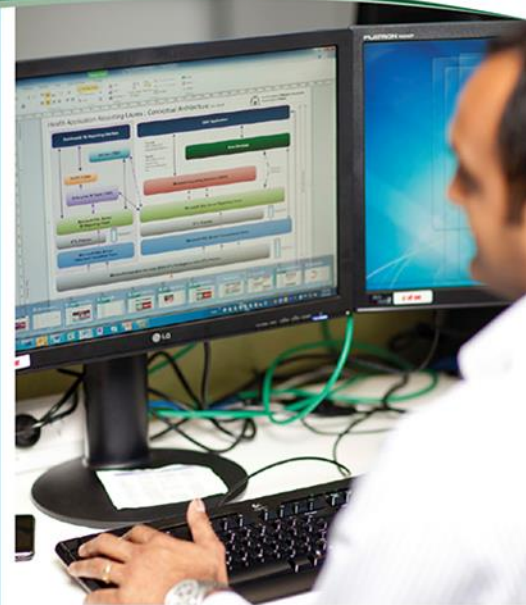




Government of **Western Australia**
Department of **Health**

Information Access, Use and Disclosure Standards



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1 Purpose

The purpose of the *Information Access, Use and Disclosure Standards* is to provide the minimum requirements for WA health entities to ensure compliance with [MP 0015/16 Information Access, Use and Disclosure Policy](#).

2 Introduction

Information in the WA health system is collected, accessed, stored, used and disclosed to support the realisation of WA health system's vision to have a sustainable health system that delivers safe, high quality health care to all Western Australians.

The [Information Management Policy Framework](#) specifies the information management requirements to ensure the effective and consistent management of health, personal and business information across the WA health system. The aim of the *Information Access, Use and Disclosure Policy* is to facilitate lawful and appropriate information access, use and disclosure by staff members of the WA health system and enable information sharing.

3 Information Access, Use and Disclosure

WA health entities must have local policies, processes and procedures which reflect the meaning of information access, use and disclosure as described below:

- An individual, role or group has **access** to information if they have the right or opportunity to use or view information. An individual enacts this access when they use, view or enter the environment in which this information is held.
- An individual, role or group **uses** information if they utilise, handle, collect or communicate information within the WA health system or employ information for a purpose.
- An individual, role or group **discloses** information in that they cause the information to appear, allow the information to be seen, make the information known, reveal the information or lay the information open to view. With regard to the WA health system, disclosure occurs when information is made available to a person or organisation outside of the WA health system. Within the WA health system, information sharing is considered a disclosure if a person allows information to become available to another person who would not normally have access to it.

3.1 Access, Use and Disclosure when it is required or permitted by law

Access, use and disclosure of information is lawful if legislation **requires** or **permits** it.

WA health entities are required to:

- ensure local policies, processes and procedures support lawful and appropriate information access, use and disclosure.
- ensure local policies, processes and procedures maximise access, use and disclosure of information to perform the legal purposes stipulated in the *Health Services Act 2016*, the *Health Services (Information) Regulations Act 2017* or other written laws.
- maintain information request and release policies, processes and/or procedures that support the access, use and disclosure of information for legal purposes outlined in the *Health Services Act 2016*, the *Health Services (Information) Regulations 2017* or in other written laws.
- ensure information request and release policies, processes and/or procedures allow for ongoing access for multiple users when applicable
- ensure staff access to information is ceased when their employment ceases, or when access is no longer required for their job.
- assess ongoing access approvals at a reasonable review date at the discretion of the authorising authority.
- establish an information release contract or agreement with third parties outside the WA health system when appropriate. This must detail the legal purposes for which information can be accessed, used and/or disclosed and any other release conditions.
- undertake quality assurance checks and an annual audit to ensure the local policies, processes and procedures are aligned with lawful and appropriate information access, use and disclosure which maximises information sharing to perform the legal purposes stipulated in the *Health Services Act 2016*, the *Health Services (Information) Regulations 2017* or other written laws.
- rectify any identified inconsistencies that misalign local policies, processes and procedures against the intent of this policy, as requested by the System Manager.

4 Responsible Sharing Principles

WA health entities must have local policies, processes and/or procedures that ensure compliance with the five Responsible Sharing Principles.

Principle 1: Safe Activity

When information is accessed, used, or disclosed, WA health entities must meet the safe activity requirements below.

- The activity for which information is to be accessed, used or disclosed is appropriate.
- The information is being shared for a lawful purpose.
- Information is for the public good and will provide value.
- Unreasonable risks or detriments have been assessed if the information is not shared.

Principle 2: Safe Users

When information is accessed, used, or disclosed, WA health entities must meet the safe users requirements below.

- The receiving organisation and/or individual of the information is the appropriate recipient.
- Staff receiving the information have the right level of skills and experience.
- The information will be restricted to the right people.

Principle 3: Safe Settings

When information is accessed, used, or disclosed, WA health entities must meet the safe settings requirements below.

- The setting in which the information is stored, accessed and used is appropriate and prevents unauthorised access.
- The correct level of security is applied to the setting in which the information is stored, accessed and used.
- The likelihood of deliberate or accidental disclosure has been assessed.

Principle 4: Safe Information

When information is accessed, used, or disclosed, WA health entities must meet the safe information requirements below.

- The information shared is appropriate for the proposed purpose.
- Processes for de-identifying data are established.

Principle 5: Safe Outputs

When information is accessed, used, or disclosed, WA health entities must meet the safe outputs requirements below.

- Proposed publication or disclosure of information is appropriate.
- The content of any publication is fit for purpose.
- The potential risk of identifying individuals has been considered and appropriate mitigation strategies are implemented.

5 Culture of information sharing

WA health entities are required to:

- create strategies and mechanisms such as training and education programs, that support a culture of information sharing that promotes the access, use and disclosure of information when it is permitted or required by law.
- develop processes, procedures and systems that enable staff to share information when it is permitted or required by law.

- develop processes, procedures and systems for sharing information with other WA health entities for safety and quality purposes to perform the function prescribed in section 34(2)(i) and 34(3) of the *Health Services Act 2016*.

6 Governance

Information access, use and disclosure authorisations at a system-wide level are described in legislation and mandatory policies in the [Information Management Policy Framework](#).

WA health entities are required to:

- ensure local governance related policies, procedures and guidelines do not prevent or restrict information from being collected, used or disclosed for purposes that are permitted or required by law.
- adopt access, use and disclosure models that do not prevent or restrict information from being collected, used or disclosed for purposes that are permitted or required by law.

7 Consent

WA health entities are required to:

- ensure consent related policies, processes, procedures, mechanisms and guidelines do not prevent or restrict information from being collected, used or disclosed for purposes that are permitted or required by law.
- have local policies, processes and procedures that reflect the meaning of health information as defined in the *Health Services Act 2016*, section 213.

An individual's consent is not required to disclose information when the information:

- is not health information or another type of personal information, or
- is not reasonably identifiable, that is, contains no identifying information nor is able to be re-identified, or
- is aggregated or statistical information, or
- the information access, use or disclosure is required or permitted by law.

An individual's consent is required when:

- the information is personal information and the use is unrelated to the use for which the information was initially collected, and
- the use or disclosure of that information is not permitted by law.

8 Research

WA health entities are required to:

- ensure research related policies, processes and procedures do not prevent or restrict information from being collected, used or disclosed for purposes that are permitted or required by law.

9 Information misuse and inappropriate disclosure

WA health entities are required to:

- take all reasonable steps to ensure information is protected from misuse, interference, loss, unauthorised access or modification.
- ensure the risk management related policies, processes, procedures and strategies that minimise misuse and inappropriate disclosure do not prevent or restrict information from being collected, used or disclosed for purposes that are permitted or required by law.
- ensure local policies, tools, processes, awareness training and education programs enable staff to:
 - secure and protect official, official: sensitive and appropriately classified information.
 - do everything reasonable and practicable to prevent the misuse, unauthorised access, or inappropriate disclosure of information.
 - report misuse, unauthorised access, or inappropriate disclosure of information in accordance with MP 0135/20 Information Breach Policy and MP 0124/19 Code of Conduct Policy.



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