

Thursday, 25 June 2020

Amy S Van Wey Lovatt

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**Re: Official Information Act Request – Incidents regarding impersonation of a physician, and unauthorised access to surgical theatres or laboratories**

Kia ora Amy

I am writing on behalf of Hauora Tairāwhiti in response to your Official Information Request which was transferred to us by the Ministry of Health.

**You asked:**

Request 1:

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 2:

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 3:

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.).”

**Hauora Tairāwhiti’s response is as follows:**

1. Hauora Tairāwhiti had zero incidents involving a member of the public impersonating a physician between 1 May 2019 and 31 August 2019.
2. Hauora Tairāwhiti had zero incidents involving allegations that a member of the public gained unauthorised access to a surgical theatre or pathology laboratory between 1 May 2019 and 13 August 2019.
3. Hauora Tairāwhiti had zero 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.

If you are not satisfied with this response you may contact the Office of the Ombudsmen, phone 0800 802 602.

Please note this response or an edited version of this response may be published on the Hauora Tairāwhiti DHB website. Your personal/identifying information will be redacted from any responses published. If you feel that there are good reasons why your response should not be made publicly available, we will be happy to consider this.

Ngā mihi

**Jim Green**  
Chief Executive  
Hauora Tairāwhiti