

Duty of confidentiality

The Health Practitioner Regulation National Law (the National Law) imposes a duty of confidentiality on anyone who exercises functions under the National Law.

This includes people who work for AHPRA, as well as board, committee and panel members.

A person who is, or has been, exercising functions under the National Law must not disclose protected information.

What is protected information?

Protected information' means information that comes to a person's knowledge in the course of, or because of, exercising functions under the National Law.

This means you have a duty to keep confidential the information you receive when working as part of the National Scheme. This duty applies during and after your time with the National Scheme. Serious penalties and disciplinary action may apply if you breach this duty.

The general law also imposes a duty of confidentiality on AHPRA employees during and after their time with AHPRA. If you work for AHPRA, for example, this duty prohibits you from disclosing sensitive information about AHPRA's internal operations. If you breach this duty, legal and disciplinary action may be taken against you.

When may you disclose protected information?

Protected information may be disclosed in circumstances set out in the National Law that include:

- for the purposes of the National Law
- where permitted or authorised by law (for example, see ss.217-221 of the National Law)
- the person the information is about agrees to the disclosure
- the disclosure does not identify any person
- the disclosure relates to public court or tribunal proceedings, or
- the information is already public.

You must not disclose protected information unless it is confirmed that one of these exceptions applies.

What are the penalties for unauthorised disclosure?

The National Law imposes maximum penalties for a breach of confidentiality regarding protected information:

- (a) in the case of an individual—\$5,000, or
- (b) in the case of a body corporate—\$10,000.

Declaration

I, ,

have read and understand that the National Law and the general law impose a duty of confidentiality regarding protected information and sensitive information regarding AHPRA's operations. I will comply with these requirements.

Signed on the day of 20

by

in the presence of

Complete this section if you are a third party contractor or a consultant

Organisation
Contact phone number
Contact email
Contracts of interest