

HIV, Viral Hepatitis and Sexually Transmissible Infection Clinical Services Policy

Protocol for Sexual Health Clinic Privacy

**Custodian/Review Officer:** Team Leader  
– Sexual Health

**Version no:** 1.0

**Applicable To:** Queensland Health  
Sexual Health Clinic Staff.

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**Authority:**  
Chief Health Officer

**Approving Officer**

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**Name**  
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**Accreditation References:**  
EQulP and other criteria and standards

**1. Purpose**

This protocol describes the processes for protecting the privacy and confidentiality of client information in Queensland Health Sexual Health Clinics.

**2. Scope**

This protocol applies to all Queensland Health employees (permanent, temporary and casual) and all organisations and individuals acting as its agents (including Visiting Medical Officers and other partners, contractors, consultants and volunteers) providing services in Queensland Health Sexual Health Clinics.

**3. Supporting documents**

**Authorising Policy and Standard/s:**

- [HIV, Viral Hepatitis and Sexually Transmissible Infection Clinical Services Policy.](#)
- Implementation Standard for HIV Viral Hepatitis and Sexually Transmissible Infection Clinical Services.

**Procedures, Guidelines, Protocols**

- Sexual Health Clinic Eligibility Protocol.
- Protocol for the Management of People with HIV who place others at risk.
- [Protocol for Accessing Restricted Websites for Contact Tracing a person suspected of having a Notifiable Condition.](#)
- [Queensland Sexual Health Clinical Management Guidelines.](#)
- Implementation Standard: Management of Exposure to Blood and Body Fluids.

- [Informed Decision-making in Healthcare Implementation Standard.](#)

### Forms and templates

- [Respecting your Privacy in Sexual Health Clinics brochure.](#)
- [Client Opt Off Declaration form](#)
- [Client Opt On form](#)
- [Consent to disclosure of health information](#)
- [Sexual Health Check Certificate of Attendance](#)

## 4. Related documents

- [Health Services Act 1991](#)
- [Public Health Act 2005.](#)
- [Information Privacy Act 2009.](#)
- [Right to Information Act 2009](#)

## 5. Process for protecting the privacy and confidentiality of client information

Current and former Queensland Health employees shall not disclose confidential information whether directly or indirectly to another person if the information would enable a person who has received, or is receiving, treatment from a public sector health service to be identified. Details of Queensland Health employee obligations are set out in the [Health Services Act 1991](#) and [Information Privacy Act 2009](#).

In addition, under the provisions set out in this Protocol staff of sexual health clinics shall apply the following additional privacy standards.

### 5.1 Information Collection

#### 5.1.1 Collection Mechanisms

Information about clients may be collected via the following methods:

- from the client via their completion of a Client Registration Card
- electronically, via a data entry device
- verbally from the client during a visit
- from another person associated with the client such as a partner, family member or carer (only where unable or unreasonable to collect from the individual, or the individual has consented)
- from another service provider via a written referral or report
- from results of investigations such pathology tests, X rays, etc.

### 5.1.2 Client Identification Information

The following client identification information shall be recorded:

- Unit Record (UR) Number
- name
- preferred title
- sex
- date of birth
- current and postal addresses
- contact details
- country of birth
- language spoken at home
- Indigenous Status
- Medicare Number, Health Care (or other Concession) Card Number or other related Commonwealth identity card<sup>1</sup>,

As required, Client Identification data will be supplied to other Queensland Health patient data repositories unless the client specifically requests that this not occur via the “opt off” process (See 5.1.5).

Once supplied such patient data repositories will assist flag the existence of the Sexual health record which will assist in:

- ensuring all relevant records can be considered if required by other Queensland Health services,
- reducing inappropriate and unnecessary testing,
- reducing the risk of drug interactions and allergies,
- ensuring legal obligations are met in relation to legal processes such as being subpoenaed for information.

Where Client Identification data cannot be passed electronically, sexual health clinics shall develop a local administrative process to pass on the Client Identification data of consenting clients to relevant District patient data repositories as required.<sup>2</sup>

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<sup>1</sup> Presentation of a Medicare or other Commonwealth Identity card is not required to access a sexual health clinic service, however may be required to access PBS S100 drugs. It may already be listed on an electronic record by another service delivery area within Queensland Health.

<sup>2</sup> The local administrative process must also incorporate a process to ensure that when a sexual clinic file has been disposed of in accordance with the Queensland Health Clinical Retention and Disposal Schedule QDAN546 – V2 and the flag is removed from relevant hospital and/or community health records

### 5.1.3 Clinically Sensitive Information

All other information relating to a client's involvement with a Sexual Health Clinic over time is categorised as clinically sensitive information. This information includes (but is not limited to):

- sexual health histories
- results of investigations and tests
- diagnoses
- allergies
- treatment and contraception provided
- clinical procedures
- management of chronic conditions
- post exposure prophylaxis
- referrals to and from other service providers
- recall and other letters
- counselling
- clinical notes

Clinically sensitive information:

- shall be entered into a separate file or record area,
- shall be shared amongst authorised sexual health clinic employees on a *need to know* basis only.

The senior officer in charge of a sexual health clinic shall ensure that:

- all staff with reason to be present in a sexual health clinic, who may come in contact, or inadvertently see records, are alerted to these confidentiality provisions at orientation, and periodically throughout their employment,
- independent contractors shall complete confidentiality agreements.

### 5.1.4 Client Aliases

Sexual Health Clinic employees shall discourage clients from using aliases, and if required shall:

- explain to clients that Queensland Health policy is to attempt to match and merge all clients,
- explain to clients that if they are admitted to other Queensland Health facilities in an emergency situation and relevant clinical information is held under an alias, it may be unavailable to their treating care team which may result in them receiving less than optimal care,
- provide the client with a copy of the *Respecting your Privacy in Sexual Health Clinics* brochure.

### Client opt on/opt off facility

When a client first presents to a sexual health clinic, staff shall provide the prospective client with a copy of the "[Respecting your privacy in sexual health clinics](#)" brochure.

The sexual health clinic employee shall then:

- explain to the client the potential consequences of their choice including that the benefits of sexual health clinic data system linkages with external Queensland Health reference databases such as radiology and pharmacy records, will be unavailable to clients who choose to opt off. This is because such linkages must leave audit trails which may leave health records which can point to health conditions being managed inside the clinic,
- explain to the client that the flag supports optimal client care in the event that a client presents to an alternate health facility,
- offer to answer any clarifying questions in relation to the Opt On/ Opt Off provisions of the Sexual Health Clinic Privacy Protocol,
- ensure the client signs either an [Opt On](#) or [Opt Off](#) Declaration Form before commencing the provision of clinical services,
- sign as witness of the signing the Client Opt On/Opt Off Declaration,
- advise the client they may revise their decision at any time,
- provide a copy of the completed Declaration Form to the client,
- place the completed original Declaration Form on the client's sexual health clinic clinical record.

Where a client does "Opt off", the existence of the sexual health record shall remain confidential to employees of the sexual health clinic and authorised/approved members of a client's wider health care team. Neither Client Identification Information or Clinically Sensitive Information shall be passed on to other patient data repositories or clinical data systems except under the provisions as set out in Part 7 of the [Health Services Act 1991](#).

## 5.2 Confidentiality and the PBS<sup>3</sup>

### 5.2.1 PBS Drugs (Non Section 100)

If a HIV client expresses concern that showing their Medicare Card at a hospital pharmacy to collect non-section 100 drugs at the same time as they collect their Section 100 HIV drugs could compromise their

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<sup>3</sup> Queensland Health seeks to balance the rights of patients accessing confidential health services through its sexual health clinics with its obligations under the PBS. As such, it recognises that some patients may not wish that identifiable personal details contained on their Medicare Card be made available to hospital pharmacists, for fear that their card details will provide a link between their HIV or Hepatitis C treatment drugs and other more widely accessible hospital or community health records.

confidentiality, the medical officer (MO) shall offer a separate PBS script to allow dispensing of the drugs at an alternative time and or location.

**5.2.2 Section (S) 100 drugs**

Prescriptions for S100 Highly Specialised Drugs must comply with all the requirements for public hospital PBS prescriptions, including the client’s Medicare Number and an authority number.

Currently a Highly Specialised Drug Eligibility Form (E2) also must be completed by the clinician prior to commencing treatment, however Queensland Health pharmacies are moving to making claims against the PBS via PBS Online. Once this transition is complete, the E2 form will no longer be required and only a Streamlined Authority number(s) for the item(s) will need to be added to the prescription.

If an HIV client expresses concern that showing their Medicare Card at a hospital pharmacy to collect S100 drugs could compromise their confidentiality, under PBS validation requirements to confirm eligibility, the medical officer producing the script can sight the Medicare Card and determine the client's eligibility on Queensland Health's behalf. The pharmacist does not have to see or know the Medicare Number. (This facility will cease once the dispensing pharmacy transitions to use of PBS Online)

In this case the prescribing medical officer shall:

- Sight the Medicare Card and confirm the client’s eligibility on Queensland Health’s behalf,
- Place a photocopy/scan of the client’s Medicare Card in their clinic file, as proof of eligibility in the event of a PBS or Queensland Health audit,
- Complete the option on the Highly Specialised Drug Eligibility Form that reads:

*“If the client's Medicare number has not been recorded above, I certify that the client is an eligible person, and evidence of this is available in the client's record. (Eligible person means Australian Resident, a person covered by a reciprocal Health Care Agreement or an eligible overseas representative)*

*Signature of Prescriber .....*”

- Use an agreed client code on the prescription to protect the client's name for the purposes of supplying the script to the pharmacy.

Coded prescriptions and or aliases are not permitted where the PBS claim is to be made via *PBS On-Line*. In this case the Pharmacist will need to enter the client's Medicare Number and any concession details into the dispensing software to allow the client to receive the correct PBS subsidy.

### 5.2.3 Health Care and other Concession Card Holders

If a client requests that their Health Care or other Concession Card number is not recorded on a prescription to be presented to a hospital pharmacy, the prescribing Medical Officer shall:

- Sight the card and confirm the client's eligibility on Queensland Health's behalf,
- Place a photocopy/scan of the client's card in the client's clinic file, as proof of eligibility in the event of a PBS or Queensland Health audit,
- attach a clinic generated sticker or write on the Highly Specialised Drug Eligibility form that states:

*I have sighted the above client's XXXXXXXX Card and I certify that the client is eligible for subsidised PBS charges as at ...../..../..... Evidence of this is included in the client's record.*

*Signature of Prescriber.....*

Under these provisions the Medicare Card number of the client must only be revealed in accordance with appropriately authorised processes such as a PBS Audit.

The above privacy procedure is not permitted where the PBS claim is to be made via *PBS On-Line*. In this case the Pharmacist will need to enter the Health Care Card Number electronically to allow the client to receive the additional PBS subsidy.

### 5.2.4 Safety Net Care Card Holders

Clinic employees shall inform clients who request that scripts do not contain their Medicare or Health Care Card number, that as the PBS Safety Net requires the full name and address of the client on each transaction and that they therefore will not be able to use the PBS Safety Net for these scripts.

### 5.3 Confidentiality and diagnostic testing

To preserve the confidentiality of clients undergoing diagnostic testing, sexual health clinic employees shall code pathology test slips. Whilst this may be done in a variety of local ways that may vary from clinic to clinic, the nationally accepted standard<sup>4</sup> is:

- first two initials of the Surname
- first two initials of the First Name
- date of birth XX/XX/XX

For example:

John Smith born on 27 April 1963 would be coded as SMJO270463

Mary Brown born on 19 November 1968 would be coded as BRMA191168

In the event a positive result is recorded for a notifiable condition, it is customary practice for the laboratory to notify the Communicable Diseases Branch (CDB) of Queensland Health of the code only. However, under certain circumstances (such as part of the investigation of a disease outbreak), it may be necessary for the clinic to provide the full name of the individual and other details to the CDB pursuant to the requirements of the *Public Health Act 2005*.

### 5.4 Confidentiality and Sex Worker Sexual Health Check Certificate of Attendance

Upon client request, clinic employees may issue [Sexual Health Check Certificate of Attendance](#) in a sex worker's professional name, rather than personal name.

However, the clinic employee shall advise the sex worker:

- that as the Sexual Health Check Certificate of Attendance is a legal document, it is a Queensland Health requirement that the sex worker must provide a valid contact number to allow the clinic to pass on test results in the event that an STI test returns a positive result, and
- in the event that the client does return a positive result, that their Sexual Health Attendance Certificate shall be invalidated until a prescribed treatment regime and abstinence period is complete.

<sup>4</sup> Legislative Approaches to Public Health Control of HIV Infection – Appendix A National Centre in HIV Epidemiology and Clinical Research – Notification Forms pp 49-51. 1990



## 5.5 Storage of Records

Sexual Health Clinic employees shall ensure sexual health clinic records, paper and electronic, are protected by appropriate security safeguards to prevent unauthorised access, use, modification, disclosure, loss or destruction.

Physical and operational strategies shall be developed by the senior officer of the clinic to ensure that sexual health clinic records cannot be inadvertently or inappropriately viewed by employees or clients. Strategies shall include:

- paper based records shall be physically separated from all other community health or hospital files,
- electronic records shall be protected by appropriate security measures including username and password,
- visible information on files should utilise Clinic UR numbers and codes only,
- files should not be left unattended in public areas,
- where possible, paper files and display screens should be separated from areas accessible to clients,
- client information should be subject to strict internal processes to ensure that information is seen by clinic staff on a need to know basis only.

All clinical files shall be held according to current Queensland Health policies relating to the [Storage and Disposal of Clinical Records](#).

## 5.6 Access to electronic data records

Any electronic data system shall operate in accordance with Queensland Government Information Standards.

### 5.6.1 Single clinic record

Access to individual client information within public sexual health clinics may be required to:

- provide services to clients,
- undertake quality assurance activities and other activities to help monitor and improve services,
- assist in providing professional supervision or mentoring of staff,
- to assist in managing funding, monitoring, complaint handling, planning, evaluation and accreditation activities,
- review local epidemiology and develop services and prevention strategies, and
- manage clinical records.

The senior officer of a sexual health clinic shall be responsible for determining and approving levels of access for staff based on their role within a clinic.

Standard roles are:

- administration: Read write access to Client Identification Information and management of appointments for all clients of the clinic in which they work.
- Limited clinical/allied health: Read/write access to relevant information for relevant clients at the clinic in which they work.
- Unrestricted clinical/allied health: Read write access to all information on all clients of the clinic in which they work.
- Clinic Administrator: Read/write access to manage access levels and passwords, and update relevant clinic data within a clinic. Read access to all records for quality improvement, data integrity, report generation and audit purposes.

Variations on the above roles shall be determined by the Senior Officer of a sexual health clinic or the Data System System Administrator.

### 5.6.2 Multi site Medical Access

Signed written consent shall be obtained from a client before an electronic data record is shared between one of more clinics or service providers. See [Consent to disclosure of health information](#). A copy of the signed consent must be scanned and attached to the client's electronic record.

### 5.6.3 All site access

De- identified data shall be available for:

- Epidemiological Access: Provides access for the purposes of statewide epidemiological, quality assurance and activity reporting, as well as public health planning.
- Systems Administration Access: Provides unrestricted access to all data on all clients from all sites for the purposes of quality assurance over the database, update of program amendments and updates and overall database management and audit.

Approval from the Senior Director, Communicable Diseases Branch shall be obtained prior to All Site Access to being approved.

## 5.7 Legal and Statutory Access

Where required by law all data held in an electronic or paper based file shall be accessible to a duly appointed Queensland Health legal officer to identify if any records exist on a client named in a duly served subpoena, and if so, extract any relevant information.

## 5.8 Single Client Emergency Access

Where technology permits opt-on clients of sexual health clinics shall be identified on other Queensland Health electronic health record systems. In the event that an opt on client requires care in another Queensland health facility, treating medical staff shall of that facility, shall contact staff of the sexual health clinic with which the client is currently associated, to request clinical information that may be relevant to the clients care. Provision of such information shall be restricted to information necessary for the client's care.

Upon receiving a request for emergency access to information, sexual health clinic employees shall provide the relevant client information in the shortest timeframe possible.

In the event that;

- a) a clinic staff member is unable to provide the information in a time frame that will ensure optimal care for the client, or no sexual health clinic staff member is readily available, or the information is required outside clinic hours, and
- b) the clinical emergency staff have reason to believe that a sexual health record may contain information relevant to the clients care, and
- c) the senior medical officer of that facility is authorised to access relevant information on the client from the client's file by contacting the data system administrator of a relevant electronic data system.

## 5.9 Use and Disclosure of Clinically Sensitive Information

### 5.8.1 With client consent

Client identification information and clinically sensitive information shall only be disclosed

with the consent of the client through the use of a [Consent to disclosure of health information](#) form.

Consent can only be given by competent adults (or minors with sufficient capacity and understanding) who are capable of giving consent to the disclosure of their information.

With client consent, clinically sensitive may be disclosed to:

- another service provider the client has been referred to such as a local doctor (GP), community based care provider such as Spiritus Positive Directions, specialist or allied health professional, or
- another Queensland Health sexual health clinic that the client intends to visit.

### 5.8.2 Without client consent.

Without client consent, clinically sensitive information for clients who have opted on or opted off, may be disclosed:

- where the client is, or becomes co-infected with another communicable disease such as tuberculosis or viral hepatitis, and sharing the data with members of another care team is necessary to promote continuity of care and the establishment of an integrated client care plan,
- within a clinic to:
  - ensure that clients receive the most appropriate care and treatment
  - undertake internal, clinic data and service quality assurance activities;
  - assist in providing professional supervision or mentoring of staff;
  - help with management, funding, monitoring, complaint handling, service planning, evaluation and accreditation activities;
  - allow for normal records management
- where another Queensland Health facility requests information to assist in the clinical treatment of a client (for example, in an accident or emergency situation), in which event only information that is relevant to that treatment shall be disclosed to ensure that the client receives the best possible care,
- where it necessary by law to notify positive test results to the Communicable Diseases Branch of Queensland Health. In most cases results will be coded, however it may be legally necessary to provide the client's full name and contact details. If in doubt, staff shall consult senior clinic management to clarify what information needs to be disclosed, and
- as provided for under the [Information Privacy Act 2009](#) or Part 7 of the [Health Services Act 1991](#).

## 5.10 Client access to their own records

Clients who wish to access or obtain a copy of their own health record, should contact their Right to Information/ Privacy Decision-maker for advice.<sup>5</sup>

Clients can also seek access to, and possible correction of information in their health record, under the [Information Privacy Act 2009](#) . If a client has any questions about information privacy, staff should contact or refer the client directly to, their District Right to Information decision-maker. A list of such persons is available at:

[http://www.health.qld.gov.au/foi/contact\\_us.asp](http://www.health.qld.gov.au/foi/contact_us.asp)

## 6. Definition of Terms

Term	Definition / Explanation / Details	Source
Sexual Health Clinic	<p><b>Northern Queensland</b></p> <ul style="list-style-type: none"> <li>• Thursday Island - Men and Women's Health</li> <li>• Bamaga Sexual Health Clinic</li> <li>• Cape York Health Service District Program (Weipa)</li> <li>• Cairns Sexual Health Clinic</li> <li>• Townsville Sexual Health Unit</li> <li>• Palm Island Sexual Health Service</li> <li>• Mt Isa Sexual Health Service</li> </ul> <p><b>Central Queensland</b></p> <ul style="list-style-type: none"> <li>• Mackay Sexual Health and Sexual Assault Service</li> <li>• Rockhampton Sexual Health and HIV Service</li> <li>• Bundaberg Sexual Health Clinic</li> </ul> <p><b>Southern Queensland</b></p> <p><b>Brisbane region</b></p> <p><b>Brisbane city and northern suburbs</b></p>	

<sup>5</sup> For example, before releasing health records, identifying references to any third parties should be removed from the copy released. Advice must be obtained about release of any records that contain information about testing for and/or treatment of HIV/AIDS or other notifiable conditions.

	<p>Sexual Health and HIV Service: Brisbane</p> <ul style="list-style-type: none"> <li>• Clinic 1</li> <li>• Clinic 2</li> <li>• Aboriginal and Torres Strait Islander Unit</li> <li>• Sexual Health and Psychology Service</li> </ul> <p>Sexual Health and HIV Service: Redcliffe</p> <ul style="list-style-type: none"> <li>• Redcliffe, Caboolture and Strathpine services</li> <li>• Young people under 25 services</li> </ul> <p><b>Southern suburbs</b></p> <ul style="list-style-type: none"> <li>• Princess Alexandra Sexual Health (PASH)</li> </ul> <p><b>South east Queensland</b></p> <ul style="list-style-type: none"> <li>• Sunshine Coast - Wide Bay Sexual Health and HIV Service</li> <li>• Ipswich Sexual Health Service (S.H.op 101)</li> <li>• Goodna outreach service</li> <li>• Gold Coast- Miami Sexual Health Clinic</li> <li>• Toowoomba - Kobi House, Toowoomba Health Services</li> </ul>	
Notifiable condition	<p>A notifiable condition is a medical condition prescribed under a regulation as a notifiable condition.</p> <p>(2) However, the Minister must not recommend to the Governor</p> <p>in Council the making of a regulation under subsection (1) unless the Minister is satisfied the condition is a significant risk to public health.</p>	Public Health Act 2005
STIs	Sexually transmissible Infections	
PBS	Pharmaceutical Benefits Scheme	
Section 100 drugs	Section 100 drugs are highly specialised drugs subsidised by the Australian Government and currently available only from Queensland Health facilities	
Queensland Health record	May be paper or electronic record	

## 7. Approval and Implementation

### Policy Custodian

Senior Director Communicable Diseases Branch

### Approving Officer:

Chief Health Officer

**Approval date:** 15/06/2012

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