



1. TITLE: PROCEDURE FOR PATIENTS MAKING COMPLAINTS UNDER THE HEALTH INFORMATION PRIVACY CODE 1994

- 1.1 Policy reference: Privacy Policy (CO-O-05A)
1.2 Category: Academic – Education
1.3 Approval date: September 2020
1.4 Approved by: Head of learning
1.5 Effective date: September 2020
1.6 Review/revision date: September 2023
1.7 Unit responsible: Learning team

2. Purpose

The Royal New Zealand College of General Practitioners (the College) is committed to its obligations under the Health Information Privacy Code. This Procedure sets out how individuals who believe that the College is in breach of the Code may lodge a complaint and how the College will respond in turn.

3. Background

3.1 Definitions

You

The complainant, or person making the complaint.

The Code

The Health Information Privacy Code 1994. This code sets specific rules for agencies in the health sector, including the College. It covers how health information may be collected, used, held and disclosed by health agencies.

Health information

Information about the health of an identifiable individual, including their medical history; information about any disabilities that individual has, or has had; information about any health services or disability services that are being provided, or have been provided, to that individual; information provided by that individual in connection with the donation, by that individual, of any body part or any bodily substance of that individual or derived from the testing or examination of any body part, or any bodily substance of that individual; or information about that individual which is collected before or in the course of, and incidental to, the provision of any health service or disability service to that individual.

Complaint

A complaint is generally a situation where a patient seeks some form of redress or a change to a current situation directly related to the College. The impact and effect on the patient has been significant and requires a formal process of resolution.

3.2 In scope

3.2.1 This procedure applies to all individuals who have health information (as defined 3.1 above) that is stored, held or controlled by the College by virtue of the Code.

3.3 Out of scope

3.3.1 This procedure does not apply to individuals who do not have health information that is stored, held or controlled by the College.

4. Procedure

4.1 In line with section 7(1) of the Code, the head of learning (or delegate) is designated as responsible for dealing with complaints alleging a breach of the Code and with facilitating the fair, simple, speedy and efficient resolution of complaints.

4.2 Head of learning (or delegate) may request input or assistance from the College's privacy officer at any time.

4.3 Throughout the procedure described below, the head of learning will:

- > keep you informed about the progress of your complaint;
- > give you an opportunity to be heard;
- > not be biased or seen to be biased;
- > act only on relevant information or evidence;
- > not make a decision until the relevant information or evidence has been presented and considered; and
- > consider all options before making a final decision.

4.4 The head of learning and the complainant should strive to:

- > be active and constructive in establishing and maintaining the relationship;
- > be communicative and responsive; and
- > be truthful and not misleading to each other.

4.5 Complaints procedure

Step	Action	Team/person responsible	Evidence	Timeframes
1.	The procedure for concerns, complaints and appeals is available to all patients who have health information held by the College.	Registrar team Learning team	College website College intranet	Ongoing – most recent version of documents published.
2.	<p>A formal complaint must be made in writing and submitted to the head of learning or privacy officer at the College. The complaint must provide sufficient detail to enable the College to investigate. If you are a patient submitting a complaint concerning the management of your health information, you should use the Patient Complaints Form.</p> <p>Whether using the Patient Complaints Form or not, submit your complaint using the following details:</p> <p>Head of learning (or delegate) RNZCGP PO Box 10440 Wellington 6143 New Zealand T: +64 4 496 5999 F: +64 496 5997 E: feedback@rnzcgp.org.nz</p> <p>When making your complaint, state the following:</p> <ul style="list-style-type: none"> > A summary of why you are complaining; > Your name, date of birth and contact details; > Why you believe the College holds your health information; and > How you would ideally want your complaint to be redressed. 		Email or letter	Within one hundred and eighty (180) working days of the alleged incident or situation occurring.

Step	Action	Team/person responsible	Evidence	Timeframes
3.	<p>The relevant College staff member will acknowledge the complaint in writing and will contact you to have an initial discussion to:</p> <ul style="list-style-type: none"> ➢ explain the process for making a formal complaint with the College; and ➢ confirm if you wish to proceed with making a formal complaint. <p>The College must at this stage confirm whether the College holds your information. If the College does hold your information, they must confirm that at your request.</p>	Relevant College staff member	Discussion notes	Within five (5) working days of the complaint being raised.
4.	<p>The complaint is investigated by the College, and the College will decide whether it:</p> <ul style="list-style-type: none"> ➢ accepts that the complaint is justified; ➢ does not accept that the complaint is justified; or ➢ believes that more time is needed to investigate the complaint. <p>If the latter is decided, the College will determine how much additional time is needed and, if that additional time is more than twenty (20) working days, inform you of that determination and the reasons for it.</p>	<p>Registrar team</p> <p>Head of learning (or delegate)</p> <p>Other relevant College staff</p>	<p>Notes and minutes of meeting as appropriate.</p> <p>Report of investigation.</p>	Within ten (10) working days of the complaint being acknowledged by the College.

Step	Action	Team/person responsible	Evidence	Timeframes
5.	<p>The College will inform you, in writing, of:</p> <ul style="list-style-type: none"> > whether the College believes their complaint to be justified; > the reasons for the decision; > any actions the College proposes to take; > any appeal procedure that the College may have in place; and > the your right to complain to the Privacy Commissioner. 	Head of learning (or delegate)	Formal letter to complainant, with information on the Appeals process.	Within ten (10) working days of the complaint being acknowledged by the College.
6.	If the complaint concerns potential misconduct by a College staff member, the Staff Discipline procedure will apply.	Registrar team Head of learning Human resources	Correspondence notes	Within ten (10) working days of the complaint being acknowledged by the College.
7.	The outcome is recorded on the College database.	Head of learning (or delegate) Registrar team	Entry in (Objective path) RNZCGP/ Learning Delivery/GPEP/ Administration/ Complaints	Immediately following the correspondence sent to the complainant.
8.	The outcome is communicated to the chief executive.	Head of learning (or delegate)	Written memo/ report	Within five (5) working days of the decision and outcome being communicated to the complainant.
9.	If the you choose to appeal the final decision, the Appeals process applies.	Complainant	Appeals process	Within ten (10) working days upon receipt of the College investigation outcome.

5. Review and appeals

- 5.1 If your complaint has not been resolved to your satisfaction by the procedure above, you may appeal the head of learning's decision to the College's chief executive. You must do this within ten (10) working days of receipt of the head of learning's decision.
- 5.2 To appeal, please send through your original complaint, as well as any other documentation connected to your complaint that you may have accrued during the above procedure, to feedback@rnzcgp.org.nz.
- 5.3 The College's chief executive will review your appeal and notify you of their decision within one (1) calendar month of receipt of your notification of appeal. If a longer period is required to review your appeal, you will be informed within ten (10) working days of receipt of notification of your appeal.
- 5.4 If you remain dissatisfied, further redress may be sought from the Privacy Commissioner, and you may be able to take your complaint to the Human Rights Review Tribunal.

6. Related policies, documents and legislation

- > Patient Complaints Form
- > Privacy Act 1993
- > Health Information Privacy Code 1994
- > The College's Record Management Policy
- > The College's Procedural Fairness Policy
- > The College's Information Management Policy.

7. Administrative procedures

7.1 Publication of authorised procedure

This procedure will be available via the College intranet and website.

7.2 Review of this procedure

This procedure may be amended at any time by the College, in its absolute discretion.

This procedure will have a review cycle of three (3) years.