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**NSW HEALTH & CIVIL CHAPLAINCIES ADVISORY COMMITTEE NSW  
MEMORANDUM OF UNDERSTANDING (PD2011\_004)**

**PD2011\_004 rescinds PD2005\_123.**

**PURPOSE**

This policy sets out the privileges and requirements for accredited chaplains to provide chaplaincy and pastoral care services in the NSW Health System. The process for appointment and accreditation of chaplains is provided, as well as a description of the duties which accredited chaplains typically undertake. Privacy and patient confidentiality issues are addressed, and chaplaincy terms are clearly defined. Associated funding and financial agreements are also addressed together with the obligations of NSW Health, the Civil Chaplaincies Advisory Committee (<http://www.ccacnsw.org.au>) and their member religious organisations.

**MANDATORY REQUIREMENTS**

Health Service Chief Executives and other NSW Health Agencies should have effective systems and procedures in place in order to make sure that the provision of chaplaincy and pastoral care services are managed according to the requirements set out in the memorandum of understanding.

**IMPLEMENTATION**

Health Network Chief Executives and other NSW Health Agencies are to ensure that the requirements of this policy are communicated to all the appropriate staff (including Hospital Chaplaincy Coordinators, Privacy Contact Officers, Hospital Accredited Chaplains and Pastoral Care Workers, Hospital Administration, Clinical/Patient Services and Social Workers).

The CCAC will facilitate the distribution of the policy and its obligations on behalf of its member organisations.

1. [Introduction and background to the NSW Health & Civil Chaplaincies Advisory Committee NSW Memorandum of Understanding \(PD2011\\_004\)](#)
2. [NSW Health & Civil Chaplaincies Advisory Committee NSW Memorandum of Understanding \(PD2011\\_004\)](#)

**CHAPLAINCY SERVICES AND PRIVACY LAW (IB2008\_044)****Introduction**

This Information Bulletin replaces PD2005\_412 *Chaplaincy Services and Privacy Law* and complements [PD2011\\_004 NSW Health & Civil Chaplaincies Advisory Committee NSW Memorandum of Understanding](#).

This Information Bulletin and [PD2011\\_004 NSW Health & Civil Chaplaincies Advisory Committee NSW Memorandum of Understanding](#) both support the role of chaplaincy services in the NSW public health system. Chaplaincy services are considered an important part of the health support services provided through hospitals and other health facilities to patients and their families.

Questions have arisen as to whether provision of information to hospital chaplains is within the terms of NSW privacy law, particularly given the additional restrictions imposed by privacy laws on access to information about religious and philosophical beliefs.

A regulation has therefore been made under the *Health Records and Information Privacy Act 2002* to clarify the situation in relation to the provision and use of information for NSW Health chaplaincy services, and to provide a sound legal basis for information sharing with chaplaincy services in the NSW Health system.

The regulation is entitled *Health Records and Information Privacy Amendment (Accredited Chaplains) Regulation 2008*.

This Information Bulletin provides guidance to NSW Health accredited chaplains and NSW Health staff as to the operation of the regulation.

This Information Bulletin will become effective on the date of commencement of the regulation which is 1 October 2008.

#### **How will the regulation work?**

The regulation recognises that chaplaincy services form part of the health services available at a hospital or health facility.

It allows information to be released to a chaplain provided that release is for the purposes of chaplaincy services and the release is within the reasonable expectation of the patient or other person to whom the information relates.

Patient consent for release of personal information to accredited chaplains is not required under the regulation. Consequently it is not necessary to include a consent question in admission procedures or on admission forms.

It is important to recognise:

- Access to information under the regulation is limited to accredited chaplains, that is chaplains who have been accredited by the Chief Executive of the public health organisation through [PD2011\\_004](#);
- The test that the disclosure is within “the reasonable expectation” of the patient is the same test applied in relation to the sharing of information for the purposes of providing ongoing medical care. To support compliance:
  - steps should be in place to ensure that patients are aware that information will be provided to a hospital’s chaplaincy department or chaplaincy services;
  - where a patient indicates they do not wish information to be provided, steps should be taken to ensure these views are complied with.
- Accredited chaplains are routinely provided with the name and religious faith or denomination of patients. When necessary, accredited chaplains may also be provided with additional personal and health information to enable the chaplain to fulfil his or her duties in a manner which is within the patient’s reasonable expectation or that of the patient’s relatives.

The Information Privacy Leaflet for Patients has been revised to include reference to chaplaincy services (see <http://www.health.nsw.gov.au/utilities/privacy/patient.asp>). Health services have developed local Information Privacy Leaflet for Patients based on this. Facilities may also have local information and brochures on chaplaincy services which can be used for this purpose.

**Compliance with *Health Records and Information Privacy Act 2002***

The regulation means that accredited chaplains will now be covered by the *Health Records and Information Privacy Act* in relation to the information they obtain from hospitals and hospital chaplaincy services.

This means chaplaincy services will need to comply with certain requirements under privacy law in relation to access and retention of records. For assistance with these requirements, accredited chaplains should refer to the 'Information Sheet for Accredited Chaplains: Compliance with the *Health Records and Information Privacy Act 2002*' which can be found on the NSW Health privacy website: [http://www.health.nsw.gov.au/utilities/privacy/info\\_chaplains.asp](http://www.health.nsw.gov.au/utilities/privacy/info_chaplains.asp).

Public health organisations are encouraged to use their Chaplaincy Services Steering Committee to establish local protocols and procedures for communication between hospital staff and accredited chaplains and to provide support for chaplaincy services in complying with the terms of the *Health Records and Information Privacy Act* and the regulation. Where no Chaplaincy Services or Pastoral Care Department exist in a public health organisation, a process of accreditation of local clergy or religious leaders should be established through the Human Resources Department or equivalent personnel office.