

Access and disclosure of personal health information between members of a person’s treating team

PURPOSE	To provide guidance to health service providers regarding access to, and disclosure of, personal health information between members of a person’s treating team.
SCOPE	<p>This advisory note applies to any employee of a health service provider who is accessing or disclosing personal health information about a person to members of the person’s treating team.</p> <ul style="list-style-type: none">• For disclosure of information to a substitute decision maker or in accordance with an advance consent agreement see AN23 – 016.• For the disclosure of information to a person’s carer or family see AN23- 014.
DEFINITIONS	<ul style="list-style-type: none">• Personal health information means any personal information that relates to the health, an illness or a disability of the consumer.• Personal information means any information about a consumer where the identity of the consumer is apparent, whether the information is fact or opinion, or true or false.• Treating team means health service providers involved in diagnosis, care or treatment for the purpose of improving or maintaining the consumer’s health for a particular episode of care, and includes:<ul style="list-style-type: none">* if the consumer named another health service provider as their current treating practitioner—that other health service provider; and* if another health service provider referred the consumer to the treating team for that episode of care—that other health service provider.
ADVICE	<p>Every person has a right to privacy (<i>Human Rights Act 2004</i>, section 12).</p> <p>However, the <i>Health Records (Privacy & Access) Act 1997</i> (Health Records Act) provides for the access, use and sharing of personal health information by members of a person’s treating team.</p>

	<p>Privacy Principle 6(1) and 10(2)(a) of the Health Records Act provide that personal health information about a consumer may be accessed by and disclosed between members of a treating team for the consumer.</p> <p>However, the ability to <i>access</i> personal health information is limited to the extent that is necessary for the provision of a health service to the consumer. The <i>disclosure</i> of personal health information is limited to the extent that is necessary to improve or maintain the consumer’s health or manage a disability of the consumer.</p> <p>For example, a member of a mental health treating team can request and access personal health information in relation to a consumer’s mental health treatment from the consumer’s own (usual) doctor. This information can also be shared with the members of the treating team who are treating the consumer in relation to their mental illness.</p> <p>When information is shared amongst a treating team, unless it is obvious from the circumstances and context of the health service, the person in charge of the treating team must tell the consumer the identity of those members of the treating team who will have access to their personal health information (Health Records Act, Principle 10(5)).</p>
RELATED LEGISLATION	<p><u>Health Records (Privacy & Access) Act 1997</u></p> <p><u>Mental Health Act 2015</u></p>
RELATED DOCUMENTS	<p>AN23 – 016 – Disclosure of personal health information to a substituted decision maker or in accordance with an advance agreement, advance care direction and/or nominated person.</p> <p>AN23 – 014 - Disclosure of information to a person’s carer or family.</p>