

Document No.	3004	<h1>Privacy and Confidentiality Policy</h1> 
Revision No.	1.3	
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## 1.0 Revision History

Revision Date	Revision No.	Change	Responsible Person
25 Feb 2016	1.1	Supersedes '3004 Confidentiality Policy' transitioned from CNWQML 1/7/14	Clinical Governance
06 April 2018	1.2	Review in line with WQPHN privacy recommendations	Quality Manager
09 Aug 2018	1.3	Updated to reflect ISO recommendations	Quality Manager

## 2.0 Persons Affected

All employees and contractors engaged by of North and West Remote Health.

## 3.0 Policy

NWRH is committed to protecting the privacy and confidentiality of clients, staff and stakeholders in the way health information is collected, stored and shared.

NWRH holds two types of information that are covered by this policy: personal information and organisational information.

NWRH recognises the need to be consistent, cautious and thorough in the way that information about clients, staff and stakeholders is collected, stored and shared.

All individuals have legislated rights to privacy of personal information. In circumstances where the right to privacy may be overridden by other considerations (for example, child protection concerns), staff act in accordance with the relevant policy or legal framework, or both.

All staff are to have an appropriate level of understanding about how to meet the organisation's legal and ethical obligations to ensure privacy and confidentiality.

NWRH is committed to ensuring that information is used in an ethical and responsible manner.

## 4.0 Definitions

**Privacy provisions** of the *Privacy Act 1988* govern the collection, storage and sharing of personal information provided to NWRH by clients, staff, and stakeholders.

**Confidentiality** applies to the relationship of confidence. Confidentiality ensures that information is accessible only to those authorised to have access and is protected throughout its lifecycle. Confidential information may be marked as such or deemed confidential by its nature; for example, it is information that is not available in the public domain.

**Consent** means 'expressed consent or implied consent'. The four key elements of consent are:

- The client is adequately informed before giving their consent;
- The client gives consent voluntarily;
- The consent is current and specific; and

- The client has the capacity to understand and communicate their consent

**Expressed Consent** is given explicitly, either orally or in writing

**Implied Consent** arises where consent may reasonably be inferred in the circumstances from the conduct of the client and North and West Remote Health.

**Health Information** is all identifying “personal information collected to provide a health service. In the Australian Privacy Principles (APP’s) ‘Health information’ comes under the definition of ‘sensitive information’.

**Individual** means any person such as a client, staff member, stakeholder or a member of the public.

**Organisational information** includes publicly available, and some confidential, information about organisations. Organisational information is not covered in the *Privacy Act 1988*, but some organisational information may be deemed confidential.

**Personal information** means information or an opinion (including information or an opinion forming part of a database) about an individual (Office of the Federal Privacy Commissioner, 2001). It may include information such as names, addresses, bank account details and health conditions and interventions. The use of personal information is guided by the *Federal Privacy Act 1988*.

The **public domain** in relation to confidentiality is “common knowledge”; that is, information that can be accessed by the general public.

**Solicited and Unsolicited Personal Information** is all personal information received by an APP entity is either solicited or unsolicited personal information. Section 6(1) defines ‘solicit’ but does not define ‘unsolicited’. Therefore, personal information reviewed by an entity that does not fall within the definition of ‘solicited’ is ‘unsolicited’ personal information.

## 5.0 Expected outcome

NWRH provides quality services in which information is collected, stored and shared in an appropriate manner that complies with both legislative requirements and ethical obligations.

All staff understand their privacy and confidentiality responsibilities in relation to personal information and organisational information about NWRH, its clients, staff and stakeholders. This understanding is demonstrated in all work practices.

## 6.0 References

### **NWRH Policy, Procedure, Forms**

- Procedure 3004 Privacy and Confidentiality Procedure
- Policy 1030 Password and Network Security
- Policy 3022 Grievance
- Policy 3047 Employee Personnel File Storage
- Policy 4021 Request for Release of Client Information
- Policy 4023 Clinical Records Management
- Form 4011B Client Feedback Form (Pictorial)
- Form 3004A Confidentiality Statement
- Form 3004B Client Consent Form

### **Relevant Legislation and Guidelines**

- [Privacy Act 1988](#)
- [Aged Care Act 1997](#)

- [Domestic and Family Protection Act 2012](#)
- [Family Responsibilities Commission Act 2008](#)
- [Mental Health Act 2016](#)
- Office of the Federal Privacy Commissioner (2001), *Guidelines to the National Privacy Principles*. Office of the Federal Privacy Commissioner, Sydney
- Office of the Privacy Commissioner (2006), *Privacy Policy*, Office of the Privacy Commissioner, Sydney
- AS/NZS ISO 9001:2015 Quality management systems – Requirements; 7.5.4 Customer Property
- AS/NZS ISO 9001:2015 Quality management systems – Requirements; 7.5.3 Control of Documented information
- Domestic and Family Violence Information Sharing Guidelines (May 2017)