Privacy Policy

Earz Pty Ltd

ABN 65 672 816 929

Websites: earz.com.au

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1. About This Privacy Policy

Earz Pty Ltd (“Earz”, “we”, “our” or “us”) is committed to protecting the privacy, confidentiality and security of the personal and health information entrusted to us.

This Privacy Policy explains how Earz collects, holds, uses and discloses personal information and health information, how we protect that information, and how individuals may access or seek correction of information held about them or make a privacy complaint.

As a private health service provider in New South Wales, Earz handles personal and health information in accordance with applicable privacy and health-record legislation, including the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs), and the Health Records and Information Privacy Act 2002 (NSW) (HRIP Act) and Health Privacy Principles (HPPs).

2. What Is Personal Information?

Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable.

- name, date of birth, address, telephone number and email address;
- contact details for parents, guardians, carers or authorised representatives;
- Medicare, private health fund, Department of Veterans’ Affairs (DVA), Hearing Services Program (HSP), workers compensation, insurer or other funding information where relevant;
- employment or occupational information where relevant to the service being provided;
- appointment, billing and administrative information;
- hearing aid, cochlear implant or other device information, including manufacturer, model and serial number;
- communications with Earz, including telephone, email and online enquiries; and
- information generated through the use of our websites and online services.

3. Health and Sensitive Information

In providing audiological and hearing healthcare services, Earz collects health information, which is a form of sensitive information.

- hearing and communication concerns;
- medical and audiological history;
- hearing assessment results and audiograms;
- otoscopic findings and images where applicable;
- tympanometry, speech testing and other audiological results;
- tinnitus, balance or other ear-related information;
- information about medications or medical conditions relevant to audiological care;

- referrals, reports and correspondence from or to other healthcare professionals;
- hearing aid and other hearing-device prescriptions, fitting and verification information;
- rehabilitation and treatment information;
- clinical notes and recommendations; and
- other information reasonably necessary to provide safe and appropriate audiological care.

Earz will collect health and sensitive information only where permitted by law and where it is reasonably necessary for the provision of our services or another lawful purpose.

4. How We Collect Information

Where reasonable and practicable, Earz collects personal and health information directly from the individual concerned or, where appropriate, their parent, guardian, carer or authorised representative.

- during appointments and consultations;
- by telephone, email or other communications;
- through referral forms and clinical questionnaires;
- through our websites, online enquiry forms or appointment systems;
- when hearing aids, earmoulds, accessories or other products are ordered, fitted, repaired or serviced;
- when an individual participates in a government or third-party funded hearing program; and
- when an individual otherwise communicates with Earz.

Where permitted and appropriate, information may also be obtained from third parties, including referring doctors, ENTs, other healthcare practitioners, hospitals, allied health professionals, government agencies, insurers, schools, parents or carers, previous hearing healthcare providers and other persons involved in the individual's care.

5. Children and Young People

Earz provides audiological services to both adults and children. Accordingly, Earz may collect and hold personal and health information about children and young people.

The manner in which consent is obtained and information is collected, used, disclosed and accessed will depend on the child's age, maturity, capacity, circumstances and applicable legal and professional requirements.

Where appropriate, Earz will communicate with and obtain information from a parent, legal guardian or other authorised representative while respecting the privacy rights and developing autonomy of the child or young person.

6. Why We Collect, Hold, Use and Disclose Information

- provide audiological assessments and hearing healthcare services;
- assess, diagnose and manage hearing and communication needs within our professional scope;
- provide hearing aid assessment, fitting, verification, rehabilitation and follow-up;
- provide cerumen management and other services offered by Earz;
- communicate with patients, parents, guardians, carers and authorised representatives;
- communicate with referring and treating healthcare professionals;
- arrange referrals and clinical follow-up;
- manage appointments and reminders;
- order, fit, repair and maintain hearing aids, earmoulds and other devices;

- administer HSP, DVA, workers compensation, private health insurance or other applicable funding arrangements;
- process payments and accounts;
- maintain appropriate clinical records;
- meet legal, professional, contractual, accreditation and clinical-governance requirements;
- manage enquiries, feedback and complaints;
- maintain and improve the quality and safety of our services;
- manage Earz's business and administrative operations; and
- comply with applicable laws.

We will not use or disclose health information for an unrelated purpose unless the individual has consented or the use or disclosure is otherwise permitted or required by law.

7. Clinical Records and CounselEAR

Earz uses CounselEAR, a specialist audiology clinical and practice-management platform, to manage clinical records and associated administrative information. CounselEAR is operated by Fullsteam Software Holdings LLC DBA CounselEAR, a United States-based service provider.

In providing its services, CounselEAR may store or process Earz data in the United States or in other countries in which CounselEAR or its service providers maintain facilities. CounselEAR states that it maintains administrative, physical and technical safeguards designed to protect client data, including access controls and encryption.

Earz takes reasonable steps to ensure that personal and health information handled through third-party clinical and cloud service providers is managed in accordance with applicable Australian privacy, health-record and Hearing Services Program requirements.

8. When We May Disclose Information

- healthcare professionals involved in an individual's care, including GPs, ENTs, specialists and allied health professionals;
- hospitals or other healthcare services;
- parents, guardians, carers or authorised representatives where appropriate;
- the Australian Government Hearing Services Program;
- the Department of Veterans' Affairs;
- workers compensation insurers, private health insurers and other funding bodies where applicable;
- hearing aid manufacturers, earmould laboratories, repair centres and other suppliers where necessary to provide a requested product or service;
- clinical software, information technology, cloud, communications and administrative service providers;
- professional advisers, including accountants, insurers and legal advisers where necessary;
- regulators, government authorities or law-enforcement bodies where required or authorised by law; and
- other persons or organisations where the individual has consented or disclosure is otherwise permitted or required by law.

Earz seeks to limit disclosures to information reasonably necessary for the relevant purpose.

9. Overseas Disclosure and Processing

Some service providers used by Earz may be located outside Australia or may use systems or infrastructure located outside Australia. Earz uses CounselEAR, whose service provider is based in the United States.

Where Earz is likely to disclose personal information to an overseas recipient, Earz will take reasonable steps as required by applicable privacy law in relation to the handling of that information.

Earz periodically reviews its service providers and overseas information-handling arrangements so that this Privacy Policy can be updated where necessary.

10. Hearing Aid Manufacturers and Other Suppliers

Where an individual orders or uses a hearing aid, earmould, accessory or other hearing-related product, Earz may need to provide relevant information to the manufacturer, laboratory, distributor or repair provider. Only information reasonably necessary for the relevant purpose should be disclosed.

Some manufacturers or service providers may operate or process information outside Australia. Where applicable, Earz will manage such disclosures in accordance with relevant privacy requirements.

11. Government Programs and Third-Party Funding

Where an individual receives services funded wholly or partly through the Hearing Services Program, DVA, workers compensation, an insurer or another third-party funding arrangement, Earz may collect, use and disclose information reasonably necessary to confirm eligibility, obtain approvals, provide funded services or devices, submit claims, maintain required records, undertake audits or compliance activities, and meet contractual, legislative or program requirements.

12. Data Quality

Earz takes reasonable steps to ensure that personal and health information it collects, uses or discloses is accurate, complete, relevant and up to date having regard to the purpose for which it is being used.

Patients are encouraged to advise Earz if their contact, health or other relevant information changes.

13. Storage and Security

Earz takes reasonable steps to protect personal and health information against misuse, interference, loss, unauthorised access, modification and disclosure.

- access controls;
- passwords and authentication measures;
- secure clinical and practice-management systems;
- appropriate electronic security measures;
- confidentiality requirements;
- limiting access to information according to role and need;
- secure storage and disposal practices; and
- appropriate procedures for responding to privacy and security incidents.

No electronic system or method of transmitting information over the internet can be guaranteed to be completely secure. Earz nevertheless takes reasonable measures appropriate to the sensitivity of the information it holds.

14. Retention of Health Records

Earz retains health information in accordance with applicable NSW health-record requirements and other legal, professional and contractual obligations.

For private health service providers in NSW, health information collected about an adult is generally retained for at least 7 years from the last occasion on which a health service was provided. Where health information was collected while the patient was under 18 years of age, it is generally retained until the

individual reaches 25 years of age.

Information that is no longer required will be securely destroyed or de-identified where required and permitted by law.

15. Access to Personal and Health Information

Individuals may request access to personal or health information Earz holds about them. Access may be provided in an appropriate form, subject to applicable legal exceptions.

Earz may request appropriate identification before providing access to protect patient confidentiality. Requests should be made using the contact details at the end of this Policy.

16. Correction of Information

Individuals may ask Earz to correct or amend information they believe is inaccurate, incomplete, out of date or misleading. Earz will consider correction requests in accordance with applicable privacy and health-record legislation.

Where the law requires a clinical record to be retained, a request for correction does not necessarily mean that the original clinical record can be deleted.

17. Anonymity and Pseudonymity

Where lawful and practicable, individuals may have the option of dealing with Earz anonymously or by using a pseudonym.

However, because Earz provides healthcare services and must maintain appropriate clinical records, verify identity in certain circumstances, arrange referrals, supply devices and administer government or third-party funding, it will often be impracticable for Earz to provide clinical services anonymously or under a pseudonym.

18. Direct Marketing

Earz may occasionally provide information about services, products or other matters that may be of interest where this is permitted by law. Individuals may opt out of direct marketing communications at any time.

Earz will not use or disclose sensitive information, including health information, for direct marketing without the consent required by law. Clinical communications, appointment reminders, device maintenance information and information reasonably necessary for an individual’s care are not necessarily direct marketing.

19. Websites, Cookies and Tracking Technologies

This Privacy Policy applies to earz.com.au.

Our websites may use cookies and other technologies for functions such as website operation, security, preferences and analytics. Because Earz is a health service provider, information generated through a person’s interaction with health-related webpages may in some circumstances constitute or reveal personal or sensitive health information.

Earz therefore takes a cautious approach to third-party tracking technologies, particularly on health-related pages, enquiry forms and appointment pathways. Further information is provided in the separate Earz Cookies & Tracking Technologies Policy.

20. Online Forms, Appointments and Electronic Communications

Information submitted through online forms, appointment requests, email or other electronic communications may include personal or health information.

Individuals should avoid including unnecessary sensitive health information in general website enquiry forms or unsecured communications. Earz will take reasonable steps to protect information received electronically but cannot guarantee the security of information while it is being transmitted over the internet.

21. Data Breaches

Earz maintains procedures for responding to actual or suspected privacy and data-security incidents.

Where a data breach is likely to result in serious harm and meets the requirements of an eligible data breach under the Notifiable Data Breaches (NDB) scheme, Earz will take the actions required by law, which may include notifying affected individuals and the Office of the Australian Information Commissioner.

22. Research, Quality Assurance and Service Improvement

Earz may use appropriately de-identified information for internal quality assurance, clinical governance, service evaluation and business improvement where permitted by law.

Personal or health information will not be used or disclosed for external research merely because this Policy exists. Any research involving identifiable or potentially identifiable health information will be managed in accordance with applicable consent, ethical, privacy and legal requirements.

23. Privacy Complaints

If an individual has a concern or complaint about how Earz has handled their personal or health information, they should contact Earz using the details below. Earz will take reasonable steps to investigate the complaint and respond appropriately.

If the matter is not resolved satisfactorily, the individual may be entitled to contact the Office of the Australian Information Commissioner (OAIC) and/or the Information and Privacy Commission NSW (IPC), depending on the applicable privacy framework.

24. Changes to This Privacy Policy

Earz may update this Privacy Policy periodically to reflect changes in our services, systems, information-handling practices or applicable legal and regulatory requirements. The current version will be published on our website with the date it was last updated.

25. Contact Earz

Earz Pty Ltd

ABN: 65 672 816 929

Address: Level 1, 32 Florence Street, Hornsby NSW 2077

Phone: (02) 8406 2226

Email: contact@earz.com.au

Website: earz.com.au

Privacy Collection Notice

Earz Pty Ltd (ABN 65 672 816 929) collects personal and health information that is reasonably necessary to provide audiological and hearing healthcare services and associated products, and to manage appointments, clinical records, referrals, communications, billing, government and third-party funding arrangements and other activities described in the Earz Privacy Policy.

Where appropriate, Earz may collect information from or disclose information to healthcare providers, parents or guardians, authorised representatives, government agencies and programs including the Hearing Services Program and DVA, insurers, hearing aid manufacturers and laboratories, and service providers involved in delivering or administering Earz services.

Earz uses third-party clinical and technology service providers, including CounselEAR, to assist with clinical record and practice management.

If requested information is not provided, Earz may be unable to provide some services, products, funding arrangements or aspects of care.

The Earz Privacy Policy explains how personal and health information is handled, how individuals may request access to or correction of their information, how to make a privacy complaint, and information about potential overseas handling or disclosure.

Privacy enquiries: contact@earz.com.au

Phone: (02) 8406 2226