

What about children and young people?

Usually, the Carer of a child or young person under the age of 16 will be their parent or legal guardian. In most cases the health service will be able to share information about the child or young person with the parent or legal guardian.

Sometimes a young person aged 14 to 16 may object to their health information being shared with their Carer, even if they are their parent or guardian. Health staff are required to consider a young person's right to privacy. This is a sensitive matter and may need consultation with health staff and the Privacy Contact Officer for the hospital.

What about young carers?

Children and young people may be Carers and may also receive information about the patient from health staff.

Health staff will need to consider whether the information they are giving, and how they give it, is appropriate for a person of the Carer's age.

What if the patient has a mental illness?

The Mental Health Act (2007) provides special laws about patient privacy and providing information to Carers and family of people with a mental illness.

For more information about these laws, obtain a copy of the Mental Health Act Information Sheet for Consumers and Carers through the NSW Ministry of Health website. See listing on back panel.

Who should carers ask for more help?

If a Carer is having difficulty giving or getting information about the person they care for, they can speak to the Nursing Unit Manager (NUM), Service Manager, Social Worker or Privacy Contact Officer.

Interpreter Information

You have the right to have an interpreter if you need one. NSW Health Care Interpreting Services provide access to professional interpreting services 24 hours a day, 7 days a week, onsite and by telephone in over 120 languages, including Auslan. If you could like to have an interpreter please ask staff to arrange one for you.

Where do carers find more about privacy?

The Privacy Officer at the facility you are visiting or the LHD Privacy Officer

Privacy Officer:

Phone:

Fax:

E-mail:

The Guardianship Tribunal
www.ncat.nsw.gov.au/ncat/how-ncat-works/ncat-divisions-and-appeal-panel/guardianship-division.html

The Ageing and Disability Commissioner
www.ageingdisabilitycommission.nsw.gov.au

Public Guardian, Justice and Attorney General
www.publicguardian.justice.nsw.gov.au

The Capacity Toolkit
www.justice.nsw.gov.au/diversityservices/Pages/divserv/ds_capacity_tool/ds_capacity_tool.aspx

The Privacy Leaflet for Patients
www.health.nsw.gov.au/patients/privacy/Pages/privacy-leaflet-for-patients.aspx

Mental Health Information Sheet for Consumers and Carers
www.health.nsw.gov.au/mentalhealth/resources/Pages/carers.aspx

NSW Health Privacy Manual
www.health.nsw.gov.au/policies/manuals/pages/privacy-manual-for-health-information.aspx

Patient Information and Privacy

A guide for Carers and Family



NSW Health and its employees are committed to recognising, respecting and valuing Carers as partners in care.

NSW Carer Recognition Act 2010.



Who is a Carer?

A person is a Carer if they provide unpaid, ongoing care and support to a family member or friend who needs it because of:

- disability,
- chronic (long term) illness e.g. diabetes, arthritis
- terminal (life limiting) illness,
- mental illness e.g. depression, anxiety, or
- frailty and ageing

Many Carers don't recognise themselves as a Carer. A Carer will have a relationship with the patient. For example, the Carer may also be the patient's husband, sister, brother or friend. However, as a Carer, they will have additional ongoing responsibilities because the patient is unwell, frail or has a disability.

When can health staff share information with a Carer?

A patient's right to privacy is very important. Information the health service has about a patient's health care is covered by privacy laws. Health staff can disclose a patient's health information to a Carer for the purpose of arranging ongoing care, unless a patient objects. Health staff need permission to speak with a Carer for purposes that are not directly related to the patient's care and treatment.

For example, patient permission is required for information to be given to a Carer for the purpose of making an insurance claim, or to request that the Carer pass on information about the patient's condition to an employer, relatives or friends.

If a patient objects to disclosure of information to a Carer, information cannot be given to the Carer except in special circumstances such as where the disclosure is in accordance with the Mental Health Act, or where sharing the information is required to prevent a serious and imminent threat to the health or safety of the patient, the carer or another person.

A patient can tell health staff they have permission to speak with their Carer. The staff member should also note this in the patient's medical record.

Sometimes when a patient has more than one Carer, staff may speak routinely with all Carers about the patient's health, unless the patient has requested otherwise.

Staff and Carers can work together to help the patient whilst in hospital and when they return home. If the patient and/or carer has specific requests about the role of their Carer, you can ask for these requests to be noted in their medical record.

It is important for Carers to talk to the person they care for about sharing health information. This is to ensure the patient's wishes are clear and they understand why health staff may need to speak with Carers.

What if the patient can't give permission?

Some patients are unable to give permission for staff to share information. For example, a patient may be unconscious, have a severe intellectual disability or dementia.

If the patient has lost capacity to make decisions about their own health care due to illness or impairment, health staff can share the patient's health information with a Carer for purposes directly related to treatment and care if it does not go against the known wishes of the patient. Health staff cannot share health information with a Carer for other purposes, unless the Carer is the patient's authorised representative or permission is given by the patient's authorised representative.

Usually the patient's authorised representative is the person's spouse, partner, enduring guardian or legal guardian. However, if there is no available spouse, partner or legal guardian, the Carer may be able to act as the patient's authorised representative. If you are unsure whether you can act as the patient's authorised representative, talk to the patient's treating clinician.

More information about sharing information in these situations can be obtained from the hospital's Privacy Contact Officer.

Carers can seek help from a Social Worker, the Privacy Contact Officer for the hospital, culturally responsive services like an Aboriginal Health Liaison Officer, the NSW Civil and Administrative Tribunal or the Ageing and Disability Commissioner. The NSW Civil and Administrative Tribunal can appoint a legal guardian (who may also be the Carer).

The legal guardian can make decisions about the patient's privacy and their care and treatment.

How can Carers help health staff?

- Telling staff they are the Carer.
- Providing their contact details to health staff and making sure that they are noted in the patient's health record.
- Ensuring the patient's wishes about sharing information with their Carer is noted in the health record.
- Providing the name and contact details of other persons involved in making decisions about the patient (such as the patient's guardian, spouse or partner) when the patient cannot provide these details.



A patient's right to privacy is very important and is protected by law.