



VETERINARY SURGEONS BOARD OF SOUTH AUSTRALIA

GUIDELINE FOR CLIENT CONFIDENTIALITY And DISCLOSURE OF INFORMATION

1. Introduction

1.1 Veterinary surgeons have a responsibility to maintain client confidentiality. However, the Board recognises there can be occasions when the principle of client confidentiality is overridden by a veterinary surgeon's need to disclose information. This Guideline provides veterinary surgeons with principles to consider when deciding whether to maintain client confidentiality; and conversely when it is appropriate to disclose information concerning clients and patients.

1.2 Section 12 of the *Veterinary Practice Act 2003* provides that:

The Board must exercise its functions under this Act with the object of protecting animal health, safety and welfare and the public interest by achieving and maintaining high professional standards both of competence and conduct in the provision of veterinary treatment in this State.

This Guideline has been developed in accordance with this object.

2. Confidentiality

2.1 The Board has developed general principles in relation to confidentiality and the veterinary surgeon providing access to records. These principles have been based on the *Federal Privacy Act 1988*, incorporating the *National Privacy Principles*, *Freedom of Information Act 1982*, and the Code of Professional Conduct for Veterinary Surgeons. The general principles include:

- a) Veterinary surgeons should not provide copies of patient medical history records to other non-veterinary third parties unless the client has agreed to the records being provided. *The exceptions to this are listed in Section 3 – Disclosure below.*
- b) Insurance companies are considered to be non-veterinary third parties. They may request veterinary surgeons provide a copy of patient medical history records when considering claims made by clients. In these circumstances, the insurance company should ensure they have received the client's permission to access their patient medical history records for the particular animal before approaching the veterinary surgeon for a copy. If the insurance company does not have the client's permission, the veterinary surgeon should seek the client's permission before providing a copy of the records.
- c) If a client requests that the treating veterinary surgeon refers their animal to another veterinary surgeon for a second opinion, the treating veterinary surgeon should obtain the client's express agreement to provide a copy of the patient medical history records to the



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second veterinary surgeon. If a client requests that a veterinary surgeon examine an animal to provide a second opinion, the veterinary surgeon should obtain the client's express agreement to obtain a copy of the patient medical history records from the original treating veterinary surgeon. Complete records should be provided. X-rays provided under these circumstances should be returned to the original veterinary surgeon when no longer required, if requested.

- d) Copies of client patient medical history records should be provided to clients on their request. It is at the discretion of the veterinary surgeon as to whether charges are made for photocopying the records; if so, the charge should be based on cost recovery only.
- e) Copies of x-rays should be made available, if possible, to clients when requested. The practice is entitled to charge for the copy of the x-rays. The original of the x-rays remain the property of the practice.
- f) Copies of patient medical history records may be withheld from the client if the client has outstanding accounts with the practice. But in the interests of the animal, copies should not be withheld from a second veterinary surgeon if a second opinion is requested by the client - even if the client has outstanding accounts.
- g) Veterinary surgeons should not provide copies of client payment records or other personal client details to others – unless the client has agreed to the information being made available.

2.2 The Board recommends that all veterinary practices display a full Privacy Statement so that it is available for all clients to read. Placing the Privacy Statement in the waiting room is suggested.

3. Disclosure

3.1 The Board considers there are some exceptional circumstances where the need to disclose information overrides the above general principles for client confidentiality. These circumstances are based on common law and the principles embodied in the *Veterinary Practice Act 2003*, *Animal Welfare Act 1985*, *Livestock Act 1997* and the *Dog and Cat Management Act 1995*. They include circumstances where:

- a) animal health, safety and welfare may be compromised
- b) there is a clear public interest in disclosing information
- c) personal safety is compromised
- d) legal proceedings require disclosure

3.2 *Animal health, safety and welfare*

The Board considers the veterinary surgeon should decide whether disclosing information will be in the best interests of the animal. In making the decision to disclose, the veterinary surgeon should act in good faith, and be clear on the reasons that disclosure is in the interests of the animal.



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3.3 *Public interest*

Disclosing client-related information and patient history information is consistent with professional ethics if the disclosure is in the interests of the public. Principles for disclosure in the 'public interest' include:

- to prevent and minimize the risk of contamination and disease
- to control the spread of disease and infections
- to investigate the source of disease and infections
- to prevent risk of harm to humans or animals

These principles may be invoked under a variety of circumstances – some examples include a dog or cat show; a community microchipping event; identification of disease and infections in livestock. Disclosure and reporting should be made to the organizing or mandated authority.

3.4 *Personal safety*

There are two elements to personal safety:

1. the safety of 'other parties', and
2. the safety of the 'reporter' (i.e. a veterinary surgeon)
 - a. In relation to safety of 'other parties', disclosing confidential information to relevant authorities is consistent with the Code of Professional Conduct for Veterinary Surgeons if the veterinary surgeon reasonably believes an animal may cause harm or injury to another person or animal.
 - b. In relation to the personal safety of a 'reporter', (e.g. a veterinary surgeon who reports incidents of animal abuse) the Board recognises that there may be circumstances where the veterinary surgeon may be placed at some personal risk if reporting animal abuse. For example, by disclosing this information to relevant authorities (i.e. police, RSPCA, government agencies), the perpetrator may be able to link the information to the veterinary surgeon. This reduces the anonymity of the 'reporter'.

In making the decision to disclose information about incidents of animal abuse, the veterinary surgeon should assess their level of personal risk and balance this with their professional obligations as a respected member of the community, and the now researched indicator that animal abuse may be an indicator of domestic violence and child abuse.

3.5 *Legal proceedings*

The Board recognises that there are circumstances where the veterinary surgeon may be required by law to disclose information relating to clients.

Approved: August 2007

Revised: June 2020 (clause 2.1(c) amended)