



Policy intent

The intent of this Confidentiality Policy is to outline how Warnervale ChemistCare will ensure confidentiality and privacy, that is, a customer's right to have identifiable personal and health information kept private.¹

Definitions

Definitions for this policy are:

1. **Information**, such as:
 - *Personal information* - includes any information or opinion related to a customer's information such as their name, address, age, health, medicines, finance, disability, family status, or any other information that can reasonably be taken to be personal or sensitive. It also includes any other information protected by legislation.
 - *Health information* - includes information or an opinion about personal information, health, health services or a disability of an individual.
2. **Disclosure** - includes access to, talking and/or writing about, communicating or discussing personal or health information in any way.

If we do not let a customer know when collecting their personal information that we may disclose it to someone else or they have not given permission for this to happen, then usually the pharmacy cannot make such a disclosure. The pharmacy may disclose personal information to another person to prevent or lessen a threat of death or injury to themselves or someone else, or if we are required to do so by law.¹

Policy statement

Warnervale ChemistCare is committed to protecting an individual's confidentiality and is subject to the Privacy Act (1988). The Privacy Act regulates how organisations collect, use, keep, secure and disclose personal information. Information about the Privacy Act and the National Privacy Principles (NPPs) can be found at:

- www.privacyact.gov.au
- www.privacy.gov.au/materials/types/infosheets/view/6583

We uphold the rights in the Community Pharmacy Service Charter and staff should know where the Charter is displayed publically in the pharmacy. The Charter can be accessed at:

- www.5cpa.com.au/5CPA/Initiatives/The_Charter/The+Charter.page

Confidentiality practices in Warnervale ChemistCare include:

1. All staff are aware of the requirements of State and Territory privacy and/or health records legislation.
2. When transferring information to a third party, Warnervale ChemistCare will gain written consent from the person or their carer prior to the information being provided. The pharmacy will make the relevant templates and forms available, e.g. consent form.
3. Copies of any information transferred will be filed in a confidential manner ensuring customer privacy.
4. Written or other information will be handled in such a way that unauthorised persons cannot view it, and will only be accessible to staff who have a legitimate need to know in order to provide continuing care.
5. Whenever information is transferred between staff and customers it will always be done in a respectful and discrete manner and only such information as is necessary to ensure continuous care is offered.
6. Conversations between staff members within the pharmacy concerning individual's personal matters must be conducted in such a manner that they cannot be overheard by others, and no conversations will be held outside the pharmacy regarding an individual's personal and health information.

¹ www.privacy.gov.au

7. Not disclosing confidential information unless the individual has given permission or to prevent injury or death or as required by law.
8. The storage and distribution of all confidential information will be conducted in a manner that ensures the utmost privacy from any unauthorised persons.
9. Only approved personnel will have access to and be responsible for the maintenance and updating of confidential information.
10. Each State/Territory has privacy and/or health record legislation regarding the retention and disposal of records. This applies to all types of information formats; including electronic records. To protect customers' privacy rights destruction needs to occur by secure means.²
11. Customers may have access to their own records as described in the Privacy Act. This will be managed by authorised personnel.

Exceptions

This policy does not apply in situations where:

1. The health and safety of the customer would be compromised by not disclosing information (in which case the pharmacist-in-charge will provide guidance on how information is handled).
2. Where the health and safety of others would be compromised by not disclosing information or matters which involve illegal activity (in which case it is likely that both the police and those who are endangered may need to be notified).
3. Staff members are required by legislation to disclose information. In these situations, the pharmacist-in-charge shall provide guidance to pharmacy staff as to what persons 'or agencies' relevant information can be disclosed to.

Responsibility for applying the policy

1. All employees are responsible for applying this pharmacy's Confidentiality Policy.
2. Overall responsibility to answer questions on confidentiality and privacy must reside with the pharmacist-in-charge.

Action when the policy is breached

Breaches of this policy will be individually assessed and action taken by relevant pharmacy management as required. Such action may include a written warning or termination of employment, depending on the circumstances of the breach. Certain circumstances of breach may involve informing customer(s) concerned and/or review of internal confidential privacy procedures. Guidelines about what to do when there is a breach can be found at:

- www.privacy.gov.au/materials/types/guidelines/view/6478

Complaints about alleged breaches of privacy can be made to the Privacy Commissioner at:

- www.oaic.gov.au/privacy-portal/complaints_privacy.html

Caveats

Complying with the policy does not remove obligations to comply with legal or legislative requirements.

Signed: (Staff member)

Name:

Date:

² <http://www.privacy.gov.au/materials/types/infosheets/view/6565>