

HEALTH INFORMATION, PRIVACY AND CONFIDENTIALITY

GPCME
Conference
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Marie Shroff – Privacy Commissioner

“On the one hand, it’s often in the best interest of the patient to have their clinical data readily available to the people who need it. On the other, there’s a sense in which the relationship of confidentiality between you and your patient has evaporated the moment their information is out of your control.”

“Privacy Matters Column” NZ Doctor July 2011

OVERVIEW

- General principles about information sharing.
- What are some topical issues for general practice to consider?
- Recent/proposed legal changes.
- Summary and questions.

SHARING OF INFORMATION

- The Privacy Act 1993, Health Information Privacy Code 1994 and Health Act 1956 provide significant scope for sharing information for clinical treatment purposes.
- Use of information is generally “purpose based”, not “consent based”.

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- Desire to have the “right information, in the right place, at the right time” to support the provision of quality clinical care.
- Increasing use of regional and national repositories and databases.
- Move towards using patient identifiable data from primary and secondary care for population health initiatives as well as patient and practice level improvements and interventions.

WHAT DOES THIS MEAN FOR GENERAL PRACTICE?

- Increased ability to access brings with it an increased responsibility to ensure that access is appropriate.

What measures does your practice have in place to ensure that access to patient information is appropriate??



WHAT DOES THIS MEAN FOR GENERAL PRACTICE?

- **“Zero tolerance” approach to inappropriate access.**
Make sure your staff members are aware of the difference between appropriate and inappropriate access and the consequences of inappropriate access.



Note the Privacy Commissioner's “Privacy Breach Guidelines”

WHAT DOES THIS MEAN FOR GENERAL PRACTICE?

- Move towards “patient centred audit”.

Greater transparency around the use of information and those who have access to it. Putting the patient at the centre of the process.



WHAT DOES THIS MEAN FOR GENERAL PRACTICE?

- **Transparency about use and disclosure of information is increasingly important. Make sure the patient knows how their information is being used and what you do with it.**

What steps does your practice take to ensure that patients are fully and appropriately informed about the collection, use and disclosure of their information?

WHAT DOES THIS MEAN FOR GENERAL PRACTICE?

- **Proactive approach to security and privacy enhancing functionality.**

Undertake thorough Privacy and Security Impact Assessments and ensure, at an early stage, that appropriate functionality exists and associated processes are in place.



OTHER PROBLEM AREAS

- Access requests

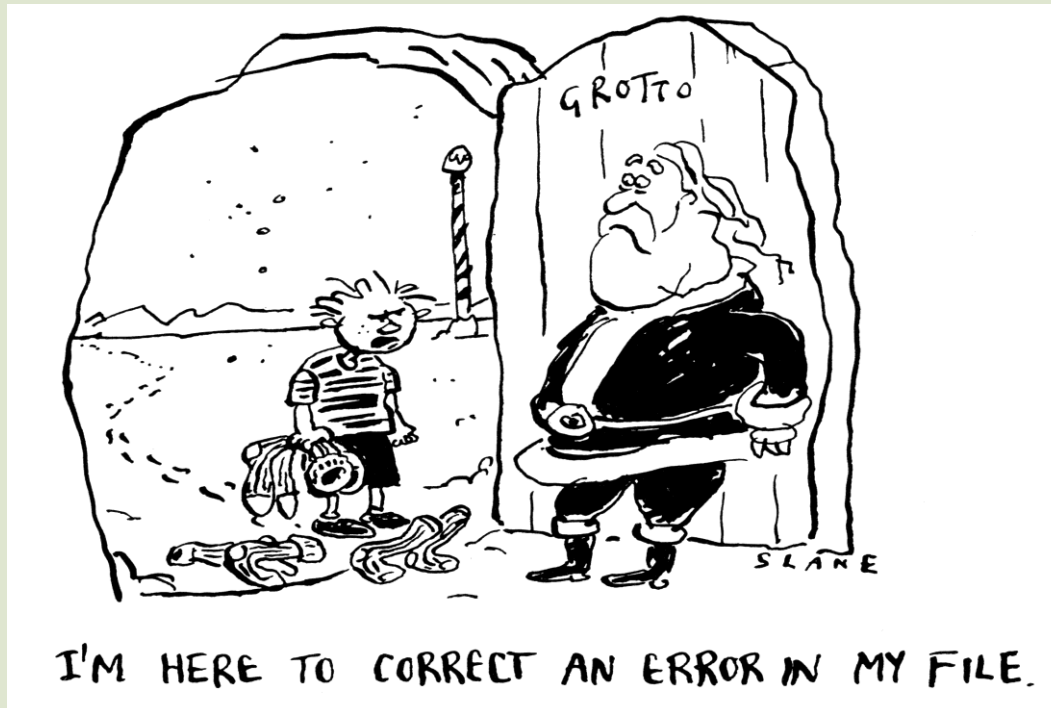
Source of many privacy related complaints.

Practical difficulties in ensuring that all requested information is provided in response to an access request when information is held in multiple systems. How do you deal with information accessed by general practice but “held” by a DHB?

Cont..

- Correction requests.

*Increasing requests to “amend” smoking status etc.
Potential for greater dissemination of incorrect and
inaccurate information.*



CONT...

- Information overload – where does the responsibility of primary care stop?

Medico-legal expectations in relation to obtaining and considering available information.



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- Disclosure of information – need clear framework for dealing with requests.

Disclosure for safety reasons – note proposal to remove requirement under Privacy Act and Health Information Privacy Code for threat to safety to be “imminent”, only “serious”.

Recent Crimes Act amendments in relation to vulnerable adults and children introduce new criminal offences for failing to take steps to protect children and vulnerable adults who are known to be at risk.

Points to Remember

- Use your common sense.
- Current legal provisions provide flexibility to support appropriate information sharing.
- Apply the “would I be happy...?” test.
- Be proactive in identifying and addressing problems.
- Privacy breaches may be relatively rare but the consequences can be catastrophic for all concerned.

Questions?