

CLARENDON MEDICAL CENTRE PTY LTD

ABN: 62 207 956 927

4 NEILL STREET (PO BOX 170)
MARYBOROUGH VIC 3465

Telephone: (03) 5461 0100
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Privacy & Confidentiality

Policy

This policy deals with the use and dissemination of private and confidential information, which Clarendon Medical Centre (CMC) partners, staff, contractors, students, representatives and partner organisations who come into contact with, or have access to confidential information will have a responsibility to maintain the privacy, confidentiality and security of that information.

This policy is to ensure that employees of CMC and associated persons are made aware of the specific requirements of Victorian law with regard to privacy and confidentiality of patient/client related information and corporate information, and the requirement for the use of information relevant to the business of CMC.

Target Audience

This policy applies to all CMC Partners, staff and representatives

Definitions

Confidentiality in this context relates to the secrecy and privilege afforded information that is shared between a professional person and another person. It can be defined as a restriction of use of and access to personal information (whether or not it is recorded information) within those relationships. Confidentiality also covers business related information of CMC.

Patient/client confidential information includes:

- The fact that a person is or has been a patient/client of CMC
- The reason why a person is being treated by or receiving services from CMC.
- The patient's/clients personal details and any details on treatment or services provided by either currently or in the past.

Business related confidential information includes all details relating to commercial transactions between any individual or organisation and CMC.

Associated persons who are subject to the Victorian law dealing with confidentiality and the provision of this Policy include, but are not restricted to, Partners of the CMC, staff, representatives and references groups who are not CMC employees, students and observers either on work experience or clinical placement and all contractors engaged to perform work for CMC.

In Australia, privacy law generally relates to the protection of an individual's personal information. Personal information is information or an opinion about an identified individual, or an individual who is reasonably identifiable.

Legal Requirement

CMC has a legal duty to each of its patients or clients to keep all information concerning that individual confidential, subject to the exceptions established by relevant legislation contained in the Health Services Act (1988) Sections 108F, 120 and 141 and the Mental Health Act Section 120A.

The same duty is imposed by this legislation on each individual employee of CMC and other individuals associated with CMC as noted in the above definition.

This duty is ongoing and remains after the patient's/client's treatment or service is completed, or the business related activity has been completed.

Confidentiality is to be strictly observed by CMC and all of the individuals who are subject to the legal requirements noted above.

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Maintenance of confidentiality is a condition of employment with CMC and a condition of appointment by CMC of persons affected by this Policy. Any breach of this policy by an employee will result in disciplinary action and may result in dismissal, in addition to the significant legal consequences for breach of the provisions of the legislation, which apply to all persons affected by this Policy.

It is also a condition of employment that all staff make themselves aware of the legal requirements regarding patient confidential information and the conditions under which those confidentiality provisions can be waived.

Whilst it will be necessary at times to share confidential information regarding a patient/client with other staff members in order to provide the best possible care and treatment, staff are to ensure that:

- Confidential information is only providing to members of the health care team involved in the care and treatment of the patient/client.
- Patient/client confidential information is released to other people only with the consent of the patient/client.
- Patient/client confidential information must not be discussed with other patients/clients or individuals unless authorized by the patient/client.

To the extent they are relevant, these requirements also apply to business related information and all other persons affected by this Policy.

Personal Information and health information as defined in the relevant Victorian law, which is required to be collected, used, disclosed and stored by CMC in order to achieve the purpose of this policy, will be handled by CMC and its employees in accordance with their legal obligations.

The 13 Australian Privacy Principles (APPs) are contained in schedule 1 of the Privacy Act 1988 (the Privacy Act). CMC has a legal duty to comply with the Act. Staff should be aware of the 13 APPS (refer Privacy Fact Sheet 17 – Australian Privacy Principles).

Patient Information

The patient medical record forms part of the Doctor/Patient/Client relationship, and is a confidential document. The Practice Manager is responsible for ensuring that no unauthorised person removes any records from files, reads, alters, copies or in any way tampers with them. Under no circumstances should any medical record or Treatment Registers be removed from Health Service premises or be destroyed.

The patient medical record, and any other recorded information relating to the care of patients or clients, will be accessible only to authorised members of the health care team.

Health information, being information contained in the patient, client medical record elsewhere, shall be accessed or released only for:

- Direct care use, when requested by a medical officer or member of the health care team of Clarendon Medical Centre responsible for the direct care of the patient or client, or by an appropriately authorised member of the health care team of another health care agency when authorised by the patient/client or his/her legally authorised representative in accordance with current requirements;
- Individual use, when authorised by the patient/client or their legally authorised representative in accordance with current requirements, including Freedom of Information provisions;
- Legal use, when required by law; or
- Secondary use, when requested by authorised persons, agencies or government bodies, provided that the legitimacy of such requests is approved by the CMC Partners.

Staff Information

All documents relating to staff members, such as personnel files, pay records and employment assessments are confidential, and details should not be divulged to any person without the express written authority to the Practice Manager, in consultation where appropriate with the staff member.

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General

Confidentiality also precludes information regarding individual patients or staff members being verbally disclosed or discussed, in an unauthorised context either inside or outside the CMC, whether during working hours or after. Any disclosure of such information, without proper consent, can make the CMC liable at law, and jeopardise the position of the offending staff member. Disciplinary action will be initiated for any breach of confidentiality.

All requests by individual companies, agencies, or government bodies for any health or other information regarding patients, clients or staff members must be directed initially to the Practice Manager before the request is processed.

The policy statement and guidelines for release of information from Medical Records should also be noted when considering policy in this area.

ACCEPTANCE

I acknowledge I have read and understood the contents of this Policy and further agree to comply with same.

Signed: _____

Date: ____/____/____