



**MEDICAL SCIENCES COUNCIL
OF NEW ZEALAND**

TE KAUNIHERA PŪTAIAO HAUORA O AOTEAROA

**POLICY AND GUIDELINES:
MANAGEMENT OF PERSONAL
INFORMATION**

JUNE 2020

Policy Title	
Reference Number	2020-Jun-V2-MS Management of Personal Information
Scope	This policy document applies to all practitioners registered with (or seeking registration with) the Medical Sciences Council

Associated Policy Documents	
Naming of Practitioners Subject to an Order or Direction	

Revision Schedule			
Version Number	Version Date	Approved By	Next Review
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Contents

Policy Overview.....	3
Legislative Context.....	3
Personal Information Held by the Council.....	3
Personal Details	3
Other Information.....	3
Publicly Available Information	4
Collection of Personal Information.....	4
Collection of Information from Social Media Websites.....	4
Collection of Workforce Information.....	4
Responsibilities of Health Practitioners	5
Storage of Personal Information.....	5
Exchange of Personal Information with Other Agencies	5
Requests for Personal Information.....	6
Privacy Breach.....	6

Policy Overview

In order to carry out its legislative functions and responsibilities under the Health Practitioners Competence Assurance Act 2003 (HPCA Act), the Medical Sciences Council (the Council) collects a considerable amount of information on medical laboratory science and anaesthetic technology practitioners.

Legislative Context

The Council is legally required to collect personal information from medical laboratory science and anaesthetic technology practitioners for the purposes of registration and recertification under the HPCA Act. In certain circumstances the HPCA Act also requires the Council to exchange information with other bodies such as the Health and Disability Commissioner, the Accident Compensation Corporation, and the Director General of Health.

In other cases disclosure is in accordance with the Privacy Act 1993 and the privacy of information parameters as set out in this policy document.

Personal Information Held by the Council

Personal Details¹

Practitioners are required to provide the Council with personal information including:

- Full name
- Date of birth
- Gender
- Ethnicity
- Contact details (including physical and email addresses and phone numbers)
- Qualifications
- Employment
- Health history (as applicable)
- Criminal/convictions history

Other Information

The Council also holds other information about individual practitioners, including

- Registration and annual practising certificate status
- Complaints or convictions
- Professional conduct investigations
- Health Practitioners Disciplinary Tribunal (HPDT) hearings and orders
- Competence reviews and conditions
- Health reviews and conditions
- Compliance with recertification (continuing professional development) audits

¹ Provision of gender and ethnicity information is required to assist with workforce planning purposes

Publicly Available Information

The following practitioner information is publicly available:

- Information held on the Council's Register which states the practitioner's full name, registration number, scope of practice, status of their practising certificate, any conditions on their practice, and qualifications
- The outcome of a HPDT hearing (except for where the health practitioner has been granted name suppression)
- Any other information published following an order by the Council under section 157 of the HPCA Act (details for the processes doing this are set out in the Council's *Publication of Practitioners Subject to an Order or Direction* policy)

Collection of Personal Information

Information will normally be collected by the Council directly from the practitioner.

In some circumstances the Council may collect information about a practitioner from other persons:

- the information is publicly available or the practitioner consents to the collection of information from another person
- it is necessary to collect information from another person(s) to avoid prejudice to the maintenance of the law (including the prevention, detection, investigation of offences) or for the conduct of proceedings before any court or tribunal
- collecting information from the individual concerned would prejudice the purposes of the collection
- it is not reasonably practicable to collect information from the person concerned
- collection from another person(s) is required or permitted by law

Collection of Information from Social Media Websites

The Council may check information that an individual practitioner posts through a social media website to assist with decisions relating to registration, recertification, or investigations into a complaint.

Collection of Workforce Information

The Council collects workforce data from practitioners as a component of the annual renewal of practising certificates.

This data is additional to what the Council uses to maintain practitioners' registration and includes information about the number of weekly hours worked, ethnicity, employer type (public/private health sector), geographical region of practice, and work role.

The information is then provided to Health Workforce New Zealand to analyse in terms of changes or trends in the medical laboratory science and anaesthetic technology workforces. The workforce data is presented in a big data analytics format that excludes the identification of any individual practitioner.

Responsibilities of Health Practitioners

Under section 140 of the HPCA Act medical laboratory science and anaesthetic technology practitioners must promptly advise the Registrar of any changes to their postal, residential and/or work addresses (this is inclusive of email addresses).

Upon registration each practitioner is given access to a secure *My Profile* portal on the Council's website. Practitioners can make any changes to their contact details through this portal.

In the event that a practitioner changes their name from that entered on the register, they must notify the Council Registrar in writing within 1-calendar month of that change. The notice must be accompanied by official evidence of the name change (e.g. marriage certificate).

Storage of Personal Information

The Council has an obligation to ensure all personal information collected and created is securely stored.

Personal information is held by the Council until such time notification is received of a registrant's death at which time it will be securely destroyed.

Personal information is stored electronically within an individually named file for each practitioner, in a secure database. Access to that database is restricted to authorised Council staff and is only accessible via an individual password

Exchange of Personal Information with Other Agencies

Under section 35 of the HPCA Act, the Council must notify certain persons of risk of harm to the public:

- (1) Whenever an authority that a health practitioner is registered with has reason to believe that the practice of a health practitioner may pose a risk of harm to the public, the authority must promptly give the following persons written notice of the circumstances that have given rise to that belief:
 - a) the Accident Compensation Corporation
 - b) the Director General of Health
 - c) the Health and Disability Commissioner
 - d) any person who, to the knowledge of the authority, is the employer of the health practitioner

Should the Council advise any of the above persons, the Registrar will, under section 35 (4) promptly give a copy of that notice to the practitioner concerned.

Requests for Personal Information

Practitioners have a right under the Privacy Act 1993 to request access to their personal information.

There are limited grounds on which the Council may refuse to disclose personal information, including:

- the provision of the information would prejudice the maintenance of the law (including the prevention, investigation and detection of offences)
- a breach of legal professional privilege
- where the information is evaluative and was provided in confidence
- where disclosure would lead to the unwarranted disclosure of the affairs of another person or endanger the safety of any individual

A practitioner who believes any of their personal information is inaccurate, may request the Council to correct the information. Any decision by the Council to not make the requested correction must be attached to all available copies of the information.

Requests for access to or corrections of personal information are to be made to the Council Registrar who is also the designated Privacy Officer. All requests are to be responded to in a timely manner.

Privacy Breach

The Council takes due care and diligence in its management of all personal information in its possession. However inadvertent privacy breaches may occur despite the organisational controls in place.

Where a potential or actual breach is detected, the Council will act quickly and transparently to address the situation.

In the event of a privacy breach being found, the Registrar is to be notified immediately. The Registrar is responsible for advising the Council and the Privacy Commissioner of the breach, ensuring the process is compliant with the Privacy Commissioner's guidelines for managing privacy breaches <https://privacy.org.nz/news-and-publications/guidance-resources/privacy-breach-guidelines-2/>