



Police Requests for Information or Assistance - management of

1. Overview/procedure description

When can RCH staff give the police or other government agencies information about a patient?

The RCH's obligation in regards to patient confidentiality is governed by the provisions contained in section 141 of the Health Services Act 1988 and section 120A of the Mental Health Act 1986. These provisions override the privacy provisions contained in the Health Records Act 2001.

It is RCH policy that staff must only provide information about a patient to the police or other government agencies in accordance with this procedure.

What kind of patient information is confidential?

All information about a patient, including his or her identity is confidential. This means that staff may breach the Health Services Act or Mental Health Act if they provide information about patients, or even that the person has been admitted as a patient at the hospital, unless the police or Child Protection provide a subpoena, a warrant, or some other legally enforceable authority to the release of that information.

Staff must not release information about a patient without approval from the Legal Department.

Exceptions

Under section 141 of the Health Services Act, information may be provided to the police where that information is necessary to lessen or prevent:

1. A serious and imminent threat to an individual's life, health, safety or welfare; or
2. A serious threat to public health, safety or welfare.

If staff reasonably believe that one of these exceptions applies, they may provide such information to the police in order to lessen or prevent the threat, and should notify the Legal Department immediately after the event. If the request is made after hours, the Executive On-Call should be notified straight away.

Can the RCH give CCTV footage to the police or to another government agency?

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Author / Reviewer **[Katherine Lorenz](#)**
Executive Director
Legal & Information Services
[Annabelle Mann](#)
Legal Counsel
Legal & Information Services

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Many areas of RCH are monitored by Spotless on behalf of the RCH using closed circuit television cameras. These recordings are retained by Spotless for a short period of time. From time-to-time the RCH receives requests for access to these tapes from the police and other third parties such as Child Protection.

CCTV Footage is likely to contain images of patients and staff. An image which identifies a person is personal information and should be protected unless there is a genuine reason for its release. For this reason, CCTV Footage will only be voluntarily released to third parties, including the police, in exceptional circumstances.

Any request from a third party (including the police or Child Protection) for access to CCTV Footage must be in writing to the Legal Department. If the request is urgent and the staff member believes that there is an imminent threat to a person's safety, the request for footage must be forwarded to the Executive On-Call.

What should staff do if police want to interview a patient at their bedside?

Under section 31(1)(b)(i) of the Crimes Act 1958 it is an offence for a person to intentionally obstruct police in the due execution of duty.

Where police are present at a patient's bedside and they wish to interview that patient, clinical staff must not hinder the police in the execution of their duties, unless the patient's health is at risk.

If staff are in this circumstance they should contact the Legal Department or Executive On-call immediately.

Where police contact the RCH advising that they wish to interview a patient, staff must not provide any information unless the police provide a warrant or subpoena for that information or the Legal Department approves the release.

Provision of a patient's information without lawful excuse is a breach of confidence/patient privacy. It is the RCH policy that no information should be provided to police without formal written request.

In what circumstances can police interview clinical staff?

Commonly police will want to interview clinical staff when they are undertaking a coronial investigation on behalf of the coroner. Police may also want to interview clinical staff where a patient has been admitted following a crime.

Where police wish to interview hospital staff, they should be referred to the Legal Department. It is preferable that clinical staff provide police with a written statement rather than agree to be interviewed.

In any event, clinical staff should not be interviewed by police without first speaking with the Legal Department. If the request is made after hours, the Executive On-call should be contacted.

What happens if I do not provide police with information?

Failing to provide police with information is not unlawful unless:

1. You are legally required to provide information to the police (e.g.. because of subpoena), or
2. You are intentionally obstructing police in the due execution of duty section 31(1)(b)(i) of the Crimes Act 1958

If you have been asked by the police to provide information you should speak with a senior manager before taking any action.

2. Contacts

[Annabelle Mann](#), Legal Counsel: ext 54001

[Katherine Lorenz](#), Executive Director, Legal and Information Services: ext 54940

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