

**SPECIFIC PRIVACY RULES FOR HEALTH INDUSTRY**

**Patient's Information**

	<p>Generally speaking, under the Privacy Act, health service providers in the private sector may only use or disclose their patient's health information for the main reason for which it was initially collected. This is called the "primary purpose" of collection. The primary purpose should be interpreted narrowly, such as to diagnose and treat a particular or set of symptoms. However, the Privacy Act also offers exceptions to this general rule. One exception is where the patient consents to their information being used or disclosed for another purpose.</p>
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**Directly related purposes within your patient's reasonable expectations**

	<p>Another exception allows the use or disclose of health information for another purpose that is directly related to the primary purpose, where the patient would reasonably expect this to happen. In healthcare, directly related purposes are likely to include anything to do with the patient's care or wellbeing. The patient's reasonable expectations will then dictate whether the use or disclosure for that purpose should occur.</p> <p>"Disclosures" for directly related purposes will often arise where a team of practitioners need to share relevant information to provide healthcare. "Uses" for directly related purposed may include where a provider uses their patients information to treat a number of conditions, without having the information.</p>
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**How does this affect whether a provider needs a patient's consent to use or share information?**

	<p>Health service providers in the private sector don't always need the patient's consent to use or disclose their health information for another directly related purpose, as long as the patient would reasonably expect the use or disclosure that the provider has in mind to provide care.</p> <p>A patient's expectations can be effectively managed through good provider-patient communication. This usually means the patient has been told the use or disclosure would happen, or they would expect it to happen because of why they gave the information to the provider in the first place.</p> <p>If the patient would not reasonably expect the use or disclosure that the provider has in mind, then the provider will usually need to get the patient's consent before proceeding. Other exceptions in the Privacy Act disclosure without consent in certain circumstances, such as to lesson a serious and imminent threat to life, health or safety, or where the disclosure is required or authorised by law.</p>
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**How does the Privacy Act apply to using and disclosing health information?**

<p>National Privacy Principle 2 (NPP 2) is consistent with providers' obligations of confidentiality to their patients, and the strong tradition of trust between patients and providers. Providers must use or disclose patients' health information in a way that is consistent with NPP 2.</p>	<p>In general terms, the use of health information refers to the handling of that information within the organisation that collects it. Disclosure of health information involves the release of that information to someone outside the organisation, other than the individual whom the information is about.</p> <p>Generally, under NPP 2, health information may only be used or disclosed for the main reason that the provider collected it (the 'primary purpose') or for another, directly related purpose (including other healthcare purposes) that the individual would reasonably expect, or with the individual's consent.</p> <p>Providers should be confident about their use or disclosure of health information where there is a clear, shared understanding with their patient about matters such as the reasons that personal information is being collected, the circumstances when it may be used and disclosed and to whom disclosures are likely to occur in the course of assessment, treatment or referral.</p> <p>NPP 2 contains other exceptions which allow use and disclosure in limited circumstances, such as where disclosing the information would lessen a serious and imminent threat to someone's life or health.</p>
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