Fact Sheet

Privacy and confidentiality agreements

Standards and legislation

Privacy of health information is a legislative requirement in accordance with the Australian Privacy Act 1988 and the 13 Australian Privacy Principles (APPs).

The APPs regulate the handling of personal information by both Australian government agencies and some private sector organisations. The regulations complement the culture of confidentiality that exists in general practice.

Practices should be familiar with the APPs, including the Australian Privacy Principle Guidelines published by the Office of the Australian Information Commissioner.

The Guidelines on Australian Privacy Principles will assist general practices to meet their legal obligations in relation to the collection, use and disclosure of health information.


Why do we need confidentiality agreements?

The privacy and security of health information held by a practice is a legal obligation.

General practice teams need to ensure that the personal health information of patients and confidential information of the practice is neither stored, nor left visible, in areas where members of the public have unrestricted access or where constant staff supervision is not easily provided.

Each general practice should have a documented privacy policy for the management of patient health information and a confidentiality agreement.

All visitors and employees of the practice who may come into contact with the personal health information of patients and confidential information held by a practice, should sign the confidentiality agreement and understand the boundaries set out by this statement.

Any breach of privacy guidelines should result in disciplinary action or immediate dismissal.

When signing a confidentiality agreement, the practice privacy policy should be provided and explained to the new employee or visitor and a copy provided for them to keep.

The original signed copy should be retained in the staff personnel file, visitors log book, student or registrar file.

Who should sign a confidentiality agreement?

All staff members should be asked to sign the confidentiality agreement upon accepting employment at the practice. This includes:

- General practitioners
- Practice nurses
- Practice manager
- Reception staff
- Finance/payroll staff
- Human resources staff
- Other administration staff

Whilst all care has been taken in preparing this document, Rural Health West encourages interaction with The Royal Australian College of General Practitioners (RACGP), your general practice accreditation organisation (AGPAL or GPA Accreditation Plus) and your medical indemnity insurer for information specific to your practice needs.
In addition to regular, locum or temporary practice staff, visitors to the practice for short or long term business should also be asked to sign a confidentiality agreement. This includes, but is not limited to:

- Accreditation surveyors
- Cleaners and maintenance workers
- Students on practical placement (nursing, general practitioner, administration, etc)
- General practice registrars

Where can I get a template confidentiality agreement for my practice?

Your accreditation organisation or medical professional indemnity insurer (medical defence organisation) may have template confidentiality agreements available.

More information

RACGP Handbook

The RACGP Handbook for the management of health information in general practice (3rd edition) provides further information about safeguards and procedures required by general practices in order to meet appropriate legal and ethical standards concerning the privacy and security of patient records.

RACGP Computer and Information security standards (CISS)

Compliance indicators for the Australian Privacy Principles is an addendum to the Computer and information security standards (2nd edition) (CISS) and is designed to assist general practice to meet its legal obligations of the APPs. CISS provides a brief explanation of each APP requirement and the steps general practices need to take to ensure compliance.

State privacy legislation

As well as being familiar with the APPs, practices need to be familiar with the relevant state/territory privacy and health records legislation (where relevant) as this will also impact on the way in which practices manage patient health information. For more information visit www.oaic.gov.au or the local state equivalent.

Contacts

Accreditation bodies:

- Australian General Practice Accreditation Limited (AGPAL)
  http://www.agpal.com.au
- GPA Accreditation Plus
  www.gpa.net.au

Professional Indemnity Insurers

- Avant
  www.avant.org.au
- Medical Indemnity Protection Society Limited (MIPS)
  www.mips.com.au
- Medical Insurance Group (MIGA)
  www.miga.com.au
- MDA National
  www.mdanational.com.au

References


2 The Office of the Australian Information Commissioner. The Australian Privacy Principles. Viewed online 31 August 23015.

For more information on how Rural Health West can support your practice please contact:
  Telephone: 08 6389 4500
  Email: practicesupport@ruralhealthwest.com.au