



NMHCCF Advocacy Brief

Issue: Privacy and Confidentiality

Background

Current practices around privacy, confidentiality and information-sharing are a significant concern for mental health consumers, their families and their carers.

There is a lack of knowledge about the laws governing privacy and confidentiality, which vary between states and territories. This inconsistency has the potential to compromise both the privacy of consumers' information and their ability to access and provide information to family/carers which is required for their caring role.

Key Points for Consumers and Carers

In 2007-08, the NMHCCF conducted a consumer and carer survey on privacy and confidentiality issues and concerns. The data was collated and analysed in a preliminary way to form the basis of an Issues Paper, which was written by research consultants and completed in September 2009.

Key points from the preliminary survey include:

- **Consumers and carers** reported privacy and confidentiality is sometimes used as a way to exclude them from gaining information;
- **Consumers and carers** were not satisfied when mental health services did not acknowledge the importance of talking with them about how they would like their health information to be shared;
- **Consumers and carers** said that there were some issues regarding privacy and confidentiality and information sharing on which they could agree and others where they could not;
- **Consumers and carers** liked the concept of an agreed approach to exchange of information;
- **Consumers and carers** believed that additional assistance and support from clinicians would allow better management of information-sharing between them;
- **Consumers** denied access to their health information saw this refusal as potentially harmful to the relationship between clinician and consumer;

*Prepared by National Mental Health Consumer & Carer Forum
A combined national voice for mental health consumers and carers*
Tel: 02 62853100 **Email:** nmhccf@mhca.org.au **Website:** www.nmhccf.org.au

- **Consumers** would like the opportunity to decide what information is shared with their carers;
- **Consumers** would like to be advised and consulted about who has the right to access their personal health information; and
- **Carers** are not always provided with the information they need to assist them in their caring role.

Key Issues for the Future

The Issues Paper

The Issues Paper written by consultants in 2009 used a collaborative approach with consumer, carer and clinician project teams to ensure that the views and perspectives of the three major stakeholders were fully explored. The paper examined the impact of privacy and confidentiality on the experience of consumers and carers in our national mental health system and identified a range of solutions and recommendations.

NMHCCF Position Statement

The NMHCCF used the Issues Paper to develop our Position Statement on Privacy and Confidentiality, which was launched at TheMHS Conference in September 2011.

Strategies identified to improve Privacy, Confidentiality and Information Sharing

- Improve communication between consumers, carers and clinicians about which information can be shared and with whom, when, how and for what reason
- Clarify and disseminate privacy and confidentiality legislation and information sharing policies
- Review the ethical codes of mental health professional bodies
- Develop practical guidelines on privacy, confidentiality and information sharing

The NMHCCF endorses and emphasizes the importance of three-way dialogue between treating clinicians/mental health services, consumers and carers about what information can be shared, and how and when it should be shared. Open communication has the potential to reduce misunderstandings and antagonism around information sharing

Name of Nominated NMHCCF contact on this issue

Jenny Burger and Lyn English

Please contact NMHCCF Secretariat (details below)

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