

Confidential Information Policy

Policy and Procedure Manual

1. Policy

All those who receive support from Apex Care and all applicants/employees that are in contact with Apex Care are assured of strict confidentiality of all information relating to them.

Apex Care protects those receiving supports and employee rights in accordance with the provisions of the Privacy Act 2020 and the Health Information Privacy Code 1994.

2. Scope

All staff and contractors working with Apex Care.

3. Overview

In the course of their work with Apex Care, employees will have access to confidential information regarding Apex Care, the people they support and the services provided. It is one of the employees' prime responsibilities to ensure that they in no way divulge or reveal any such information, and that it is used only in the performance of their duties.

- The information collected by Apex Care must be solely what is necessary and be for a clear and lawful purpose
- Employees, except within the scope of their employment, cannot remove, or make, any copies of reports or correspondences relating to Apex Care
- Employees cannot use for their own gain, except within the scope of their employment, any confidential information, data or knowledge relating to Apex Care
- Employees must surrender all documents and information upon termination of employment or at any time upon the request of the management
- Sometimes even the most innocent act or request can result in disclosure of confidential information being disclosed and employees should always think before discussing information with a third party. If an employee believes that information should be discussed with a third-party they should consult with the management.

There is NO excuse for disclosure of confidential information. If information is released, this may result in the employer seeking legal redress by way of damages from employee due to the loss of income and costs.

4. Procedures

The appointed Privacy Officer will be responsible for approving policy and researching privacy information through the Privacy Commission on behalf of the people we support and employees. All employees of Apex Care agree to confidentiality as part of their Individual Employment Agreement.

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Information relating to the people we support must be disclosed in a tactful and sensitive manner and be in general terms only concerning the condition of the tangata whaiora provided the disclosure is not contrary to the request of the individual.

Specific information relating to tangata whaiora shall not be disclosed except to a person nominated by the individual or a near relative provided that the disclosure is not contrary to the express request of the individual where the individual is able to request.

If you are unsure as to whether disclosure of information is appropriate, please contact your manager before proceeding.

The following requirements of the Health Information Privacy Code 1994 are strictly adhered to.

- **Rule 11 (1) (e)** “That the information is information in general terms concerning the presence, location and condition and progress of the patient in a hospital, on the day on which the information is disclosed, and the disclosure is not contrary to the express request of the individual or his or her representative.”
- **Rule 11 (2) (b)** “That the information is disclosed by a registered health professional to a person nominated by the individual concerned or to the principal caregiver or a near relative of the individual concerned in accordance with recognised professional practice and the disclosure is not contrary to the express request of the individual or his or her representative.”
- **Rule 11 (2) (g)** “That the information is information in general terms concerning the condition of the patient in a hospital” and “so long as the disclosure is not contrary to the express request of the individual.”
- **Rule 11 (2) (h)** “That the information is disclosed by a registered health professional to a person nominated by the individual concerned or a near relative” and provided “the disclosure is not contrary to the express request of the individual where the individual is unable to so request.”

Where an agency holds information, the individual concerned shall be entitled:

- To inspect information
- To request correction of the information; and
- To request that there be attached to the information a statement of the correction sought but not made.

Reasonable steps must be taken to ensure information is:

- Accurate
- Up-to-date
- Complete
- Not misleading

To ensure information is accurate and to eliminate any need for correction at a later date, individuals should check the accuracy of the information held about them as it is recorded. Where a change is made, it should be signed by the person authorising the change.

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Only authorised personnel are to have access to areas where resident information is stored. Confidential information is to be destroyed by contract, or shredded.

References

- Health & Disability Commissioners Code of Resident Rights
- Health Information Privacy Code 1994
- Privacy Act 1993
- Public Records Act 2005
- Domestic Violence Act 1995
- Health (Retention of Health Information) Regulations 1996

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