



ANMF (Vic Branch) Policy

Privacy and confidentiality policy

The Nursing and Midwifery Board of Australia (NMBA) professional standards for nurses and midwives identify that nurses and midwives must be aware of the ethical and legal obligations which protect the privacy of patients and related parties.

It is the policy of the Australian Nursing and Midwifery Federation (Victorian Branch) [ANMF (Vic Branch)] that:

1. All nurses, midwives and personal care workers must be aware that regulations around the gathering and documentation of health information and the imparting of that information to other parties is provided for by the;
 - a) My Health Records Act 2012 (Cth)
 - b) Healthcare Identifiers Act 2010(Cth)
 - c) The Privacy & Data Protection Act 2014 (Vic)
 - d) The Health Records Act 2001 (Vic)
 - e) Section 141 of the Health Services Act 1988 (Vic)
 - f) Section 120A of the Mental Health Act 2014 (Vic)
 - g) Health Complaints Act 2016 (Vic)
 - h) Section 13 of the Charter of Human Rights and Responsibilities Act 2006 (Vic)
 - i) Children, Youth and Families Act 2005 (Vic)
 - j) Freedom of Information Act 1982 (Vic)
 - k) Public Records Act 1973 (Vic)

In particular;

2. It is not acceptable for any nurse, midwife or personal care worker to access patient records unless professionally involved in the care of the patient and have authorisation to do so.
3. In certain circumstances, it is improper to impart or transfer information relating to a patient's care. This includes transferring information electronically or via social media, sharing information with colleagues who are not involved in the care of the patient, incorrect disposal of "handover sheets" and carrying of paper files outside of the workplace.
4. Nurses, midwives and personal care workers should make appropriate inquiries at their workplace as to the Privacy Policy and Privacy Statement of their employer organisation. Workplace policies must be in accordance with the various related legislation (above).

Related reading can be found at:

- Codes of Conduct and Standards of Practice (Nursing and Midwifery Board of Australia)
<https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards.aspx>
- Mandatory Reporting (Department of Health and Human Services, Victoria)
<https://providers.dhhs.vic.gov.au/mandatory-reporting>
- “Guidelines to the Information Privacy Principles” (Commissioner for Privacy & Data Protection, Victoria)
https://www.cdp.vic.gov.au/images/content/pdf/privacy_guidelines/OVPC%20Guidelines%20to%20the%20IPPs%20Edition%203%202011.pdf
- “Guide to Privacy Regulation Action” (Office of the Australian Information Commissioner)
<https://www.oaic.gov.au/about-us/our-regulatory-approach/guide-to-privacy-regulatory-action>