



## Confidentiality policy HR001

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### Purpose and scope

The Health Practitioner Regulation National Law (the National Law) imposes a duty of confidentiality on people who work for the Australian Health Practitioner Regulation Agency (AHPRA). This policy applies to all AHPRA staff members.

### Policy

#### 1. Protected information

- 1.1. A person who is, or has been, exercising functions under the National Law must not disclose protected information.
- 1.2. 'Protected information' means information that comes to a person's knowledge in the course of, or because of, exercising functions under the National Law.
- 1.3. This means that AHPRA staff members have a duty to keep confidential the information received when working for AHPRA. This duty applies during and after employment with AHPRA.
- 1.4. Serious penalties and disciplinary action may apply if this duty is breached.
- 1.5. The general law also imposes a duty of confidentiality on all AHPRA staff members during and after their time with AHPRA. This duty may prohibit the staff member, for example from disclosing sensitive information about AHPRA's internal operations.
- 1.6. Protected information may be disclosed in circumstances set out in the national Law that include:
  - 1.6..1. For the purpose of the National Law
  - 1.6..2. Where permitted or authorised by law (for example, see ss.217-221 of the National Law)
  - 1.6..3. The person the information is about agrees to the disclosure
  - 1.6..4. The disclosure does not identify any person
  - 1.6..5. The disclosure relates to public court or tribunal proceedings, or
  - 1.6..6. The information is already public.
- 1.7. A staff member must not disclose protected information unless it is confirmed that one of these exceptions applies.

#### 2. Unauthorised disclosure

- 2.1. The National Law imposes maximum penalties for a breach of confidentiality regarding protected information:
  - 2.1..1. In the case of an individual - \$5,000 or
  - 2.1..2. In the case of a body corporate - \$10,000.

## Procedure

All new employees are required to complete and return the [confidentiality agreement HR041](#) as part of the pre-employment process and is covered during induction.

## Related documents

Related documents include:

- [Confidentiality agreement HR041](#)
- [Code of Conduct HR040](#)
- [Induction procedure HR017](#)
- [New employee induction checklist HR011](#)
- [Staff induction booklet HR016](#)
- [Manager's guide to induction and probation HR063](#)
- [Manager's checklist for induction and probation HR064](#)
- [Staff Privacy Guide](#)

## Relevant legislation

This policy should be read in conjunction with the following:

- Health Practitioner Regulation National Law 2009

## Definitions

The following definitions apply:

Term	Definitions
<b>Staff member</b>	Staff member includes contractors and consultants.

## Document control

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