Privacy

Protecting privacy is everyone’s responsibility. Information privacy recognises the importance of protecting the personal information of individuals. The Information Privacy Act 2009 (the IP Act) contains nine National Privacy Principles (NPPs) that set out how personal information must be collected and managed in the public health sector.

Personal information is defined in the IP Act and can be any information or opinion (including information or an opinion forming part of a database), whether it is true or not, and whether recorded in a material form or not, about a person whose identity is apparent or can be easily worked out from the information or opinion. Personal information is not only about patients but is also about staff, patient’s families and friends and other members of the community.

Your obligations in regard to Privacy – staff have a responsibility when handling personal information to collect, use and disclose it only where necessary to perform your duties or for other functions permitted by law. Reasonable steps must be taken to ensure the personal information held is kept secure and protected from misuse, loss or unauthorised access or disclosure and that information is accurate and up to date.

Confidentiality

The Hospital and Health Boards Act 2011 (HHBA), Part 7, Confidentiality sets out the duty of confidentiality. Confidential information is information that could identify someone who has received, or is receiving a public sector health service (a patient) and this includes deceased persons.

Why is confidentiality so important?

Everyone that uses a health service has a right to expect that information held about them will remain private. If people’s confidence that their information will be kept confidential is damaged, they will be unlikely to participate openly and willingly in their health care. If people are not open and honest with the health professionals that care for them, this may have an adverse effect on these professionals to correctly diagnose and provide care for them.

Information Access

Clinical Information Access (CIA) within Health Information Management Service is the main point of contact for enquiries regarding confidentiality, privacy and the release of information. CIA is responsible for releasing patient information in accordance with legislative provisions and:

- Provides support and advice to both the public and staff on how to access records.
- Manages information requests in accordance with relevant legislation.
- Manages clinical record requests for the Coroner, Qld Police and the courts.
- The Privacy and Confidentiality Contact Officer manages privacy complaints.
- Provides training to staff in relation to the release of information, privacy and confidentiality guidelines.

Please direct all enquiries to:

In person: Health Information Management Services, ground floor, Caboolture Hospital. There is a service window to the department in the hospital corridor.

Phone: 5433 8863
Fax 5433 8706
Email: CIA-Caboolture@health.qld.gov.au
Who does the duty of confidentiality apply to?
The HHBA says the duty of confidentiality applies to a designated person or former designated person. A designated person includes persons that are either currently or formerly in the following roles:
- employees including temporary and casual staff
- health professionals including visiting medical officers (VMOs)
- anyone being educated or trained at the facility
- volunteers carrying out duties on behalf of the department
- a contractor who accesses confidential information under a contract
- an inspector

The duty of confidentiality does not apply to de-identified information or statistical data sets which would not allow individuals to be identified.

The HHBA includes a number of exceptions to the duty of confidentiality set out in sections 143 – 161 of the Act. Some examples:
- Disclosure with consent, this can be express or implied consent.
- Disclosure for care or treatment of a person – always preferable with consent.
- Disclosure required or permitted by law – this is only by delegated officers. Examples include subpoena, search warrant, summons, child safety, Coroners, etc.
- Disclosure to a person who has sufficient interest in the health and welfare of a person – only by a health professional in detail or can be by a designated person in general terms. Confidentiality requested by the patient would overrule this exemption.
- Disclosure to lessen or prevent serious risk to life, health or safety – only with authorisation by the chief executive.
- Disclosure for the protection, safety or wellbeing of a child.
- Necessary or incidental disclosure – e.g. support staff

Breaches and Complaints
Privacy and confidentiality breaches may be discovered without a complaint being made. Breaches and potential breaches should be notified to the Privacy and Confidentiality Contact Officer (PCCO). The local PCCO is the Director of Health Information Management Services, phone 5433 8660.

Persons wishing to make a complaint of a privacy or confidentiality breach should be directed to the Consumer Liaison Officer – Caboolture and Kilcoy phone 5433 8199

Memorandum of Understanding between QH and Queensland Police Service (QPS).
Under the Memorandum of Understanding between QH and QPS, usually referred to as the MOU, Police can obtain confidential information from you if it is relating to a criminal investigation and you have obtained the information in the course of your duties. The MOU permits verbal information and Police statements only and patient records are only released if Police present a search warrant, are acting for the Coroner or have patient consent – these are all actioned by the CIA unit.

Occasionally Police ‘request’ an original medical record, usually when acting on behalf of the Coroner. Please note original medical records should never be removed from the hospital without being copied first – this includes deceased records.

Privacy by Design It is important to build privacy into our day to day business, programs, policies and procedures, redevelopment plans, etc. It can be very difficult to add privacy in as an afterthought.