to the Department for the purpose of administering a survey.

Even in the absence of such a notice, it can be reasonably argued that patients would expect that a health service provider would use (and may disclose) limited health information for quality and safety improvement activities.

In any event, as discussed above, the DH takes the view the disclosure would also be authorised under HPP 2.2(f).

The confidentiality provisions in the Health Services Act 1988 (Vic) (specifically section 141(2) which prohibits disclosure of confidential information identifying a patient), permit disclosures where the information is disclosed pursuant to HPP 2.2(a) and 2.2(f), i.e. the authorisations for disclosure identified above.

*Consent is not relied upon to authorise the disclosure of the patient's information to Ipsos to conduct the survey, and for the reasons discussed above the DH takes the view that consent is not required for this purpose.*

To help ensure that patients reasonably expect the use and disclosure of their personal information for the purpose of administering a VHES survey, health services may consider including a brief privacy statement on patient admission forms. An example of a suitable privacy statement may look like:

*We may disclose your personal details to the Victorian Department of Health or its authorised contractors, in order for them to send you a survey about your experience with us. There is a detailed description of the survey at:*

<https://vahi.vic.gov.au/ourwork/datasets/patient-experience-and-outcomes-data>

## How is the disclosure of carer information for the purpose of the VHES protected under law?

DH takes the view that personally identifying information about carers collected by a health service in the course of providing care to a patient is 'health information'. This is because the information was collected by the service to provide, or in the course of providing a health service.

*On that basis, health services would be authorised to disclose carer information for the purposes of the VHES Program on the same basis as they are authorised to disclose patient information.*

## What happens to patient and carer information after it is provided to Ipsos?

Ipsos and its service providers store and handle patient and carer data securely in Australia, in accordance with the security requirements imposed by Ipsos's contract with DH. This means the data is protected to the same standard as data classified as 'Protected' by DH, in accordance with ISO 27001, and applicable Victorian privacy laws (including data security standards).

Ipsos retains health information for patients and carers that have been sampled in the program for six months. After this period, the records are irrevocably deleted by Ipsos. The six-month retention period for sampled participants is to ensure that consumers and carers are not approached more than twice in a year to complete a survey, even if they have numerous episodes of care during this time.

Health information for patients and carers who have not been sampled within a data collection cycle will be deleted by Ipsos at the conclusion of the quarterly cycle.

## Who can I ask for further information?

If you have any further queries about the VHES program or consumer and carer privacy, please contact the Consumer Experience team at VAHI, via [vhes@vahi.vic.gov.au](mailto:vhes@vahi.vic.gov.au).

