



Official Information request - Incident reporting by DHB - standards, requirements, policies

Amy S Van Wey Lovatt to: OIA/LGOIMA requests at Ministry of Health

29/05/2020 04:24 p.m.

Dear Ministry of Health,

I am writing to you as a New Zealand citizen.

I had previously written to the Health Quality and Safety Commission and have spoken with Work Safe NZ, neither of which have been able to assist me with answers to my questions, but suggest that the MoH ought to be able to.

I ask the MoH assistance, under section 13 of the OIA, to help me obtain the following information. In the event that the MoH does not hold the information, I ask that the MoH assist in the gathering of the information, even if it requires a transfer of my request to another relevant agency or agencies, pursuant to section 14 of the OIA.

Request 1:

Please describe the best practice for a DHB to document any unlawful acts, such as acts which are consistent with crimes under the Crimes Act, or incidents, which have the potential to cause harm to a patient or DHB employee (i.e., internal reports, eye-witness sworn statements, CCTV footage, etc.).

Request 2:

To which agency or agencies must DHB's report unlawful acts, such as acts which are consistent with crimes under the Crimes Act, which are committed by either DHB employees, members of the DHB governance, or members of the public.

Request 3:

To which agency or agencies must DHB's report incidents, which have the potential to cause harm to a patient or DHB employee.

Request 4:

Impersonation of a physician is fraud, and thus a crime. Further, the impersonation of a physician in a medical setting would be consistent with an incident which has the potential to cause harm to a patient. I request, for each DHB, the total number of incidents involving an allegation that a member of the public had impersonated a physician, between 1 May 2019 and 31 August 2019, and in the event there were such incidents reported, the date of the alleged incident, the names of the agencies the incidents were reported to, and a description of the evidence provided to support the allegation of the incident.

Request 5:

Unauthorised access, by a patient, to secure and restricted areas which require employee key-card access, such as surgical theatres and pathology laboratories, where diagnostic and biohazardous material are kept, would be an incident which has the potential to cause harm to a patient or DHB employee. Such an incident has the potential to be a crime, if it involved breaking and entering or theft of an employee key-card. I request, for each DHB, the total number of incidents involving an allegation that a member of the public had gained unauthorised access to a surgical theatre or pathology laboratory, between 1 May 2019 and 13 August 2019, and in the event there were such incidents reported, the date of the alleged incident, the names of the agencies the incidents were reported to, and a description of the evidence provided to support the allegation of the incident.

Request 6:

According to the MoH standards and legal precedent, patients' medical records are confidential and access is restricted to the purpose in which they were obtained (for the care and treatment of the patient) and may only be accessed with the patients consent. Please refer to HISO 10064 and the Health Information Privacy Code 1994]. MoH standards (HISO 10029:2015 Health Information Security Framework) requires DHB's to take steps to protect against re-routing or interception of private (email) communications, as the interception of private communications is a crime under section 216B of the Crimes Act. I request, for each DHB, the total number of incidents involving an allegation that a DHB employee had engaged in the interception of private email communications between a patient and a DHB employee, between 1 January 2019 and 29 May 2020, and in the event there were such incidents reported, the dates of the incidents, the names of the agencies the incidents were reported to, a description of the evidence provided to support the allegation of the incident, and the outcome of the investigation into the incidents (e.g., District or High Court Case Number, Privacy Commissioner ruling, Ombudsman decision, Human Rights Tribunal ruling, etc.).

If you require any clarification, please do not hesitate to ask.

Thank you in advance for your assistance.

Yours faithfully,

Amy S Van Wey Lovatt

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