to return to the health service or may consider the breach serious enough to sue the organisation for a breach of confidentiality.

Under section 93 of the Health Care Act 2008, a public health sector employee can be fined up to $10,000 if any personal information relating to a client obtained in the course of employment is divulged, except where the disclosure of such information is authorised or required by law or by the Chief Executive of SA Health or the person’s employer. Any employee may also be instantly dismissed for a breach of client confidentiality.

Important points to remember

> You are only permitted to use or divulge client information on a need to know basis in the course of performing your work, unless you have prior written authority from the health service executive (or delegate) to divulge the information in other circumstances, or you are required by law to report certain information. For example, notification of child abuse and notifiable diseases to appropriate authorities.

> Accessing your own medical records in hardcopy or electronic format is also a breach of confidentiality.

> The client’s medical record is a confidential document, the content of which should only be divulged in the course of your working duties unless prior authorisation from the health service executive (or delegate) has been obtained, or you are required by law to report certain information.

> You must only use the health service electronic systems to perform your work. Electronic systems must not be used to gain access to client information for personal use.

> Conversations about clients must not be conducted in the presence of, or be overheard by those not entitled to know the information in the performance of their daily duties.

> Disclosure of client information over the phone should be limited and undertaken in accordance with health service policy.

> It is your individual responsibility to maintain confidentiality when you have access to, or knowledge of, confidential information.

Follow-up

Familiarise yourself with health service policies and procedures in regard to confidentiality, access and release of client information. The Code of Fair Information Practice for SA Health can be obtained from the Department of Health website www.health.sa.gov.au

References:


Purpose of this brochure
This brochure has been developed to inform you of the importance of maintaining confidentiality and outlines possible consequences if a breach of confidentiality occurs.

What information should be treated as confidential?
Personal health information prepared and received by the health service is confidential, particularly information supplied by and used to treat clients.

The duty to maintain confidentiality is underpinned by legal and professional standards, which create an expectation in the community that personal health information will be treated with the utmost care.

By the nature of your employment or association with the health service, you work in a position of trust where you may gain access to personal health information that is confidential. For example, you may see someone you know whom you would have been unaware was a client had you not been working at the health service.

To prevent breaches from occurring, the health service has implemented a number of policies and procedures governing confidentiality and release of client information. It is important that you familiarise yourself with these. A number of general guidelines about confidentiality are also outlined in this brochure.

1. Documented client information
A significant amount of personal health information is documented in the medical record. This means that:
- the record should not be left in public areas or an area that is not attended by staff
- the content of the record should only be viewed in the course of your working duties
- the content of the record should not be discussed in public or with other staff members not involved in the treatment and care of the client
- the record must not be removed from the health service unless prior authorisation from the health service executive (or delegate) has been obtained.

Requests by clients to access their medical record are governed by the Freedom of Information Act (FOI) Act 1991. The health service has also developed policies relating to access and the release of information to third parties. The Department of Health has developed the Code of Fair Information Practice that binds health services and their employees in the management of personal health information. You need to be aware of these policies and documents.

2. Electronic client information
As part of your job you may have access to the health service computerised information systems and databases. Such access is privileged and confidential, and you should only view information that is required to perform your work. Looking up an electronic system to find out the diagnosis or date of birth of your neighbour or relatives are examples of breaches of confidentiality and an abuse of your access privileges.

Remember:
- to ensure other people do not inadvertently view information it is important to leave computer screens blank when they are unattended
- under no circumstances should you divulge your password to anyone.

3. Discussion of client information
At work
In the course of treating a client, health professionals are required to discuss the client’s condition and treatment. However you must:
- not talk about clients if the discussion is not relevant to the performance of your work
- not discuss client treatment where it can be overheard by unauthorised persons, for example in hallways, waiting rooms, lunch rooms, or in front of other clients or visitors
- only discuss client information with other health professionals in order to perform your work.

Outside of work
Discussing client information outside of the work related environment constitutes a breach of client confidentiality.

- You must not discuss client information with anyone outside the health service such as your partner, friends, relatives or acquaintances. If at anytime you are pressed to provide information, inform people that doing so may result in legal action being taken against you and the termination of your employment.

Some clients may be subject to legal inquiry or have gained media attention due to a special interest story written about them or they may have been involved in an accident.

- Under no circumstances may an unauthorised statement be made to the press, radio or television regarding the client’s condition or treatment.

4. Disclosure of client information over the telephone
Disclosure of client information by telephone is a potential breach of confidentiality.

In general, information provided over the phone should be treated with great care and limited to cases where it is urgently needed. No personal information, including admission and discharge dates, should be given over the phone unless it is established that the caller is an authorised recipient of such information and can prove their identity. For example, the caller’s identity and phone number should be verified by phoning them back before providing the information. You should also:

- be careful in confirming or denying the current or past presence of a client at the health service and only do so in accordance with current health service policy
- respect a client’s request that no, or a limited amount of information is released.

Implications of a breach of confidentiality?
Unauthorised disclosure of personal health information could result in a lack of confidence and trust in the public health system and may have legal ramifications for you and your employer. For example, clients may feel that their privacy has been violated and that they cannot discuss in confidence their relevant personal information that may be needed for their care and treatment. The client may at the least choose not