



## QCC Privacy Consent for Clinical Photographs and Media

### Privacy Act and Sensitive Information

Under Australian law, the handling of personal information by private health service providers is regulated by the *Privacy Act 1988* (Cth) and the associated Australian Privacy Principles (called the APPs). Clinical photographs and other media of a patient are classified as 'sensitive information' under the Act. This category of information is afforded a higher level of protection than general personal information due to its confidential nature.

The APPs mandate that sensitive information can only be collected with the individual's consent. A critical component of this requirement is that the consent must be informed. This means the individual must have a clear understanding of why their information is being collected, how it will be used and stored, and to whom it might be disclosed. Simply having a patient or parent email a photograph without this framework in place does not meet the threshold for informed consent and exposes the practice to privacy risks.

### How the Consent Form Operates

The consent form we have provided is an important tool for ensuring your compliance with these legal obligations. It is designed to work in conjunction with your existing Privacy Policy to create a framework for handling parent-submitted media.

#### *Achieving Informed Consent*

The primary function of the document is to provide parents with the necessary information to give informed consent. It explicitly details the clinical purposes for which the media will be used (e.g., diagnosis, monitoring, referral), how it will be securely stored within the patient's electronic health record, and the strict confidentiality measures in place all of which creates transparency and meets QCC's legal duties.

#### *Documenting Consent*

By having a parent or guardian sign the form, QCC creates a clear and defensible record that consent was obtained. This documentation is essential for demonstrating compliance in the event of an audit or complaint to the Office of the Australian Information Commissioner (**OAIC**). In addition, the form establishes clear expectations for both the parents and the clinic. It confirms that the media will be used exclusively for clinical purposes and will not be disclosed to third parties (like other specialists) without further consent, except where required by law.

Your consent form should be integrated into your patient onboarding process. It can be provided to parents as part of the new patient package or at the first instance that the topic of submitting a photograph is raised. This ensures that consent is secured before or at the time of collection.