

1.5 Privacy

Policy

He Waka Tapu will ensure that all whaiora rights to confidentiality and privacy are maintained in line with the requirements of the Privacy Act (1993) and the Health Information Privacy Code (1994).

He Waka Tapu collects and uses personal health information for a lawful purpose required to conduct the activities within the organisation. The main purpose for which health information is collected by He Waka Tapu is for tangata whaiora care and treatment, to assist in the administrative aspects of treatment, training and education and monitoring.

Where He Waka Tapu collects personal health information, this information shall be collected directly from tangata whaiora concerned, in certain circumstances information may also be collected from other sources i.e. other agencies, services or whānau members.

He Waka Tapu will ensure that when health information is collected from tangata whaiora they are made aware of:

- The fact that the information is being collected;
- The purpose of which the information is collected;
- The intended recipients of the information.
- That whaiora are able to withdraw consent for their personal information to be shared at any time.

Sharing of information:

He Waka may disclose personal health information to other parties as consented to on the Consent/Confidentiality/Contract Form.

He Waka Tapu will collect, use and disclose certain personal information in order to conduct its activities. Tangata whaiora shall sign a consent/confidentiality/ contract form for the purpose of information being collected, released to other agencies, services and or whānau members and consent to treatment. Tangata whaiora may at any time withdraw a previously given consent. If the refusal or withdrawal of consent has negative implications (e.g. He Waka Tapu inability to provide a service) He Waka Tapu will advise of such implications.

Procedure:

Kaimahi will not disclose information to anyone who does not need to know it.

Sometimes, situations may arise where it would be appropriate to break confidentiality or divulge information. Circumstances which may be considered as appropriate are as follows: -

- a) Where it is considered by the kaimahi in receipt of the information that an whaiora will be placed at risk of physical danger and withholding information could cause harm or injury to an individual
- b) Where it is disclosed or considered that a criminal offence has been or will be committed.
- c) Information disclosed relating to acts of terrorism
- d) Disclosure of information relating to the protection of children
- e) Disclosure of information relating to the protection of vulnerable adults

Where it is considered essential to break confidentiality, the whaiora whose confidentiality is to be broken will in normal circumstances be informed.

Any threat of self harm, violence in relation to a kaimahi or whaiora, or a serious threat against any other person will be recorded and reported to the Chief Executive and/or Operations Manager. He Waka Tapu has a duty of care under health and safety legislation to all kaimahi, Tangata Whaiora and those associated with He Waka Tapu.

Action by senior management – assessing whether to disclose confidential information to external **agencies without the consent of the whaiora:**

If the Team Leader and/or Operations Manager believe that confidential information should be passed onto another party or agency, without the whai-ora's consent, they should brief the Chief Executive on the full facts of the case. If the Chief Executive agrees that action is required, a full report on the case will be made and any agreed action undertaken. The Team Leader and/or Operations Manager is responsible for ensuring that all necessary actions are taken.

The decision to break confidentiality ultimately lies with the Chief Executive of He Waka Tapu.

All Kaimahi will have a copy of Guidelines for sharing information 01-01-A-HWT available to them.

Storage and security of personal information:

He Waka Tapu takes appropriate steps to ensure the security of personally identifiable information is protected. For example highly sensitive information (whaiora files) is stored in locked cabinets and electronic files are protected by the use of passwords, appropriate levels of security and encryption of files if available.

He Waka Tapu will endeavour to ensure that personal information is as accurate, complete, up-to-date and relevant for the purpose for which it is to be used.

Whaiora accessing their files:

If any whaiora wish to access their personal health information they may make a request to kaimahi in writing addressed to: Operations Manager and/or Chief Executive, He Waka Tapu.

Document retention

He Waka Tapu will not keep tangata whaiora personal health information for longer than it is required for the purpose for which the information may lawfully be used.

Unique identifiers

He Waka Tapu will take all reasonable steps to ensure that unique identifiers are assigned only to individuals whose identity is clearly established.

He Waka Tapu will use the tangata whaiora full name, NHI and date of birth as their unique identifier.

Standards

Health and Disability Sector Standards (NZS 8134.1.2.9)
Code of Health and Disability Services Consumers' Rights 1996