

# Privacy & Confidentiality

## Policy Statement:

Echuca Regional Health (ERH) is an inclusive, safe, responsive and accountable service for our community, which is committed to protecting personal privacy. Personal information is that which directly or indirectly identifies a patient, consumer, resident or employee. Confidential records and information held by the health service will be stored and protected in accordance with current legislation. All records relating to staff, patients, consumers, residents or the business of ERH shall remain confidential. The authority to release information will be in accordance with legislation guidelines.

Breaches in confidentiality will result in disciplinary or legal action which may result in instant dismissal. Breaches in confidentiality may render the health service liable to legal action.

## Definitions:

- **Privacy** can be divided into four separate but related concepts:
  1. **Information Privacy** involves the establishment of rules governing the collection and handling of personal data such as medical records. It is also known as 'data protection';
  2. **Bodily privacy** which concerns the protection of people's physical selves;
  3. **Privacy of communications** which covers the security and privacy of mail, telephones, e-mail and other forms of communication; and
  4. **Territorial privacy** which concerns the setting of limits on intrusion into the domestic and other environments such as the workplace or public space. This includes video surveillance.
- **Confidentiality:** entrusted information regarding patients, consumers, residents, staff or services is not conveyed to persons who do not, in the duty of care, need to know.
- **Records:** any form of data or information relating to patients, the hospital, associated agents or contractors, government or other agencies, staff or other related persons, whether written, electronically recorded, verbal or graphic and including all forms of samples or pictorial representation.
- **Will:** indicates the statement is mandatory.
- **May:** indicates an option.
- **AHM:** After Hours Manager
- **EDHS:** Executive Director of Medical Services

## Personnel to which this policy applies:

All ERH employees, volunteers, official visitors and contractors.

## Procedure:

A Code of Conduct agreement must be signed by:

- All ERH staff;
- Board directors will be treated as staff for the purpose of this policy;
- All official visitors to ERH who have, or potentially may have, access to confidential information and/or records;
- All contractors/sub-contractors (by signing a contractor's Code of Conduct agreement);

- All students on placement; and
- All ERH volunteers.

It is the responsibility of the relevant Department Manager to ensure each of their staff has completed the Code of Conduct agreement.

- All staff will:
  - Sign a Code of Conduct (inclusive of Child Safe Policy and Reportable Code of Conduct responsibilities) agreement at the commencement of employment;
  - Ensure no information about patients, consumers, residents or participants, either directly or indirectly, is divulged to any unauthorised person;
  - Ensure they are familiar with Information Sharing Schemes Policy and Procedures relating to family violence and their responsibilities under the Family Violence Protection Act 2008 part 11 for victim survivors, children and perpetrators *and Part 6A of the Child Wellbeing and Safety Act (2005)*;
  - Ensure they are familiar with policies relating to babies, children and young people and the reporting of abuse responsibilities under the Children and Young Persons Act 1989;
  - Refer to ERH’s Media Protocols Policy prior to making statements to the media;
  - Ensure the security of all forms of records, including the computer hardware, systems, software and telecommunications networks against loss or misuse;
  - Ensure all staff using records are aware of their responsibility in relation to confidentiality; and
  - Comply with all applicable external laws, regulations and directives relating to the protection of information and matters such as copyright.
- Contents of official papers will not be divulged without the express authority of the Chief Executive or delegate.
- Official visitors including, for example, surveyors and consultants will not be permitted to remove any Health Service documentation from the site without the express authority of the Chief Executive or delegate.
- Official visitors will not discuss or divulge any information that may identify a patient, consumer, resident or staff member of the health service.
- Official visitors will not discuss or divulge any sensitive Health Service information.

**General Guidelines** to follow when information is requested:

Patients, clients, consumers, participants	Advised to contact the Freedom of Information (FOI) officer to complete an FOI application in line with ERH’s FOI policy.
Friends & Relatives of Patients, Consumers and Residents	Confirmation of hospitalisation only if the requester already knows (refer to Executive Director of Medical Services (EDMS) if written confirmation required), advise to contact patient's doctor for any other details
External Health Services or Clinicians	Can request a summary of treatment in emergency situations; phone information may be given after consultation with department head and only after verification of caller's identity In non-emergency situations, requests must be in writing to EDMS, generally requiring patient consent
Ambulance Services Victoria also Treating/Referring Doctors	Patient details are to be provided for billing purposes

Members of the Police Force	Refer to Release of Information to Police policy on Prompt.
Child Protection Services – Dept Human Services	Information is provided in accordance with the Children and Young Persons Act 1989 for the purposes of a notification or investigation. Staff are able to share information pertaining to children once verification of the Child Protection practitioner has been confirmed.
All services prescribed under MARAM requesting or voluntarily sharing information on Family Violence	Child Information Sharing Scheme (CISS) and Family Violence Information Sharing Scheme (FVISS) as per the new legal obligations set out in <i>Part 6A</i> of the <i>Child Wellbeing and Safety Act (2005)</i> and <i>Part 5A</i> of the <i>Family Violence Protection Act (2008)</i> . As a part of the reform, health services will be required to comply with the Multi-Agency Risk Assessment and Management (MARAM) Framework. MARAM is established under <i>Part 11</i> of the <i>Family Violence Protection Act (2008)</i> for the purposes of protecting victim survivors, children and keeping perpetrators in view. Contact FOI for directive prior to sharing information.
Solicitors/Insurance companies	All requests in writing to the EDMS with a signed release from the patient and a search fee, unless a subpoena produced. Refer to FOI policy.
Media	Executive staff only deal with media requests refer to Media policy.
Employers of patients or consumers	Requests must be in writing and employee consent to release information form must be signed by employee prior to sharing information. Only information relating to an accident for which the employer accepts responsibility can be released (WorkCover cases)
Other Authorities (including): <ul style="list-style-type: none"> <li>• Transport Accident Commission (TAC)</li> <li>• WorkCover</li> <li>• Dept. Veterans' Affairs (DVA)</li> <li>• Health Insurance Funds</li> <li>• Centrelink &amp; Medicare</li> </ul>	Confirmation of hospitalisation, codes for payment of bed fees

### References

Health Services Act (1988)  
Mental Health Act (1986)  
Victorian Health Records Act (2001)  
Victorian Information Privacy Act (2000)  
Children and Young Persons Act 1989  
NDIS Practice Standards 2020  
Family Violence Protection Act 2008

### Linked documents

[Code of Conduct Policy](#)  
[Personnel Files Policy](#)



[Freedom of Information Policy and Procedure](#)  
[Release of Staff Information Policy](#)  
[Release of Information to Police](#)  
[Reportable Code of Conduct](#)  
[Information Sharing Schemes Policy and Procedure](#)  
[Vulnerable Babies, Children and Young Person at Risk of Harm Policy and Procedure](#)  
[Child Safe Policy](#)

**Alternate Key Search Words:**

Disclosure of information, confidential information, confidentiality

**Accreditation Framework and relevant section**

National Safety and Quality Health Services Standard 1

**Revision History:**

Date Issued:	2 November 2006
Date of Last Review:	April 2021
Primary author/reviewer:	Executive Director Human Resources
Sub authors/reviewers:	Health Information Services Manager
Committee/Staff Member to Review:	Corporate Policy & Procedures Committee
Date of Next Review:	April 2024
Approved By:	Corporate Policy & Procedures Committee