

Corporate Services



24 June 2020

Ms Amy Van Wey Lovatt
Email: fyi-request-12922-4e5afdf5@requests.fyi.org.nz

Dear Ms Van Wey Lovatt

YOUR OFFICIAL INFORMATION ACT (1982) REQUEST HBDHB REF: OIA2020081

I refer to your Official Information Act request transferred in part (questions 4,5,6) by the Ministry of Health to district health boards on 12 June 2020. Your questions and HBDHB's response is provided below:

Request 4

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.

Response

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.

Request 5

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.

Response

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.

CHIEF EXECUTIVE'S OFFICE

Hawke's Bay District Health Board

Telephone 06 878 8109 Fax 06 878 1648 Email: ceo@hbdhb.govt.nz; www.hawkesbay.health.nz
Corporate Office, Cnr Omaha Road and McLeod Street, Private Bag 9014, Hastings 4156, New Zealand

Request 6

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.).

Response

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 confirm that we have no incidents recorded in our event system that match any of these three requests nor is our Security Services Manager aware of any such incidents.

I trust this information meets your needs. If you would like any further information or clarification please phone me. If you are not satisfied with this response you may contact the Office of the Ombudsman, phone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Hawke's Bay DHB website after your receipt of this response.

Yours sincerely



Robin Whyman
Chief Medical and Dental Officer
Hawke's Bay District Health Board

cc: *Ministry of Health via email: SectorOIAs@moh.govt.nz*
oia@hbdhb.govt.nz