

Guideline for Chaplaincy Services



Information sheet: *Health Records and Information Privacy Amendment (Accredited Chaplains) Regulation 2007*

Introduction

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 2007*.

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.

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 PD2005_123;
- 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.

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- Information routinely provided to chaplaincy services should generally be limited to name and religious faith or denomination. In some circumstances, for example, in emergency circumstances, or where the chaplain is supporting a patient or family member, additional personal and health information may also be provided to enable the chaplain to fulfil his or her duties.

The NSW Health Privacy Leaflet for Patients has been revised to include reference to chaplaincy services (see www.health.nsw.gov.au/patients/privacy/). 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

The regulation means that accredited chaplains will now be covered by the *Health Records and Information Privacy Act 2002* 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. Where accredited chaplains are employees of public health organisations they should refer to the NSW Health Privacy Manual for guidance. Where accredited Chaplains are not employees, a summary of compliance issues entitled “Information Sheet for Accredited Chaplains” can be found on the NSW Health Patient Privacy website.

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.