

Keys to maintaining Confidentiality in Schools

Parameters to sharing information between School Based Health Services and Schools to best support students.

● The health and disability commissioner act (1996)

This Act states that every consumer has the right to be treated with respect, and the right to have his or her privacy respected.

● Nurses code of conduct

Nurses have a legal duty not to talk about someone's private medical details, unless they have the person's consent or in certain extreme circumstances (threat to safety or health). If they breach this duty of confidentiality they could face disciplinary action and could even be taken to court.

● MOE - sharing personal information

The MoE Website advises that if you want to share personal information, you need to seek agreement.

When you are seeking agreement, you should inform the student/parents: why you want to share information (the purpose), what information you plan to share, who you plan to share it with, and how you will keep it safe.

Where appropriate, you should consider the young person's own views.

● The privacy commission

Rule 11 of the Health Information Privacy Code prohibits disclosure except where one or more of its exceptions apply:

Disclosure is always allowed when the person concerned, or their representative has given their permission or where disclosure was one of the purposes for which the information was originally obtained. Disclosure to a caregiver is permitted when the patient has not vetoed the disclosure if it is necessary to avert a serious threat to someone's health and safety.

● Teachers

Some students may share information about their home-life, health, mental well-being or socio-economic difficulties with teachers that they trust.

These confidences need to be respected and the students right to privacy considered. If the teacher thinks support from the Pastoral Team would help, they need to ask permission from the student to share relevant information except if there is a threat to safety or health.

If there is a imminent threat to the safety of any student then this should be brought to the attention of school pastoral or leadership teams.

● Contraception, sterilisation and abortion act (1990)

This law allows people under the age of 16 to be given contraceptive information, services and prescriptions without parental or guardian consent, if deemed by the nurse or doctor to fully understand the nature and possible consequences of the treatment. The nurse or doctor will always encourage the young person to talk to a parent or care giver, but it will always be the young person's decision whether to do this. Contraceptive advice is never offered in isolation but always alongside emotional support and discussions around abstinence and safe sexual behaviour.

