
FUNCTION: Clinical

TITLE: Information Privacy (Confidentiality)

VERSION DATE: December 2013

POLICY STATEMENT:

Benalla Health (BH) regards the maintenance of confidentiality in relation to patients/clients/residents (and their families), staff, contractors, students and volunteers as a high priority within the organisation.

Confidentiality is defined as the restriction of access to information, and the control of the use and release of personal information in order to protect the privacy of the individual.

The Privacy Principles as detailed in the Health Records Act 2001 (Vic) and the Information Privacy Act 2000 (Vic) directs the management of all information in the organisation.

Privacy refers to a person's right to keep certain information confidential. Privacy legislation requires that any person working in the health sector and entrusted with information as part of their professional duties treat personal information, such as patient/client/residents records and employee files in accordance with the Privacy Principles as detailed in Health Records Act 2001 (Vic) and the Information Privacy Act 2000 (Vic).

Information will only be released according to the appropriate legislative requirements

PRINCIPLES:

1. Any information regarding a patient/client/resident (and their families), member of staff, contractors, student or volunteer that is obtained as part of their contact with BH cannot be divulged to a third party without permission (including implied permission). Information may be written, verbal or electronic. Examples of this type of confidential information include whether or not a person is receiving treatment, the nature of a patient/client/resident's condition or personal information about a staff member's roster. Community Health clients are requested to sign or give verbal permission for the treating therapist to sign the SCoTT Consumer Consent to Share Information form before information is released to other agencies.

2. All information obtained, created or used for purposes of conducting the business of BH cannot be divulged to a third party without permission. Examples of this type of information include business plans, quality reports and activities.
3. The exceptions to this requirement include where a staff member or clinician has a legal/statutory responsibility to disclose information or where the risk of harm to the patient/client/resident or others outweighs the need for consent prior to disclosure. Medical Officers may also exercise their discretion as to whether consent for disclosure is implied or formal.
4. BH staff must ensure information is maintained in a secure environment and therefore reduce the risk of confidential breaches. This information includes all information related to the medical record, patient/client/resident referrals, appointment schedules, staff payroll information and volunteer's lists.
5. Confirmed breaches of confidentiality by BH staff will result in disciplinary action, which may include dismissal.

OBJECTIVES:

1. BH will maintain strict confidentiality standards in relation to patients/clients/residents (and their families), members of staff, contractors, students and volunteers.
2. The Information Privacy (Confidentiality) Policy and related procedures incorporate safeguards for all personal information recording and handling activities including the collection, storage, access, transmission, disclosure, use and disposal of personal information in any form or medium. Benalla Health will fulfil its legal obligations under the Health Records Act 2001 (Vic), the Information Privacy Act 2000 (Vic), and the Freedom of Information Act 1982 (Vic).

DEFINITIONS:

Confidentiality:

Confidentiality is the restriction of access to information, and the control of the use and release of this information.

Privacy:

Privacy refers to a person's right to keep certain information confidential, in such controlling the use and disclosure of particular information.

REFERENCES:

1. [Health Records Act 2001 \(Vic\)](#)
2. [Information Privacy Act 2000](#)
3. [Privacy Act 1988](#)
4. [Freedom of Information Act 1982 \(Vic\)](#)
5. 2009 SCoTT Consumer Consent to Share Information form (Department of Health, Victoria)

National Safety and Quality Health Service (NSQHS) Standards

1. NSQHS Standard 1 - Criterion 1.19 - Implementing procedures that protect the confidentiality of patient clinical records without compromising appropriate clinical workforce access to patient information.
2. NSQHS Standard - Action 1.19.2 - Systems are in place to restrict inappropriate access to and dissemination of patient clinical information

Author:	Chief Health Information Manager (Veronica Young)
Validated by:	Director of Clinical Services (Janine Holland)
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Janine Holland