

Health Privacy Additional Fact Sheet

This document is to be read with the Health Privacy Policy and provides additional background and detail to support the information outlined in the Policy.

Principle 2 – Use and Disclosure

The Act permits Council to use or disclose health information about someone without consent in the following situations:

If Council is providing a health service to someone and:	there is a necessity to use or disclose health information to be able to provide that service, and the person is incapable of providing consent and it is not reasonably practicable to obtain the consent of an authorised representative of the individual or the individual does not have such an authorised representative; or
	that health information is needed to provide further health services to someone and Council believes that using that information will help ensure those services are provided safely and effectively;
When use or disclosure of health information is:	for the purpose of administering health services or training provided to Council employees and it is not possible to meet that purpose without disclosure of the information, and reasonable steps have been taken to de-identify the information. In this instance, the information will not be published in any form that may be generally available; or
	necessary for research or statistical analysis that might serve public interest and it is not practical to seek the individual's consent before the use or disclosure and is not possible for the purpose of that research to be achieved without disclosure of the information.
If the Council believes that the use or disclosure is necessary to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare or public health, public safety or public welfare.	

Disclosure to Immediate Family

In some circumstances where Council is a health provider, health information about an individual may be disclosed to an immediate family member if Council believes that the disclosure is necessary to provide appropriate health services to care for the individual and:

- the individual is incapable of giving consent; and
- disclosure is not contrary to any wish expressed by the individual before they became incapable of giving consent; and
- the immediate family member who has requested the information is over 18 years of age or has sufficient maturity to receive the information.

Council may also make a disclosure of health information for compassionate reasons if the above-mentioned criteria is met.

Disclosure for Secondary Purposes

In some circumstances Council may disclose health information about someone for a secondary purpose, if Council knows, or suspects, that the person is deceased, missing or has been involved in an accident and is therefore incapable of consenting.

This disclosure may occur in situations where it is reasonable to identify the person or to identify and locate an immediate family member so that the police, a coroner or other prescribed organisation can contact them.

However, this disclosure will not occur where there is an expressed wish to the contrary made by the person and recorded by Council.

Principle 6 – Access and Correction

Council is committed to providing individuals with access to the health information which it holds about them on request.

Some requests for personal information may be dealt with informally (outside the *Freedom of Information Act 1982*). For example, Immunisation History Statements or your child's Maternal & Child Health Records, subject to meeting the criteria. Photo ID will be required when making a request for this information.

Circumstances where Council may deny access:

- access would pose a serious threat to the life or health of any person.
- access would have an unreasonable impact on the privacy of other people.
- there are legal proceedings current between the person and Council.
- the disclosure would reveal the intentions of Council in relation to negotiations, other than about the provision of a health service, with someone in such a way as to expose the organisation unreasonably to disadvantage.
- the information is subject to confidentiality under s27 of the *Health Records Act 2001*.
- providing access would be unlawful.
- providing access would be likely to prejudice an investigation of possible unlawful activity.
- providing access would be likely to prejudice a law enforcement function by or on behalf of a law enforcement agency.
- a law enforcement agency performing a lawful security function asks the organisation not to provide access to the information on the basis that providing access would be likely to cause damage to the security of Australia.
- the request for access is of a kind that has been made unsuccessfully on at least one previous occasion and there are no reasonable grounds for making the request again:
or
- the individual has been provided with access to the health information previously and is making an unreasonable, repeated request for access to the same information in the same way.