

## Privacy and confidentiality handout

- **Privacy can be promised.** Health professionals and school staff demonstrate a respect for privacy by ensuring that:
  - oral information is gathered in a private location
  - written records are kept in a secure place
  - there are clear protocols about who can access this information
  - any information that is passed on focuses on how to offer learning and pastoral support for the student – details are kept private
  - the student is informed of the above
- **Confidentiality cannot be promised.** Health professionals and school staff are bound by Duty of Care and the law to pass on concerns relating to the students' safety:
  - For doctors, counsellors, case managers, youth workers, interpreters, teachers and any other health professionals, confidentiality is part of the law
  - In most situations, health professionals must keep information given to them by students confidential
  - The exception to this is for a person of any age whose well-being or safety is of serious concern to the health professional (eg. potential suicide; self-harm; harming someone else; victim of abuse). In this situation the health professional might need to break confidentiality in order to keep the person safe
  - This is called "mandatory reporting" and the health professional is breaking the law if he/she doesn't report it
  - If a student is 17 or 18 years old, the health professional can also choose to report the situation, but it is not mandatory (compulsory)
  - Mandatory reporting could be to the student's family or carer, or the Department of Community Services. In very specific situations it could involve speaking in court or to the police
  - If a health professional does have to report a situation they should talk to the student about it first
  - In circumstances that do not require mandatory reporting, if the health professional wishes to disclose any confidential information to maximise support of the student, he/she must seek the informed consent of the student
  - Ensure that the student is informed about the limitations of confidentiality
  - For more information about the legal age to automatic rights to confidential health care in your state you can check out [www.lawstuff.org.au](http://www.lawstuff.org.au)
- **Respecting privacy and confidentiality is very important** – students often express concerns about 'gossiped communication'

Adapted from: Cahill, H. & Murphy, B. (in press). *Preventing drug-related harm: A manual for the student welfare coordinator*. Melbourne: The Victorian Department of Education and Training, and Reach Out! Confidentiality available at:

<http://www.reachout.com.au/default.asp?ti=824>