

Privacy Guidance for Local Health Districts

The Health Records and Information Privacy Act (the HRIP Act) 2002 allows for the sharing or disclosure of a patient's health information for purposes directly related to care and treatment of the patient. The scope of this provision is provided in detail in the Privacy Manual (Section 11.2). It relies upon the patient having a reasonable expectation that their information will be shared with other health care services when it is necessary for their care and treatment.

Establishing a Patient/Client Expectation

A health service has an obligation to inform patients as to how their information will be managed (see Privacy Manual, 7.4), in order to assist in establishing a reasonable expectation concerning information sharing. This is achieved through a multiple information approach including a verbal explanation, a patient leaflet, and posters.

1. Verbal explanation

It is important that all clinical staff working in HealthOne NSW services provide verbal explanation to each client at the beginning of their therapeutic relationship. The explanation should cover how HealthOne NSW operates, the benefits of HealthOne NSW in providing multi-disciplinary care and that this may involve the need for HealthOne NSW clinical staff to share information with each other where it is necessary for the patient's care and treatment.

There is a legal requirement to note that consent has been obtained and as such, this conversation should be noted in the client's patient record. It is therefore recommended that all HealthOne NSW clinical staff be provided with a standard verbal explanation and that this be included in a HealthOne NSW procedures guide, or similar. A suggestion for this verbal explanation is included below. Some patients with chronic conditions will also be enrolled into the Connecting Care (Severe Chronic Disease Management) Program and as such a verbal explanation is also provided for these patients.

Example for HealthOne NSW clients only: "HealthOne NSW brings together different health professionals to work as a single team to give you the best possible care. Some of the health professionals include general practitioners, community nurses, [amend examples, as appropriate: e.g. diabetes nurse, allied health professionals, geriatrician]. Sometimes it will be necessary to share your information between your health care providers for the benefit of your care and treatment."

Example for HealthOne NSW and Connecting Care Clients: "Both HealthOne NSW and Connecting Care are programs that bring together different health professionals to give you the best possible care. Some of the health professionals may include General Practitioners (GPs), community health nurses, and allied health providers (like Physiotherapists and Occupational Therapists). These health professionals will work with you to develop a care plan that clearly states who does what to help you. This care plan will include your own responsibilities. Because you have a chronic condition <insert as appropriate e.g. diabetes, high blood pressure, heart disease> Connecting Care also allows you to access free telephone coaching to help you manage your health better.

As part of Connecting Care we may also want to contact you to discuss your satisfaction with the Program and to find out how the Program has affected your health. Like the health professionals who see your health data, anyone who contacts you also has a responsibility to keep your details secure and confidential."

It is recommended that HealthOne NSW staff check with their local Connecting Care contact to see if there are additional forms for a patient to complete regarding consent for evaluations.

2. Patient leaflets

A patient leaflet has been developed to explain to patients the HealthOne NSW (or HealthOne NSW and Connecting Care) concept, our obligations and what the health information will be used for.

While there is a legal requirement to note that consent has been obtained, there is no legal requirement to obtain a signature to demonstrate consent has been obtained. However, using a best-practice approach HealthOne NSW recommends that a signed copy of *An important notice about HealthOne NSW (or An important notice about HealthOne NSW and Connecting Care)* be placed on the client's file.

The patient leaflets include a copy of the *NSW Health Privacy leaflet*. Each HealthOne NSW service should provide local contact details under the section 'Contact Us' on page three of the document. A copy of the *NSW Health Privacy leaflet* in languages other than English can be downloaded from: http://www.health.nsw.gov.au/utilities/privacy/resources.asp#para_2.

3. Privacy Poster

NSW Health has also developed a privacy poster which health services are encouraged to display in all public areas of hospitals and community centres. Copies of the Privacy Poster are available free of charge from the Better Health Centre (BHC). Orders for more than 10 posters should be placed via email to: BHC@nscchahs.health.nsw.gov.au. Orders for less than 10 posters must be placed with the Privacy Contact Officer for your local health district.

All HealthOne NSW sites should consider whether they use this poster, or whether to develop their own poster with specific information about the HealthOne NSW service and the potential benefits of sharing information.

Other Health Professionals and External Providers

As part of the multi-disciplinary team approach of the HealthOne NSW model various health professionals will be involved in providing care to clients. A *Privacy Information for External HealthOne NSW Providers* leaflet has been developed to aid discussions with external health professionals. This leaflet outlines the privacy laws, privacy policies and methods for reporting a breach in privacy in HealthOne NSW services.

Withholding Information from HealthOne NSW Services

The sharing of patient information is fundamental to the purposes of HealthOne NSW, and without this sharing of health information the benefits of HealthOne NSW are lost. In the rare event of a patient objecting to the sharing of their information with other HealthOne services, it should be explained to the patient that this may mean that they are not able to participate in HealthOne NSW, and that they may be referred to alternative health care services at their local GP, hospital or other relevant service provider. The NSW Health Privacy Manual, Section 11.2.1.3 provides further guidance on handling these situations.

Supporting documents

An important notice about HealthOne NSW (v1)

An important notice about HealthOne NSW and Connecting Care (v1)

Request for withholding information from health care providers (v1)

Privacy Information for External HealthOne NSW Providers (v1)

NSW Health Privacy Manual