



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 compliment the culture of confidentiality that exists in general practice.

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

These Guidelines will assist general practices to meet their legal obligations in relation to the collection, use and disclosure of health information.

The Guidelines are available at www.oaic.gov.au/privacy/applying-privacy-law/app-guidelines

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, this information is a guide only and subject to change without notice.

Practice Assist is an initiative of



WA Primary Health Alliance is supported by funding from the Australian Government under the PHN Program.

Rural Health West is funded by the Australian Government and the WA Country Health Service.

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

Related fact sheets and templates

- Fact Sheet – Australian Privacy Principles
- Template – Confidentiality Agreement
- Template – Privacy Policy

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 agencies

- **Australian General Practice Accreditation Limited (AGPAL)**
www.agpal.com.au
- **Quality Practice Accreditation**
www.gpa.net.au

Medical Board of Australia approved professional indemnity insurers

- **Avant**
www.avant.org.au
- **Berkshire Hathaway Specialty Insurance Company** (distributed by Tego Insurance)
<https://www.tego.com.au/>
- **Guild Insurance Limited**
<https://www.guildinsurance.com.au/professional>
- **Medical Indemnity Protection Society (MIPS)**
www.mips.com.au
- **Medical Insurance Group Australia (MIGA)**
www.miga.com.au
- **MDA National**
www.mdanational.com.au

References

Royal Australian College of General Practitioners

Standards for general practice (4th edition)

<http://www.racgp.org.au/your-practice/standards/standards4thedition/>

The Office of the Australian Information Commissioner

The Australian Privacy Principles

www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles