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(Room 7)

11:00 - 11:55 WS #87: Privacy and Confidentiality for Busy Practitioners

12:05 - 13:00 WS #98: Privacy and Confidentiality for Busy Practitioners (Repeated)



Privacy and Confidentiality for Busy Practitioners

Kathryn Dalziel

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We are going to talk about...

- The legal framework for privacy & confidentiality
- Health Information Privacy Rules & s22F Health Act
- Issues & Risks
- Setting the Standard

Legal Framework

- Health Information Privacy Code Rules
- Confidentiality





Privacy & Confidentiality

Privacy

- Principles guiding level of control a person can exercise over their personal information
- Collection, storage, use & disclosure of health information & rights of access & correction

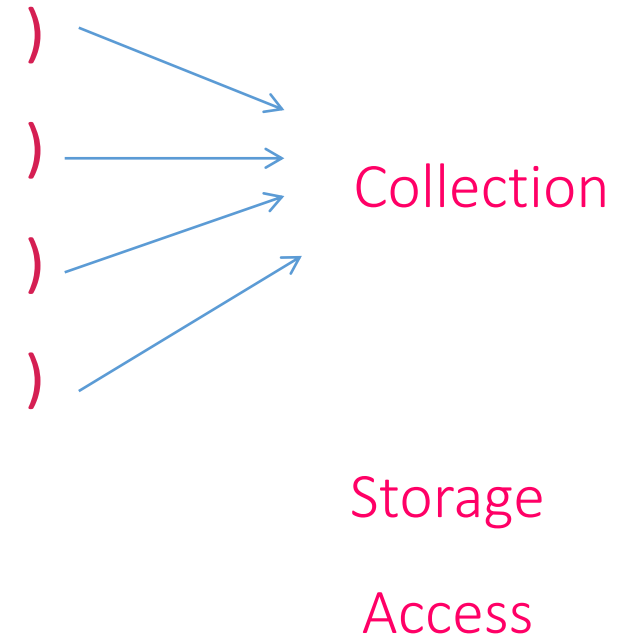
Confidentiality

- akin to secrecy
- fundamental to trust relationship/promotes full disclosure
- ability to disclose information received in confidence limited to authorisation, avoidance of serious harm, or public interest.



Health Information Privacy Rules

1. Only collect health information if you really need it.
2. Get it straight from the people concerned.
3. Tell them what you're going to do with it.
4. Be considerate when you're getting it.
5. Take care of it once you've got it.
6. People can see their health information if they want to.





Health Information Privacy Rules

7. They can correct it if it's wrong.
8. Make sure health information is correct before you use it.
9. Get rid of it when you're done with it.
10. Use it for the purpose you got it.
11. Only disclose it if you have a good reason.
12. Only assign unique identifiers where permitted.

Correction

Accuracy

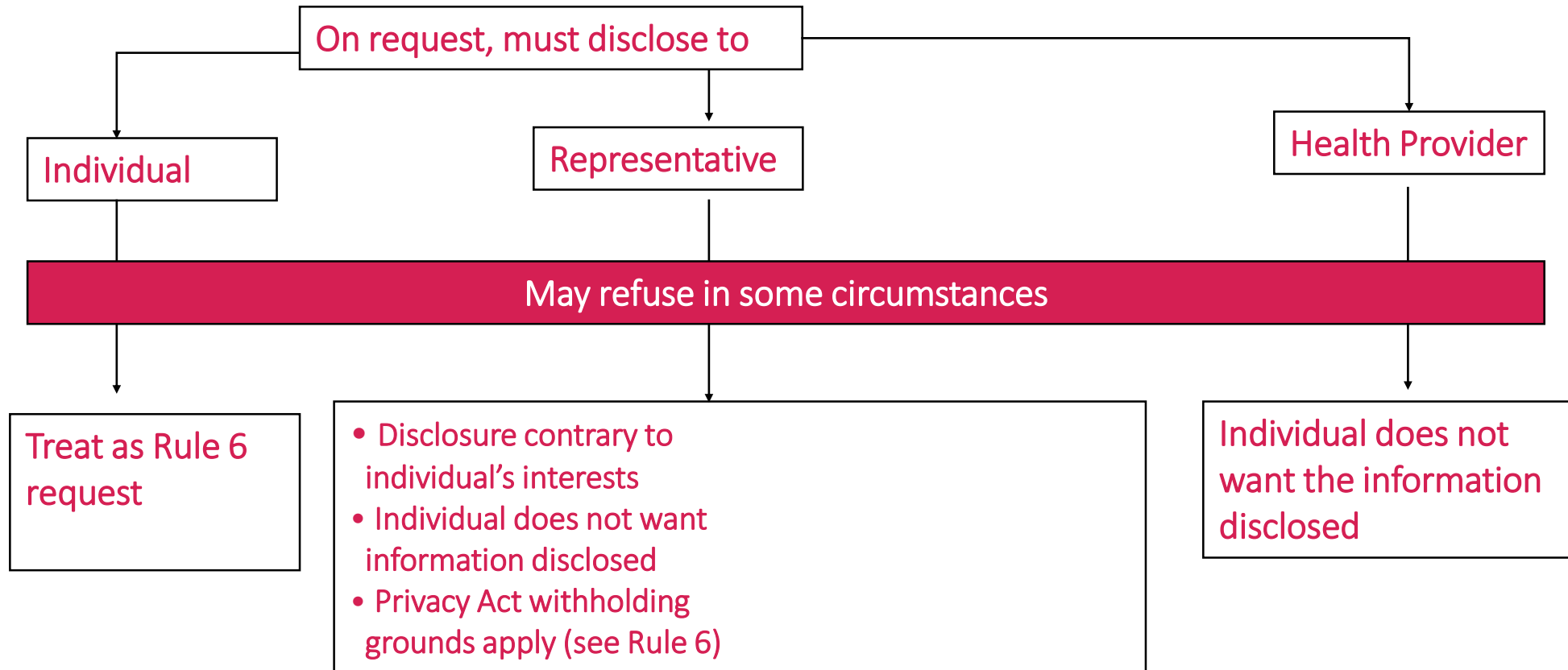
Retention

Use

Disclosure

PIN

s22F Health Act



May also refuse for a lawful excuse which does not include non payment, prejudice to commercial position, disclosure not allowed by Privacy Act

s22F Health Act

Who is a representative?

- where individual is dead: personal representative
- where individual is under the age of 16 years: parent or guardian
- where individual is not in above categories & is unable to give consent or authority or exercise his/her rights –
a person appearing to be lawfully acting on the individual's behalf or in his/her interests

People can appoint agents eg. lawyer, friend, parent, written authority, properly authorised

Family/children DO NOT have automatic right of access to family member's/parent's information
consider requests under section 22F

In-roads into privacy & confidentiality

- patient's rights of support: family and friends
- reporting requirements of funders
- the increasing size/number of health professionals involved
- multidisciplinary practices
- sharing of health information between health care professionals
- ease of access to health records on electronic databases
- insurers' insistence on full access to patient records
- privileged access



Common Issues

- Electronic/shared care records
- Patient Portals
- Dealing with families
- Dealing with other health care professionals
- Patients taking pictures



Privacy and Confidentiality Risks



Setting the Standard:

- Importance of privacy & security at Board governance level
- Privacy & confidentiality vision, strategy and programme (culture)
 - Coherent & clear to mitigate privacy risks
 - Education & Training
 - Positive: buy-in from staff & build patient trust
 - Monitor performance for compliance: audit, review and evaluation
 - Ensure adequate resources & capacity to respond to incidents
- Role of privacy officer & use of privacy champions



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