

Portfolio	Office of the President and the CEO	Ref. No.	POL-1004
Department	Governance Support		
Title	Privacy (Conduct Matters)		

1. PURPOSE AND SCOPE

The Royal Australasian College of Surgeons (RACS) details its general practices in relation to the handling of personal information in its Privacy of Personal Information Policy.

RACS is committed to dealing with discrimination, bullying and sexual harassment (DBSH) as part of its *Building Respect, Improving Patient Safety* action plan. In conjunction with this action plan, RACS has developed a Code of Conduct for its Fellows, Trainees and Specialist International Medical Graduates (SIMGs) as well as processes for assessing allegations of a breach of the Code of Conduct.

In order to pursue the action plan, RACS has entered into arrangements with Departments of Health, hospitals and other health and education institutions in relation to Conduct Matters. Under those arrangements it is agreed that parties will share information particularly in relation to DBSH.

It is also intended that mechanisms for the sharing of information with RACS about surgical practice-related complaints at training posts in explicit agreements between workplaces and RACS be developed.

This policy outlines the personal information handling processes of RACS in these circumstances.

2. KEY WORDS AND DEFINITIONS

2.1. Key words

Privacy, personal information, consent, discrimination, bullying, sexual harassment.

2.2. Definitions

2.2.1. “Conduct Matter” includes:

- a) a complaint or allegation of a breach of the RACS Code of Conduct; and
- b) a complaint or allegation of discrimination, bullying or sexual harassment against a Fellow, Trainee or SIMG;
- c) a notification to the Medical Board of Australia/AHPRA or Aotearoa New Zealand equivalent

whether such complaint is made to RACS or a health institution.

2.2.2. “Fellow” means a Fellow of the Royal Australasian College of Surgeons.

2.2.3. “Health Institution” includes any hospital, Department of Health, university or other health institution at which a Fellow, Trainee or SIMG is employed or engaged including any government, government department or agency.

2.2.4. “SIMG” means a specialist international medical graduate assessed by or under the oversight of RACS.

2.2.5. “DBSH” means discrimination, bullying and sexual harassment as those terms are defined in relevant RACS policies.

2.2.6. “RACS courses” means courses which Fellows, Trainees or SIMGs are mandated to complete in connection with their Continuing Professional Development (CPD), training or roles undertaken on behalf of RACS.

2.2.7. “Trainee” means a participant in the RACS surgical training program.

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3. COLLECTION, USE AND DISCLOSURE

This policy operates in conjunction with and as an addition to the existing Privacy of Personal Information Policy.

3.1. Collection

RACS may collect Personal Information in relation to Conduct Matters. In particular, RACS will collect information in the course of performing its *Building Respect, Improving Patient Safety* related functions and activities including operating a complaints resolution process and investigating Conduct Matters of Fellows, Trainees and SIMGs.

Generally, Personal Information in relation to Conduct Matters will be collected from an individual directly or from an individual or organisation bringing a Conduct Matter to RACS' attention which concerns another individual.

RACS may also collect Personal Information from third parties in relation to Conduct Matters. RACS will enter into agreements with Health Institutions to share information in relation to Conduct Matters.

The types of Personal Information collected pursuant to this policy include, but are not limited to, a person's name, address, phone number, email address, place of work, qualifications and completion of RACS courses. Additional Personal Information may also be collected as may be relevant to the particular Conduct Matter.

3.2. Use

RACS will endeavour to only collect Personal Information, relevant to this policy, which is necessary to conduct its functions and activities in relation to Conduct Matters. Functions and activities of RACS in relation to Conduct Matters include, but are not limited to:

- a) To monitor, deal with, report and investigate Conduct Matters;
- b) To facilitate workplaces and training environments which are free from DBSH;
- c) To operate a complaints resolution process;
- d) To monitor, adapt and improve the efficacy of the *Building Respect, Improving Patient Safety* action plan; and
- e) To conduct research, reviews or quality assurance activities in relation to any of the above activities.

Notwithstanding the above, RACS may collect and use Personal Information for the purposes described in the Privacy of Personal Information Policy or for any other purpose which is reasonably related to the functions and activities of RACS.

3.3. Disclosure

- a) Health Institutions, whether or not RACS has entered into an arrangement with the Health Institution;
- b) surgical specialty societies, including Specialty Training Boards and associations;
- c) Government, government departments and agencies; and
- d) Any other body as required by law.

RACS may also disclose Personal Information in relation to completion of RACS courses where requested by Health Institutions.

RACS will endeavour, to the extent that it is able, to ensure that where Personal Information is disclosed, it is not unnecessarily distributed to persons in Health Institutions who do not otherwise have an interest in having the information.

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3.4. Storage and Security

RACS will store all Personal Information in accordance with the Privacy of Personal Information Policy.

4. CONSENT AND AUTHORISATION FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

- 4.1. Every member of RACS including Fellows, Trainees and SIMGs are expected to abide by the RACS Code of Conduct and work towards reducing the incidents of DBSH in surgery as per the *Building Respect, Improving Patient Safety* action plan.
- 4.2. To achieve this aim, each Fellow, Trainee, and SIMG, by virtue of this policy and by virtue of applying for and accepting their respective roles and positions, is taken to consent to and authorise the collection, use and disclosure of personal information to or by RACS, in relation to Conduct Matters, in accordance with this policy.

5. WITHHOLD OR WITHDRAW CONSENT

- 5.1. A person may withhold or withdraw the consent set out in Clause 4 by written notice to RACS and their employer (addressed to the Privacy Officer). This will only apply to information collected by RACS after the date of receipt of such notice, and otherwise the provisions of this Policy will apply.

Nothing in this provision prevents RACS using any information in relation to a Fellow, Trainee or SIMG for or under any RACS process or activity, nor prevents the disclosure of information where reporting under any regulatory process may apply or be appropriate, including mandatory reporting.

- 5.2. Additional rights a person may have in relation to their Personal Information held by RACS are set out in the Privacy of Personal Information Policy.
- 5.3. As it is a condition of Fellowship, of entering the training program and of being an SIMG affiliated with RACS, a person who withholds or withdraws consent under this Clause 5 may have their position and/or any rights, entitlements or privileges arising from that position reviewed, curtailed or withdrawn as a consequence, on such basis and in such manner as RACS may, acting reasonably, determine.

6. ASSOCIATED DOCUMENTS

Privacy of Personal Information Policy

Approver and Authoriser: Council

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