

## SA Health Care Act 2008 – Section 93

### 93—Confidentiality and disclosure of information

- (1) For the purposes of this section, a person is engaged in connection with the operation of this Act if the person is—
  - (a) an officer or employee of the Department engaged in the administration of this Act; or
  - (b) a person employed by an employing authority under this Act; or
  - (c) a member of the staff of SAAS; or
  - (d) a person otherwise engaged to work at an incorporated hospital or in connection with the activities of SAAS.
- (2) Subject to subsection (3), a person engaged or formerly engaged in connection with the operation of this Act must not disclose personal information relating to a person obtained while so engaged except to the extent that he or she may be authorised or required to disclose that information—
  - (a) by the Chief Executive or his or her employer; or
  - (b) in the case of information obtained while working at an incorporated hospital or SAAS—by the hospital or SAAS (as the case requires).

Maximum penalty: \$10 000.

- (3) Subsection (2) does not prevent a person from—
  - (a) disclosing information as required by law, or as required for the administration of this Act or a law of another State or a Territory of the Commonwealth; or
  - (b) disclosing information at the request, or with the consent, of the person to whom the information relates or a guardian or medical agent of the person; or
  - (c) disclosing information to a relative, carer or friend of the person to whom the information relates if—
    - (i) the disclosure is reasonably required for the treatment, care or rehabilitation of the person; and
    - (ii) there is no reason to believe that the disclosure would be contrary to the person's best interests; or
  - (d) subject to the regulations (if any)—
    - (i) disclosing information to a health or other service provider if the disclosure is reasonably required for the treatment, care or rehabilitation of the person to whom the information relates; or
    - (ii) disclosing information by entering the information into an electronic records system established for the purpose of enabling the recording or sharing of information between persons or bodies involved in the provision of health services; or

- (iii) disclosing information to such extent as is reasonably required in connection with the management or administration of a hospital or SAAS (including for the purposes of charging for a service);
  - (e) disclosing information if the disclosure is reasonably required to lessen or prevent a serious threat to the life, health or safety of a person, or a serious threat to public health or safety; or
  - (f) disclosing information for medical or social research purposes if the research methodology had been approved by an ethics committee and there is no reason to believe that the disclosure would be contrary to the person's best interests; or
  - (g) disclosing information in accordance with the regulations.
- (4) Subsection (3)(c) does not authorise the disclosure of personal information in contravention of a direction given by the person to whom the information relates.
- (5) Subsection (4) does not apply to a person who is subject to an order under the *Mental Health Act 1993*.
- (6) In this section—

***personal information*** means information or an opinion, whether true or not, relating to a natural person or the affairs of a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.