

The University's Privacy Officer at: privacy@uws.edu.au

Privacy NSW (the NSW Government privacy agency):
http://www.lawlink.nsw.gov.au/lawlink/privacynsw/ll_pnsw.nsf/pages/PNSW_index

NSW Legislation (for HRIPA): <http://www.legislation.nsw.gov.au/>

Health Privacy Principles at a glance

The 15 health privacy principles (HPPs) are the key to the Health Records and Information Privacy Act (HRIPA Act). They are legal obligations describing what organisations (NSW public and private sector) must do when they collect, hold, use and disclose health information. There are exemptions in particular defined circumstances.

Collection

1. Lawful – when an organisation collects health information, the information must be collected for a lawful purpose. It must also be directly related to the organisation's activities and necessary for that purpose.
2. Relevant – the organisation must ensure that health information is relevant, accurate, up to date and not excessive. The collection should not unreasonably intrude into someone's personal affairs.
3. Direct – health information must be collected directly from the person concerned, unless it is unreasonable or impracticable for the organisation to do so.
4. Open – a person must be told why their health information is being collected, what will be done with it, and who else might see it. They must also be told how they can see and correct their health information, and any consequences if they decide not to provide it. Even if an organisation collects health information about a person from someone else, they must still take reasonable steps to ensure that the person is aware of the above points.

Storage

5. Secure – health information must be stored securely, not kept any longer than necessary, and disposed of appropriately. It should be protected from unauthorised access, use or disclosure.

Access & Accuracy

6. Transparent – the organisation must provide a person with details about what health information they are storing about them, why

they are storing it and what rights the person has to access it.

7. Accessible – the organisation must allow a person to access their health information without unreasonable delay or expense.
8. Correct – the organisation must allow a person to update, correct or amend their health information where necessary.
9. Accurate – the organisation must make sure that a person's health information is relevant and accurate before using it.

Use

10. Limited – the organisation can only use a person's health information for the purpose for which it was collected, or a directly related purpose that they would expect. Otherwise they can only use it with the person's consent (unless one of the exemptions in HPP 10 applies).

Disclosure

11. Limited - the organisation can only disclose a person's health information for the purpose for which it was collected, or a directly related purpose that they would expect. Otherwise they can only disclose it with the person's consent (unless one of the exemptions in HPP 11 applies).

Identifiers & Anonymity

12. Not identified – an organisation can only give a person an identification number if it is reasonably necessary to carry out their functions efficiently.
13. Anonymous – a person is entitled to receive health services anonymously, where this is lawful and practicable.

Transferrals & Linkage

14. Controlled – a person's health information can only be transferred outside New South Wales in accordance with HPP 14.
15. Authorised – a person's health information can only be included in a system to link health records across more than one organisation if the person expressly consents to this.

(Information in this document has been sourced from Privacy NSW and modified to tailor it to the needs of students of the University of Western Sydney.)

Information about Health Privacy for UWS Students Undertaking Clinical Experience (or other placement) in the Health Sector

Introduction

On 1 September 2004 the NSW Health Records and Information Privacy Act 2002 (HRIPA) came into effect. This Act provides protection for individuals in terms of their health and associated personal information and regulates the manner in which organisations (both public and private) may handle health information. The Act operates by way of 15 Health Privacy Principles that all organisations handling health information must comply with. The undertaking of clinical training (or other placement) by students in the health sector is regulated by this legislation and there are associated statutory guidelines that specifically address training issues.

So in a health service any information regarding a patient's/client's condition is health information and hence is strictly confidential and must only be accessed and used for the purposes for which the person is being treated. Note that other personal information such as home address, telephone number, health insurance information, which is provided in the context of the health service, is also protected by the new health privacy legislation (HRIPA).

When you are placed with a health service provider for the purposes of clinical training that provider must comply with the provisions of the health privacy legislation with respect to your training. In particular the provider may require that you sign an undertaking that you have been made aware of the Health Privacy Principles and that you understand that you are required to comply with them.

What is health information?

Health information is information or opinion about:

- the physical or mental health or disability of an individual;
- an individual's express wishes regarding future health services;
- a health service provided, or to be provided to an individual;
- information collected in connection with the donation or intended donation of body parts and/or organs;
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants;
- AND, for health service providers, any and all other personal information collected to provide a health service

What is a health service provider?

A health service provider is an organisation that provides a health service of the following kinds:

- (a) medical, hospital and nursing services,
- (b) dental services,
- (c) mental health services,
- (d) pharmaceutical services,
- (e) ambulance services,
- (f) community health services,
- (g) health education services,
- (h) welfare services necessary to implement any services referred to in paragraphs (a)–(g),
- (i) services provided by podiatrists, chiropractors, osteopaths, optometrists, physiotherapists, psychologists and optical dispensers in the course of providing health care,
- (j) services provided by dietitians, masseurs, naturopaths, acupuncturists, occupational therapists, speech therapists, audiologists, audiometrists and radiographers in the course of providing health care,
- (k) services provided in other alternative health care fields in the course of providing health care,
- (l) a service prescribed by the regulations as a health service for the purposes of the Act.

The Health Privacy Principles

The 15 Health Privacy Principles are outlined in brief at the end of this document and the full text of them is contained as Schedule 1 of the Health Records and Information Privacy Act 2002. They can be accessed via the NSW Legislation web site:

<http://www.legislation.nsw.gov.au/>

or via the University's Privacy web site:

<http://www.uws.edu.au/privacy>

Further information is contained in the University's Privacy Management Plan also accessible from that site.

Where would I encounter health information?

During a placement a student is likely to come across health information in a variety of ways as part of their training including:

- observing the provision of health services to patients or clients;
- directly providing health services to a patient or client;
- as a member of a team that is providing health services to a patient or a client
- attending case conferences and team meetings where patient management issues are discussed;
- attending demonstrations of, or learning to use, clinical and administrative information systems relevant to their role; and
- reviewing patient or client records.

What are my basic responsibilities?

As stated you may need to sign an undertaking for the health provider you are placed with stating that you are aware of and agree to comply with the Health Privacy Principles during your placement. In practice this means that you should comply with the following:

- read and understand the Health Privacy Principles;
- only access health information necessary or essential to allowing you to fulfil the terms of your placement (e.g. don't examine patient/client records that you are not 'working' on);
- never disclose health information obtained in the course of your training except when it is authorised by law (e.g. don't discuss health information that you have accessed in inappropriate locations – public areas, on public transport, at home, etc.);
- if it is a requirement of your unit to collect information regarding a patient/client, the notes must not contain any identifying information. Any note taking relating to a patient/client must be shown to your supervisor before leaving placement;
- abide by the privacy, security and confidentiality requirements of the organisation you are placed with; and
- not publish information that could reasonably identify individuals.

Where can I get more information?

In addition to approaching staff at the health service provider where you are undertaking your placement or staff at the University in your discipline area you can access useful information about privacy issues in general and health privacy at:

Privacy at the University of Western Sydney website:
<http://www.uws.edu.au/privacy>