

PRIVACY POLICY

Applicable to: **All Wairarapa DHB staff**

Issued by: **Senior Leadership Team**

Contact person: **Wairarapa DHB Privacy Officer**

POLICY STATEMENT

The purpose of this policy is to set out Wairarapa District Health Board's (WDHB's) requirements for the management of personal information. It applies to all personal information received or generated by Wairarapa DHB, and information accessed from:

- other DHBs whether paper records or electronic,
- any health service provider through whom you may be able to access records in the course of your work.

1.0 PURPOSE

- To ensure the confidentiality of all personal and official information held by WDHB.
- To ensure the WDHB complies with the requirements of the Privacy Act 1993, the Health Information Privacy code 1994 and the Official Information Act 1982.

2.0 SCOPE

- All WDHB employees and Board members
- Any other person or organisation dealing with personal information on behalf of Wairarapa DHB such as volunteers, students and contractors.

Exceptions:

Police: All Police requests must be in writing, either on the WDHB Police Access form or in letter form.

3.0 ROLES & RESPONSIBILITIES

All Staff

To be aware of their obligations under the Privacy Act 1993, Health Information Privacy Code (HIPC) 1994 and Official Information Act 1982 and the likely impact on their area of practice, and appropriately access only patient information of patients currently under their care.

Privacy Officer

- To facilitate training for all staff regarding the Privacy Act, HIPC and Official Information Act.
- To act as a reference for all staff regarding the two Acts and the Code.
- To ensure systems are in place for responding to information requests under the Acts and the Code.
- To coordinate and manage the monitoring and audit process of patient information within Wairarapa DHB.

**Service Managers/
Heads of Depts** To ensure that the policy is followed in their areas of responsibility

4.0 DEFINITIONS

Official Information: Relates to the function of the organisation and can include such things as: statistics, employment contracts, policies, protocols and procedures.

Personal Information: Is information relating to the individual patient or staff member. For a patient this could include age, diagnosis, treatment or social history and for a staff member information concerning payroll, health status or personal development reports.

Health Information: Information about the health of an individual including the individual's medical history; information about any disabilities that the individual has, or has had; Information about any health services and disability services that are being provided, or have been provided to that individual. Information provided by that individual with the donation by that individual of any body part or bodily substance of that individual.

Public Information: Is information that is for use by the public i.e. Staff member's name, hours of operation, services available, contact people (in emergency) etc.

Third Party Access: The Clinical record is the property of the Wairarapa DHB, however the information contained within the record belongs to the individual patient. Please see Third Party Access to Clinical Records (OPO-CLB-00048) for requests to access information from third parties, eg, Police, ACC, Child Youth and Family, Work, and Income NZ etc.

5.0 PROCESS OF POLICY APPLICATION

The WDHB policy for Information Privacy is that:

Wairarapa DHB must manage all personal information it receives or generates in accordance with:

- The Privacy Act 1993
- [Privacy Amendment Act 2011 No 44 \(as at 13 February 2012\), Public Act](#)
- The Health Information Privacy Code 1994
- Professional codes of ethics and conduct
- The Official Information Act 1982
- The Public Records Act 2005

This includes the management of:

- Collection
- Storage
- Access
- Correction
- Accuracy
- Retention and
- Disposal
- Of personal information.

Failure to comply with this policy and its appendices will be treated very seriously and could lead to disciplinary action.

1. Principles

1.1 Purpose Driven

Wairarapa DHB's management of personal information must be purpose driven. Wairarapa DHB collects, generates, retains and releases personal information for the purpose of carrying out its functions under section 23 of the New Zealand Public Health and Disability Act 2000. These include the following purposes.

Health related

- To provide health and disability services to the people of the Wairarapa DHB region and to others as required.
- To maintain the privacy requirements for information received and accessed from other DHB's
- To fund the provision of these services.
- To assess the health and disability needs of the people of the Wairarapa DHB district.
- To enable Wairarapa DHB to work collaboratively with consumers and other providers and funders of health and disability services in order to enhance Wairarapa DHB's functions.
- To allow the appropriate involvement of those persons having significance to a consumer of Wairarapa DHB services, in the consumer's ongoing health and disability care and support.
- To allow the Wairarapa DHB chaplain service to offer its services to Wairarapa DHB consumers.
- To establish individual eligibility for publicly funded health and disability services.

Employment related:

- To ensure the Wairarapa DHB employs and retains the best people possible to discharge its functions.
- To obtain and give reference information.
- To report professional practice concerns to professional bodies.
- To work on employment matters collaboratively with other providers and funders of health and disability services to improve, promote and protect the health of people and communities.
- To establish individual eligibility to work in New Zealand.

General Purposes

- To provide information to the New Zealand Government and its Departments as requested by it, and as considered appropriate by Wairarapa DHB to ensure the proper functioning of these bodies.
- For teaching and research.
- To ensure the safety of any person.
- To enable Wairarapa DHB to carry out its administrative, audit and monitoring functions.

1.2 Corresponding restrictions on collection and use

Personal information must not be collected, generated, retained, released or in any other way used by Wairarapa DHB, for any other purpose than those set out above.

2 General considerations

- Wairarapa DHB will audit electronic access to patient information to ensure appropriateness of access and compliance to the Privacy Act and the Health Information Privacy Code.
- The management of personal information by Wairarapa DHB is governed by the Privacy Act, the Health Information Privacy Code, related legislation and law, sector standards and professional codes of conduct / ethics. The Health Information Privacy Code applies to personal health information and the Privacy Principles in the Privacy Act apply to other personal information (including employee information) received or generated by Wairarapa DHB.

- The purpose of the Privacy Act and the Health Information Privacy Code is to protect individual privacy and to establish principles with respect to:
 - ◊ The collection, use, and disclosure of information relating to individuals; and
 - ◊ Access by each individual to information relating to that individual; and
 - ◊ To provide for the appointment of a Privacy Commissioner to investigate, complaints and interferences with individual privacy.
- On the *Record, a Practical Guide to Health Information Privacy, Privacy Commissioner, 2nd edition, 2000* (“*On the Record*”), page 7 comments that the starting point for any application of the Privacy Act and the Health Information Privacy Code “is that wherever possible, people should know what is happening to their information and retain a measure of autonomy in that process”
- In most instances, the Privacy Act and the Health Information Privacy Code are subordinate to other legislation. In relation to health information, the Health Information Privacy Code co-exists with ethical obligations. Neither regime overrides the other.
- Actions for breaches of the Privacy Act and the Health Information Privacy Code will normally be taken against the organisation involved, although personal liability is possible. All persons to whom this policy applies have a responsibility to comply with this Policy and its appendices. Any failure to do so will be treated very seriously and may lead to disciplinary action.
- If Wairarapa DHB does not comply and the Privacy Commissioner believes there has been an interference with a complainant’s privacy then the Privacy Commissioner may refer the complaint to the Director of the Human Rights Review Tribunal (the Director). Alternatively the complainant can take their complaint directly to the Director. The Director may decide to take civil proceedings in the Human Rights Review Tribunal. If the Tribunal decides in the complainants favour it may:
 - ◊ Declare that there has been an interference with the complainant’s privacy.
 - ◊ Order Wairarapa DHB to stop the action complained about.
 - ◊ Impose a monetary penalty on Wairarapa DHB and / or its staff.
 - ◊ Order that Wairarapa DHB and / or its staff puts the situation right if possible including requiring the payment of costs.
- This policy must be available to :
 - ◊ Service users
 - ◊ Family and whanau members
- Where the application of this policy involves matters concerning Maori, Wairarapa DHB staff must consider involving the Wairarapa DHB Maori Directorate.

2.1 Fax and email disclaimers

- Whenever Wairarapa DHB staff intend to fax personal information they must ensure that the correct fax number is used. When faxes are sent outside the organisation a fax cover sheet should be used:
 - ◊ Stating the name of the intended recipient
 - ◊ Marked “confidential”
 - ◊ Showing the following statement or similar:
 - ◊ *“This facsimile is confidential. If you are not the intended recipient: Do not copy, disclose or use this facsimile in any way. Please let me know by return facsimile immediately and then destroy this facsimile in a way that ensures it cannot be read”*

Whenever Wairarapa DHB staff intend to email personal information they must ensure that they use the correct address. When emails are sent outside the organisation they must include the following statement or similar:

- ◊ *“This message together with any attachments is confidential. If you are not the intended recipient: Do not copy, disclose or use this facsimile in any way. Please let me know by return facsimile immediately and then destroy this facsimile in a way that ensures it cannot be read”*

2.2 Closed Circuit TV's (CCTV)

- Cameras will be positioned in a way that will not intrude to an unreasonable extent on the privacy of individuals.
- Wairarapa DHB will not disclose images collected using CCTV unless the consent of the individual(s) is obtained or the Police have been consulted.
- The control / monitoring room is only to be accessed by authorised staff members.

3 Retention of personal information

Wairarapa DHB clinical records must be retained in compliance with the General Disposal Authority.

4 Documentation

- All documentation that contains confidential personal information should be placed in a sealed pouch or envelope before being moved between departments. This includes referrals, test results, patient labels, theatre tests, notes etc, regardless of who is carrying the document.
- No confidential information should be discussed or be visible in areas that are accessible to the public.
- Confidentiality shall be maintained with all documentation taken off the premises i.e.: all Patient / Client information required for use by staff in the Community or off site outpatient clinics must not be able to be identified or accessed inappropriately.
- All computer software used in the organisation belongs to the organisation and is under copyright. DHB information shall not be removed from the organisation without the permission of department Manager.

5 Public Discussions

Names and details of patients and their health information are not to be discussed in public areas. This includes using telephones in public areas.

6 Use of Wairarapa DHB Confidentiality and Privacy Policy

The Wairarapa DHB Confidentiality and Privacy Policy should be used alongside the Information Privacy Policy Associated Handbook, the Privacy Act, the Health Information Privacy Code, the Official Information Act, and other resource materials available from the office of the Privacy Commissioner. These can be accessed on the internet via the Commissioner's website at www.privacy.org.nz.

6.0 REFERENCES

- Privacy Act 1993
- Official Information Act 1982
- Health Information Privacy Code 1994
- DHB General Disposal Authority
- Public Records Act 2005
- Waikato DHB Information Privacy Policy

7.0

- [Allegation of Fraud, Theft, and Corruption](#)
- [Access to personal patient information](#)
-

8.0 FURTHER INFORMATION / ASSISTANCE

- Wairarapa DHB Privacy Officer