

25 January, 2023

By email: [REDACTED]

Tēnā koe [REDACTED]

Thank you for your email of 6 December 2022, asking for the following which has been considered under the Official Information Act 1982 (the Act):

Q1) Any correspondence, documents, memos, or briefings about privacy waivers or requests from reporters for information about a patient over the last five years at Te Whatu Ora Waikato

The relevant policy guidance on privacy waivers for Te Whatu Ora Waikato is publicly available. An update was published on the Te Whatu Ora – Health New Zealand website for Waikato (then Waikato District Health Board) in July 2020 and can be viewed on the [“For the Media”](#) page.

The relevant copy reads as follows:

“The DHB maintains privacy in our information and we manage requests in line with our legal requirements. Click for more information on [patient privacy](#) or the [Official Information Act](#). This means that when we are approached by media for information, opinion or comment on individual patients or staff, we are unlikely to provide any personal information to you.

Sometimes media or other third parties will provide a “privacy waiver”. We will consider these, but you should be aware there are a number of factors around consent that the DHB will need to consider. Even if a valid “privacy waiver” is provided, we may decide not to release personal patient information to the media where it is not in the best interests of the patient, having regard to factors including patient safety and wellbeing, and the privacy of others.”

Please note, we have interpreted your request for “correspondence, documents, memos, or briefings about...requests from reporters” as seeking general policy guidance in relation to media requests for private patient information, and not correspondence relating to individual requests from media for private patient information.

Q2) I would also like to request a copy of any national and local policies or a change in the policies relating to this issue during that period.

The following guidance was provided by Te Whatu Ora Health – New Zealand on 6 December, 2022 for sharing with media representatives who seek further understanding of privacy waivers:

Attribute the following to a Te Whatu Ora – Health New Zealand spokesperson:

All patients, regardless of their circumstances, are entitled to expect that any personal health information they share with their doctor or healthcare professional is treated in strictest confidence. Therefore, discussion of a patient's private health information publicly would be inappropriate and in breach of that confidential relationship.

Given our professional responsibilities to our patients, in accordance with the HDC Code of Consumer Rights and practitioner standards, Te Whatu Ora will not usually discuss details of patient care through the media even if a waiver is provided by a patient to media. This reflects the rights of patients to be treated with respect and to ensure that services are provided in an environment that enables both the consumer and provider to communicate openly, honestly, and effectively.

We can, however, provide basic information about a patient's status in accordance with the Health Information Privacy Code 2020.

We have an ongoing duty of care to act in our patient's best interests, which means we must consider how the potential release of any information might affect their safety and mental wellbeing, as well as impact the privacy of others, not just now, but into the future. This is why we generally do not accept privacy waivers via third parties. If someone is unhappy with our response to a request for information, they are able to complain to the Ombudsman or the Privacy Commissioner.

How to get in contact

If you have any questions, you can contact us at news@waikatodhb.health.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

As this information may be of interest to other members of the public, Health NZ has decided to proactively release a copy of this response on Health NZ's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available here.

Nāku iti noa, nā



Nicholas Wilson

Director of Communications

Communications and Engagement, Waikato