

# Information access, use and disclosure

## Queensland Health Digital Standard

QH-IMP-484-2: 2021

### 1. Statement

The purpose of this standard is to facilitate lawful and appropriate information access, use and disclosure. Confidentiality and privacy of information is governed by legislation including:

- The *Hospital and Health Boards Act 2011 (HHBA)* prohibits disclosure of information that may identify a patient/client other than those exceptions outlined in Part 7 of the Act.
- The *Information Privacy Act 2009*, National Privacy Principles apply to the collection, security, use (access) and disclosure of personal information in circumstances not covered by the HHBA.
- Code of Conduct for the Queensland Public Service.
- *Public Health Act 2005*.

This standard applies to all information (clinical and corporate) in all formats (physical, electronic and hybrid) that is created, collected, managed, stored, disseminated, and disposed of by Queensland Health.

### 2. Scope

This standard supports the Use of ICT services and devices policy and applies to all staff within Queensland Health. Staff. Staff is defined as employees, students, interns, volunteers, contractors, consultants, Board Members and managed service providers working for Queensland Health. Queensland Health consists of:

- the Department of Health, and
- Hospital and Health Services.

### 3. Requirements

#### 3.1. Information access, use and disclosure

- 3.1.1. Appropriate and relevant information is to be available to the right person, in the right place, at the right time, to ensure optimum service delivery while not compromising information security and confidentiality of information.
- 3.1.2. Information is to be shared in a timely and secure manner, where there is demonstrated need and benefit, and it is legally permissible to do so.
- 3.1.3. All Queensland Health employees are bound by a legal duty of confidentiality to protect personal and sensitive information they may come into contact with during the course of their work. The obligation to maintain patient confidentiality also applies between staff members.

- 3.1.4. Staff are to respect the confidentiality of official information even after ceasing employment with Queensland Health.
- 3.1.5. Staff must not use information gained by or conveyed to them for any other purpose other than for the discharge of their official duties.
- 3.1.6. Staff undertaking projects must consider the privacy and confidentiality implications of their projects.

## 3.2. Access to Personal and Confidential Information

- 3.2.1. Confidential and personal information must be classified and must be secured according to legislative, regulatory and policy requirements.
- 3.2.2. Confidential and personal information must only shared with those with a legitimate reason for access where lawful and authorised, and where applicable, within the constraints of information sharing agreements.
- 3.2.3. The duty of confidentiality in regards to confidential and personal information is specifically provided for in the HHBA. Except where permitted in accordance with specific legislation, personal and confidential information collected for specific purposes (such as care and treatment) must not be disclosed for secondary purposes without consent.
- 3.2.4. Authorised users must only access, use or disclose sensitive information when it is required for, and consistent with, the performance of the functions and duties of their role and in accordance with relevant legislation and authorisations.
- 3.2.5. Employees' personal details must not be disclosed to third parties without the appropriate consent.
- 3.2.6. Employees must not access their own records or that of a family member whether paper-based or electronic except through the appropriate application process.

## 3.3. Access to Information Systems

- 3.3.1. Only staff in positions with appropriate delegations are to authorise user access to information systems.
- 3.3.2. Access to information systems must only be authorised where either:
  - access is required for and consistent with the performance of their role;
  - access directly relates to the care of a patient; or
  - access is directly related to approved data, research, audit, review or quality activities.

### 3.4. Right to Information/Open Data

- 3.4.1. The Right to Information (RTI) process is the Queensland Government's approach to giving the community greater access to information. The Queensland Government has made a commitment to provide access to information held by the government in accordance with the Right to Information Act 2009.
- 3.4.2. Queensland Health will publicly release information in a way that is meaningful and useful to the public, except where the release of information is contrary to the public interest or is restricted by legislation or law.

### 3.5. Non-compliance

- 3.5.1. Unauthorised access to information systems can constitute a criminal offence and may be referred to the Queensland Police Service.
- 3.5.2. Any staff member who accesses, uses, discloses or modifies personal, sensitive or confidential information other than in accordance with legislation and this standard may breach privacy and confidentiality requirements which may result on disciplinary action which can include reprimand or dismissal.
- 3.5.3. All inappropriate access, use or disclosure of personal or confidential information is to be reported in accordance with your local policy regarding reporting corrupt conduct.

## 4. Legislation

- *Anti-Discrimination Act 1991*
- *Crime and Corruption Act 2001*
- *Criminal Code Act 1899*
- *Financial Accountability Act 2009*
- *Financial and Performance Management Standard 2019*
- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Public Interest Disclosure Act 2010*
- *Public Records Act 2002*
- *Public Sector Ethics Act 1994*
- *Public Service Act 2008*
- *Telecommunications (Interception and Access) Act 1979 (Cth)*
- *Right to Information Act 2009*

## 5. Supporting documents

- Use of ICT services and devices policy

- Access control standard
- Audit and recordkeeping standard
- Collaboration platforms standard
- External access standard
- Monitoring and reporting standard
- Training, awareness and disciplinary procedure standard
- Use of email standard
- Use of ICT services and devices standard
- Data and application custodianship policy
- Discipline HR Policy E10
- Information Security Policy
- Performance improvement HR Policy G11
- Requirements for reporting suspected corrupt conduct HR Policy E9
- Suspension of employment HR Policy E14
- Workplace conduct and ethics HR Policy E1

## 6. Additional resources

- For information please contact your local Privacy and confidentiality officers.  
<https://www.health.qld.gov.au/system-governance/contact-us/access-info/privacy-contacts>
- For more information on accessing Queensland Health information please see:  
<https://www.health.qld.gov.au/system-governance/contact-us/access-info>

## 7. Definitions

Term	Definition
Confidential information	(a) information, acquired by a person in the person's capacity as a designated person, from which a person who is receiving or has received a public sector health service could be identified; or (b) information accessed by a prescribed health practitioner under section 161C (2) HHBA 2011
Corporate records	Records that provide evidence of administrative and non-clinical functions of Queensland Health (e.g. executive correspondence, finance, human resource, legal, research, scientific, cancer screening etc.).
Personal information	Information or an opinion (including information or opinion forming part of a data-base), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained from that information or opinion.

For further ICT definitions please refer to:

[Digital policy glossary](#)

Version	Date	Comments
1.0	01/03/2021	New standard. Endorsed by Architecture and Standards Committee. Approved by the Director-General.

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