

CONFIDENTIALITY

Patient Privacy and Confidentiality.

In terms of section 14(2) of the National Health Act, no person may disclose any information¹ relating to the 'health status, treatment or stay in a health establishment', *unless the user (minor or adult) consents to such disclosure in writing*. Provision is made, however, for the sharing of a patient's information with any other person, health care provider or health establishment, as is necessary within the ordinary scope of his/her duties.²

Section 14 of the National Health Act, 2003.

(1) All information concerning a user, including information relating to his or her health status, treatment or stay in a health establishment is confidential.

(2) Subject to section 15, no person may disclose any information contemplated in subsection (1) unless-

(a) the user consents to that disclosure in writing OR

(b) a court order or any law requires that disclosure; or non-disclosure of the information represents a serious threat to public health.

(3) Members are advised that it is the responsibility of the Practice Manager, Nurse Manager and Admin. Managers implement an appropriate policy for the protection of patient information.

Patient Complaints.

Members are advised that it is the responsibility of the Hospital Manager, Nurse Manager and Admin. Managers respond to patient complaints timeously and investigate any complaint relating to the treatment of that patient whilst in the health establishment. Section 18(1) of the National Health Act, 2003 states that: *18(1) Any person may lay a complaint about the way he or she was treated in a health establishment and have the complaint investigated.*

In accordance with such law, any person may lay a complaint. However, ensure that any complaint should be made by a person other than the patient, him or herself, that every precaution is made to ensure that no medical confidentiality is breached. In particular, ensure the following: If a complaint is made, either verbally or in writing, by a person other than the patient, him or herself (e.g. a husband on behalf of his wife, or a parent on behalf of his/her child). Ensure that you have the patient's authority to disclose medical information with that person (the complainant), and such authority must be in writing.

(Section 14(2)(1) of the National Health Act)

- 1. In all circumstances where a complaint is made by another person (not the patient, him or herself) the hospital must obtain written permission to disclose medical information to that person, from the patient him/herself.*
 - 2. All patients which are 16yrs of age or older, are to be presumed as adults, and afforded medical privacy and confidentiality. Specifically, the **Ethical Rules** of the Health Professions Council of South Africa, stipulates that no medical information pertaining to a 16yr old patient, may be disclosed to a parent or legal guardian without written authorization of that patient.*
 - 3. All investigations must be done with reference to the privacy rights of patients, as well as their right to dignity and bodily integrity. Minor patients must be made aware of their rights in this regard.*
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Investigations and stories by the press relating to a patient or patients, are particularly sensitive, as hospital managers are not authorized to disclose medical information relating to such patients in the press unless authorized by the patient

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to disclose such (in writing). Replies to the press should, therefore, be complaint with national law, and the rights of patients.

Do not fax any medical information, unless the hospital is certain that such information will not be made available to any other person other than the patient. General fax numbers, work fax numbers, and the like are often used by several people within that place of employment, and should therefore not be used to send confidential information to any person, unless the hospital has been indemnified by the patient against disclosure to any other person.

Patients should be advised to collect their medical information personally, and staff of the facility should take reasonable measures to confirm the identity of the person receiving such. Any person authorized by the patient to collect such on his or her behalf should be subject to written authorization by the patient. Copies of such authorization should be kept on record, always.

VERTROULIKHEID

Hiermee wil die bestuur van die Hospitaal net weer die kwessie van vertroulikheid, onder alle werknemers se aandag bring. Alle werknemers moet besef dat dit 'n baie ernstige saak is en jou potensieël in die hof kan laat beland of jou werk in gedrang kan bring.

1. Geen pasiënt inligting mag aan enige persoon gegee word, sonder die direkte skriftelike toestemming van die pasiënt. (Telefonies veral)

2. Geen dokumente of pasiënt inligting mag op enige wyse rondlê, veral waar daar nie direkte toesig is nie. Dit skep die risiko dat vertroulike en/of sensitiewe inligting in die verkeerde hande kan beland. Die dokumente sluit pasiëntlêers en/of uitslae van toetse in.

3. Geen ander vertroulike inligting mag op enige wyse aan enige buitepersoon gegee word nie. Die inligting sluit in pasiënt, hospitaal, finansieël, administratief, bestuurs of aanverwante besighede.

4. Geen vertroulike of besigheid-sensitiewe inligting mag in die openbaar bespreek word nie. Dit sluit in enige area, ook in die hospitaal, waar ander persone die gesprek kan hoor.

Alle werknemers word herinner, dat daar in die bestaande kontrak, 'n vertroulikheidsklousule ingesluit is. Die skrywe sal ook deel vorm van die bestaande dienskontrak.

Aangeheg is 'n inset oor vertroulikheid van pasiënt inligting en hantering van pasiënt klagtes.

Indien daar enige onduidelikheid of onsekerheid is, moet die Bestuurder of Matrone genader word.

Geteken te Bloemfontein op (datum): _____

Handtekening(Werknemer): _____ Printed: _____ Rank _____

Handtekening as getuie (1): _____

(2): _____

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