



Birthcare Confidentiality and Privacy Policy

Statement

All staff will respect clients rights to confidentiality and privacy.

All Directors, Managers and Staff will ensure the rights to confidentiality and privacy of any employee as adhered to.

Responsibilities

All employees of Birthcare must adhere to this policy.

Legislation

- Section 62 Hospitals Act 1957
- The Privacy Act 1993 and the Health Information Privacy Code 1994
- Code of Rights 1996
- Human Rights Act 1993

Documentation

- Birthcare Code of Rights Policy
- Birthcare "Code of Rights" Information for Clients document
- Birthcare Informed Consent Policy
- Birthcare Clinical Record Policy

Standards

1. Collection and Storage of Information

- Information can only be collected for a lawful purpose connected with a function or activity of Birthcare, as a "health agency" and "employer".
- The collection of information must be necessary for that purpose/organization
- Birthcare must collect the information directly from the individual concerned
- Employees of Birthcare collecting information will ensure that the client/staff are aware of the purpose for which the information is being collected, who retains and uses this information, and their rights of access to and correction of, this information.
- Information must not be collected by unlawful, unfair, or unduly intrusive ways.
- Birthcare must safeguard information against loss, unauthorised access and disclosure or other misuse.
- All clients/staff are entitled to obtain any or all information about him/her, held by the Birthcare organisation, unless it is considered that there is good reason for withholding such items, e.g. Information could be harmful to the physical or mental health of the client/staff, or its release could invade the privacy of the third party.
- All clients/staff are entitled to request correction of any information held about them.

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- All records will be stored in compliance with the Privacy Act 1993 and the regulations under the Health Act 1956 for the retention and disposal of health and disability information.
- **Storage of information:** Birthcare will take all reasonable safe guards to protect client and employee information from loss, theft, destruction or unauthorised access/use.
- Record retrieval will be by an appointed person only and shall be available at all times at short notice as necessary.

Access to client/staff information is restricted to those legally entitled to do so

- Clinical relationship with the client
- Clinical staff involved with the assessment and delivery of patient care
- Birthcare as an organisation

2. Use and Disclosure of information

No Birthcare employee shall discuss client information outside the facility, with other clients or other staff members. The Manager should be contacted if any staff member is unsure about release of patient information. The Birthcare designated Privacy Officer is the General Manager.

This means that if we hold a person's health information:

- The information cannot be disclosed without the person's authorization; or
- Where the person is dead, without the authorization of the person's representative (usually the executor) . The information can, however be disclosed in a form that the client or staff member is not identified:
- If the information is for one of the purposes in connection with which the information was obtained, or
- If the information is publicly available, or
- *If the information describes in general terms the presence, location, and condition of the patient on the day the inquiry is made, and disclosure is not contrary to the express request of the person concerned or the person's representative, or*
- If the information to be disclosed concerns only the fact of death and the disclosure is made by a registered health professional, or by a person authorized by Birthcare, to a person nominated by the person concerned, or the person's representative, partner, spouse, principal care giver, next of kin etc.

The information can also be disclosed:

- If used for education purposes, or case management discussions and the person's identity is not disclosed.
- If disclosure is necessary to prevent or lessen a serious and imminent threat to public health or public safety or the health of an individual.
- For accreditation, quality assurance or risk assessment programs.

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- In the maintenance and enforcement of law, protection of the public revenue, or conduct of proceedings

Employee Information:

- No staff member shall pass on any information about another employee without express permission from that employee. This pertains to information on record and any other information related to the employee's work.
- When information is passed on for professional reasons, this must be completed in such a way that it protects the privacy of the information.
- All charts and records must be safeguarded as to reduce the possibility of being into the wrong hands, paper records should be locked away.
- Any staff member who disregards this policy of confidentiality and privacy is liable for disciplinary action.

Section 62 Hospitals Act 1957:

Information about a client, their condition or treatment **Must Not** be divulged (e.g. by phone calls from well wishers, other clients etc) It is both illegal and unethical. Reporters and police must be referred to the manager. Nurses and midwives can give information in general terms concerning the condition of the client to next of kin or other near relatives. (Legal and Ethical Guidelines for Nursing.)

3. Designated Privacy Officer

The Birthcare Designated Privacy Officer is the General Manager

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