

24 June 2020

Ms Amy Van Wey Lovatt
Via email

E-mail: fyi-request-12922-4e5afdf5@requests.fyi.org.nz

Dear Ms Van Wey Lovatt

Official Information Act (1982) Request

I write in response to your Official Information Act request, received by us on 12 June 2020, via part transfer of your request to the Ministry of Health under section 14 of the Act. As a part of a larger request, you noted a number of points related to District Health Board identification of and reporting on incidents in DHBs about access to private information, and requested the following information:

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,

1. **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**
2. **In the event there were such incidents reported,**
 - a. **The date of the alleged incident,**
 - b. **The names of the agencies the incidents were reported to, and**
 - c. **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,

1. **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**
2. **In the event there were such incidents reported,**
 - a. **The date of the alleged incident,**
 - b. **The names of the agencies the incidents were reported to, and**
 - c. **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,

1. **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**
2. **In the event there were such incidents reported,**
 - a. **the dates of the incidents,**
 - b. **the names of the agencies the incidents were reported to,**
 - c. **a description of the evidence provided to support the allegation of the incident, and**
 - d. **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.).**

For context, CM Health Services provide health and support services to more than 569,400 people residing in South Auckland, both in hospitals and community settings. Our services are delivered via hospital, outpatient/ ambulatory and community-based models of care, and via contracted providers. We employ more than 7,500 staff, and see more than 118,000 presentations at the Middlemore Hospital Emergency Department each year.

Our responses are below.

- **Request 4** – There have been no incidents/ allegations at Counties Manukau DHB which match this request specification.
- **Request 5** – There have been no incidents/ allegations at Counties Manukau DHB which match this request specification.
- **Request 6** – There have been no incidents/ allegations at Counties Manukau DHB which match this request specification.

I trust this information satisfactorily answers your query. If you are not satisfied with this response you are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act. Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely,



Fepulea'i Margie Apa
Chief Executive Officer
Counties Manukau Health