

AMC Privacy Policy

Background to the AMC

The Australian Medical Council Limited (AMC) is a company limited by guarantee. Its objects are set out in its constitution, which can be found on its website: www.amc.org.au

The AMC is an accreditation authority appointed under the *Health Practitioner Regulation National Law* by the Medical Board of Australia (MBA). As such it undertakes activities such as the accreditation of University and post-graduate medical education providers and courses, accreditation of specialist medical education and training courses, regular monitoring of those providers and their courses, and the examination of International Medical Graduates (IMGs) seeking registration to practice medicine in Australia. It also provides advice on accreditation and standards issues concerning medical education in Australasia to the MBA, and Commonwealth, State and Territory health ministers and health departments. Further detail on the activities of the AMC can be found on its website and in the annual reports accessible through the website.

The AMC Privacy Policy

This policy sets out how the AMC collects and uses personal information collected or received by the AMC from people with whom it interacts. Those people include:

- a. members, directors and other officers, employees and contractors;
- b. members of committees and assessment teams;
- c. IMGs including candidates for the AMC's examinations and those participating in workplace based assessment;
- d. AMC examiners, simulated and standardised patients, and marshals for AMC examinations; and
- e. others who assist the AMC with the carrying out of the AMC's activities as outlined above.

Commonwealth Privacy Legislation

The Commonwealth *Privacy Act 1988* sets out requirements for the collection and use of personal information.

Personal information is defined in the *Privacy Act* as "information or an opinion about an identified individual, or an individual who is who is reasonably identifiable (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not".

Sensitive information is a subset of personal information. It means information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual orientation or practices, criminal record, as well as health information, genetic information and biometric information about an individual. Although the AMC does not seek to collect such information (except in very particular circumstances), any sensitive information it holds will not be disclosed without the individual's consent (unless disclosure is required by law, for example in compliance with a subpoena).

Types of personal information the AMC collects

In carrying out its activities the AMC has collected and now collects the following types of personal information:

- a. name, contact and personal details, including location address;
- b. curriculum vitae, including education, qualifications and positions held;
- c. history of employment or engagement with the AMC;
- d. travel preferences and requirements;
- e. account, superannuation fund, and taxation details for payments;
- f. details of members' interests in areas relevant to AMC work;
- g. in the case of persons involved with the AMC as standardised patients, information and opinions concerning the health and medical conditions of the standardised patients; and
- h. in the case of examinations, personal information (including sensitive information) disclosed by participants and recorded by the AMC during the course of the examination.

Information concerning an IMG's performance in an examination or WBA program is not considered to be "personal information" within the meaning of the *Privacy Act*, and accordingly is not subject to the provisions of the Australian Privacy Principles. However, the AMC treats such information as generally being confidential, and deals with it broadly in accordance with this policy.

How the AMC collects personal information

The AMC collects personal information in a variety of ways associated with the types of personal information collected identified above. These ways include through employment engagement processes; submission of information for roles on committees and accreditation teams, as examiners, role players, and standardised patients; completion of travel requests; completion of various on-line forms by IMGs as part of the assessment processes; and the making of submissions and complaints to the AMC as part of the accreditation processes.

Many of the forms utilised by the AMC as part of processing IMGs for examinations will contain specific collection consents.

Purpose of the AMC collecting and holding personal information

The AMC has collected or now collects or receives personal information for the following purposes:

- a. to conduct examinations and determine the performance of candidates, and others involved in examinations;
- b. to oversee workplace-based assessment of IMGs;
- c. to evaluate applications for registration via the Competent Authority Pathway;
- d. to process applications from overseas-trained specialists whose primary medical qualifications are not recognised in Australia and who do not hold a recognised specialist qualification, for assessment by the relevant Australian or Australasian specialist medical college for registration as a specialist;
- e. selecting committee members, accreditation teams, role players, standardised patients and examiners;
- f. managing committees, accreditation assessments and examinations;
- g. payment of fees and charges;
- h. employment of AMC staff and employment related activities;
- i. engagement of contractors and consultants;
- j. meeting the requirements of superannuation and taxation legislation;
- k. arranging AMC-related travel;
- l. ensuring the integrity of AMC activities, through a transparent process for declarations of conflict of interest;
- m. determining the suitability of persons generally for engagement as standardised patients, and their suitability to participate in particular clinical examinations;

- n. in the case of standardised patients participating in clinical examinations, the AMC will receive and collect opinions from candidates for that examination on the health or medical condition of the standardised patients for the purpose of recording the performance of the candidates, and assessing that performance, and for other purposes ancillary to the clinical examination including training, preparing case studies, and calibrating the examination. This may include occasions when the AMC is involved in examinations of persons not AMC candidates for other health regulation organisations;
- o. for training of persons involved in AMC activities, including examiners and role players in clinical examinations;
- p. for conducting, arranging or participating in research into accreditation and examinations; and
- q. other purposes directly or indirectly associated with the carrying out of the AMC's activities.

Use of personal information

In collecting and using personal information, the AMC will comply with the provisions of the *Privacy Act* and the Australian Privacy Principles. Personal information will be used only for purposes disclosed above or related purposes.

In the case of sensitive information in relation to standardised patients the AMC will also comply with any applicable state or territory health records legislation.

Where personal information is used for research purposes, this will be done so far as the research project allows using de-identified data. Where footage of clinical examinations is used for purposes other than the examination in which it was recorded, for example for training, research, or calibration, all identifying features of all persons involved will be masked. Where that is not feasible processes will be established that require all persons involved to adhere to strict privacy and confidentiality requirements and only de-identified data will be permitted to leave the AMC's direct control. Sensitive information of standardised patients will not be used for research purposes without consent.

Release of information by the AMC/access to information held by the AMC

Only the following are given access to personal information collected by the AMC and, in the case of IMGs, examination performance and results held by the AMC:

In Australia

- a. staff of the AMC where access to the personal information is necessary to allow the AMC staff to carry out their duties. For example, human resources staff may have access to employment records, and travel organisers may have access to travel preferences;
- b. technical specialists or consultants engaged by the AMC are given access only to personal information necessary to allow them to undertake the functions for which they were engaged;
- c. members of the accreditation or specialist recognition team in relation to which the information was provided;
- d. staff of the AMC involved in accreditation;
- e. members of AMC accreditation committees;
- f. staff of the AMC involved in the processing of AMC examinations and results, appeals, and applications for specialist assessment pathways;
- g. technical specialists engaged by the AMC involved in the processing of AMC examinations and results, appeals, and applications for specialist assessment pathways;
- h. AMC examiners involved in the conduct of AMC examinations and appeals;
- i. researchers involved in specific research projects approved by the AMC;

- j. staff of the Australian Health Practitioner Regulation Agency and the Medical Board of Australia in relation to the registration of individual doctors. *(Note that as the AMC undertakes its functions as an accreditation authority for the purpose of the Health Practitioner Regulation National Law, the AMC may be required to provide personal information about candidates to the Medical Board of Australia and the Australian Health Practitioner Regulation Agency. Generally this is done on request from one of those bodies, but occasionally it may be done on the AMC's initiative if considered necessary for the proper administration of the Health Practitioner Regulation National Law.);*
- k. staff of training institutions involved in workplace-based assessment; and
- l. staff and fellows of the specialist medical colleges involved in the assessment of overseas-trained specialists.

Overseas

- a. staff of ECFMG (in the United States of America) or other organisations used to confirm the accuracy of claimed qualifications;
- b. staff of Pearson VUE (in the United States of America) which conducts online IMG MCQ assessment and may be involved in scheduling clinical examinations at the National Test Centre (NTC); and
- c. staff of organisations providing IT services under contract to the AMC who have a specific need to access personal information held by the AMC for the purpose of carrying out their contract functions.

Where personal information is given by the AMC to the overseas entities identified above, the AMC is reasonably satisfied that the overseas recipient is subject to a law or binding scheme which protects the personal information in a way which is at least substantially similar to the *Privacy Act*, and there are mechanisms that the IMG can access to take action, if necessary, to enforce that protection (see Australian Privacy Principle 8).

Except as disclosed in this policy, personal information and examination performance or results, will not be made available to any other party without the express permission of the individual candidate or individual concerned, except as required by law (for example, in response to a legal summons).

Note: *The AMC will not provide any information about a candidate to the spouse of the candidate, to any other member of the candidate's family, or to any other person acting on behalf of the candidate, without the individual candidate's specific written consent by use of the AMC form – Authority to Receive Information Concerning an AMC Candidate/Applicant.*

Bridging courses for AMC examinations

In the past the AMC has been approached by the coordinators of bridging courses for the AMC examinations for contact lists of persons who were candidates for the AMC MCQ Examination, or who had passed an AMC MCQ Examination and were eligible to proceed to the AMC Clinical Examination.

The AMC does not provide this information to bridging course coordinators. However, in order to assist candidates preparing for the AMC examinations, from time to time the AMC may circulate information about available bridging courses to individual candidates (on behalf of the bridging course providers).

Except as disclosed in this policy, personal information will not be made available to any other person without the express permission of the individual concerned, except as permitted by the *Privacy Act* or as otherwise required by law (for example, in response to a legal summons).

Storage of personal information by the AMC

Personal information is held on individual files or files specific to the particular function for which the information was collected. These files are held in secure storage (electronic or physical), and in a secure document handling facility in the case of physical archived records.

Sensitive information concerning standardised patients is held in secure electronic storage. .

The electronic (computer) records of the AMC are password-protected with access limited to AMC staff and contractors directly involved in functions where access to that information is required. The AMC uses the highest available levels of industry standard security, including firewalls, to prevent unauthorised external access to its electronic records.

Personal access to information held by the AMC

Under the *Privacy Act*, individuals may have access to their personal information and may request correction of the details of personal information held by the AMC.

Viewing personal information

Any request for access to personal information must be made by appointment to the AMC Privacy Officer at PO Box 4810, Kingston, ACT, 2604. Access to personal information will be provided to the person concerned only and not to parties representing or acting on behalf of that person.

No person may remove any information held on their personal or other files or computer records.

Persons seeking to access their personal information must pay any fee advised for access to their personal information. Within 14 days of receipt of an application for access to personal information, the applicant will be notified whether their request will be met and of the access arrangements proposed.

Photocopies of personal information will generally be supplied on request. (A charge may apply for photocopying information, where the number of copies exceeds 10 pages.)

Correcting personal information

Any person who believes that personal information held by the AMC is incorrect may seek to have that information corrected by notifying the AMC in writing of the relevant corrections.

Note: Any request to change information held in the AMC records, such as identity details or change of name or qualifications, may be required to be accompanied by documentary evidence in support of the change.

Complaints about breaches of privacy

Any individual who believes that a breach of privacy in relation to personal information held by the AMC may have occurred should inform the AMC Privacy Officer with all relevant details and copies of any documents. The AMC Privacy Officer will manage the complaint in accordance with the AMC's Complaints Policy.

Likelihood of disclosure to overseas recipients

The AMC will disclose personal information to overseas recipients in the circumstances identified above under the heading "Release of Information by the AMC".

Further information

Further information to view personal information may be obtained from:

The Privacy Officer
Australian Medical Council Limited
PO Box 4810
Kingston ACT 2604

Telephone: 02 6270 9777
Facsimile: 02 6270 9799
Email: amc@amc.org.au

AUTHORISATION: Approved by AMC Directors: 31 October 2019

A handwritten signature in blue ink, appearing to read 'Pigou', is positioned above the typed name.

Mr Philip Pigou
Company Secretary
Australian Medical Council Limited