

Document facilitator: Human Resources HRM/CE

Senior document owner: Executive Director People and Capability

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Type: **Policy**

Name: **Confidentiality**

Purpose:

To ensure all employees (including casuals), contractors, volunteers and those holding Special Staff Status (including visiting health professionals and students) at Capital and Coast District Health Board (CCDHB). clearly understand and comply with their obligations regarding confidentiality.

Scope: Organisation Wide

This policy applies to the following:

- all employees (including casuals) of CCDHB
- all visiting health professionals and students undertaking training or education with the CCDHB (or persons otherwise with Special Staff Status)
- all access agreement holders
- all volunteers working within any of CCDHBs' services
- All independent contractors and temporary agency employees (including employees of contractors such as temporary agency employees) working for CCDHB.

Policy content and guidelines

All transactions, records and information pertaining to the business of the CCDHB shall be held in strict confidence both during and after the period of engagement with the CCDHB, subject to legislation, regulations and codes governing release or disclosure of such information.

All patients have a right to be treated with dignity and respect and this includes respecting their right to confidentiality and privacy.

Any individual who is privy to confidential material has the following obligations:

- To hold all employee and business information relevant to the CCDHB and individuals in strict confidence.
- To hold patient/ client information in strict confidence.
- If patient/ client information is accessed, it may only be done in the course of carrying out the duties and responsibilities of the individual's role at the DHB.
- If confidential information is released, it must be in accordance with legislation, legal framework and our policies. The relevant legislation and legal framework includes:
 - Privacy Act 1993 and any relevant code established under the Privacy Act including but not limited to the Health Information Privacy Code 1994;
 - Official Information Act 1982;
 - Health Act 1956 (sections 22B -22H)

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- Protected Disclosures Act 2000; and
- Orders from a Court, Tribunal or other Statutory Authority.

Disclosure is permitted in limited situations. If an individual considers there are grounds to release confidential information, then they should refer to the related policies and/or contact Legal Services or the Privacy Officer.

Breaches of confidentiality

Breaches of confidentiality or the misuse of the confidential information is a breach of the Code of Conduct and may be considered a breach of an individual's terms and conditions of employment or engagement with the CCDHB. If an individual is found to have breached confidentiality disciplinary action may be taken (up to and including dismissal).

References

CCDHB policy:

- Code of Conduct
- Capital and Coast DHB Health Information Privacy – access to health information
- Privacy – health information
- Official Information Requests
- Capital and Coast District Health Board Volunteers Policy

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