



Privacy

This policy is for clinicians issued authority to practice (ATP) by HCL and any other personnel involved in the delivery or administration of services under the HEMS contract.

It sets out requirements and related guidance for protecting patient privacy.

Information for patients regarding their rights, including privacy, is provided on the HEMS NZ website.

Policy objective

This policy sets the requirements for ensuring patient privacy and compliance with:

- the Privacy Act 2020
- the Health Information Privacy Code 2020
- the Code of Health and Disability Services Consumers' Rights.

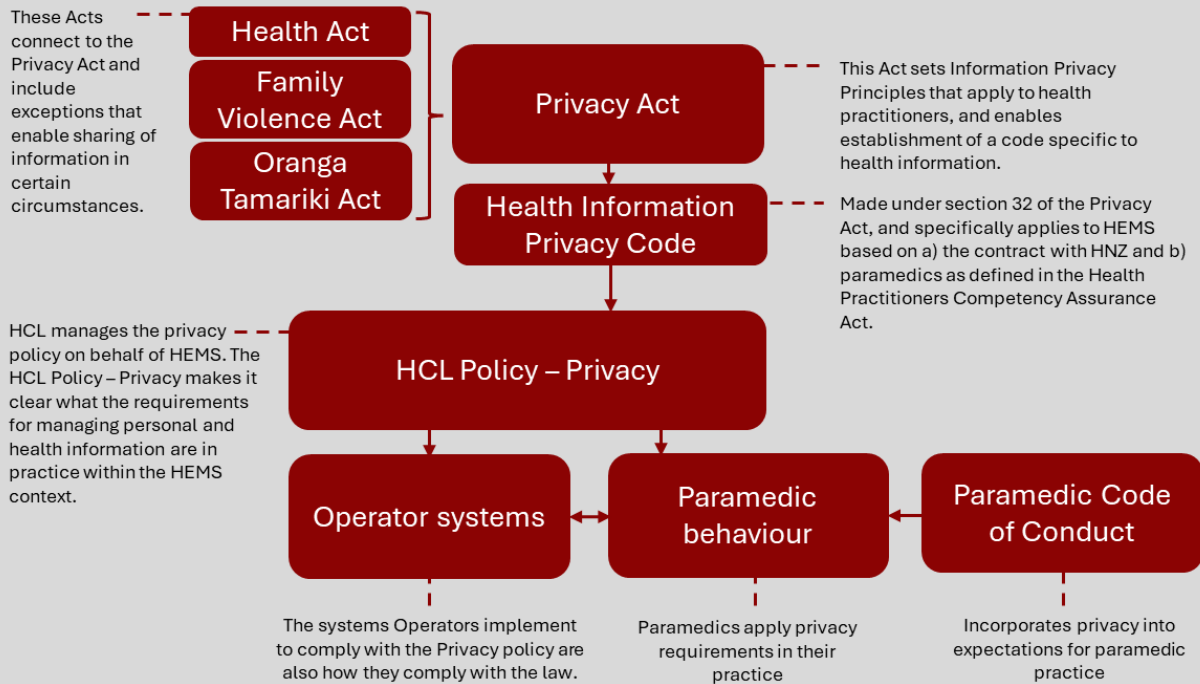
This policy imposes a duty of care upon personnel involved in the delivery or administration of services under the HEMS contract to protect patient information.

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Policy context



Interpretation

Clinician

- Throughout this policy, clinician refers to a clinician holding HCL Authority to Practice (ATP) unless otherwise specified.
- For public awareness, ATP authorises clinicians to practice as paramedics for HEMS services. Only clinicians employed by Operators (defined below) with the requisite registration with the Paramedic Council | Te Kaunihera Manapou, and who meet annual maintenance requirements can hold HCL ATP.

Health information

- Information about a person’s health, disabilities and medical history.

Health One

- HealthOne is a secure electronic record that allows healthcare providers to quickly access information about patients they are treating, such as medical history, medications, allergies, test results, and hospital visits. This helps health professionals to make safer, faster, and better-informed decisions about a patient’s care.

HEMS New Zealand

- Helicopter Emergency Medical Services New Zealand – the contract holder for rescue helicopter services across the South Island, who engage Operators (see definition below) to provide the aviation and clinical services.



Information

- Includes both personal information and health information.

NHI

- National Health Index, which supports identification of individuals and contains:
 - Name(s)
 - NHI number
 - Address
 - Date of birth
 - Gender
 - New Zealand resident and citizenship status
 - Place of birth
 - Ethnicity
 - Date of death (if appropriate).

Operator

- Clinical service providers (subcontractors to HEMS NZ) for whom HCL provides clinical governance services.

Personal information

- Any information that can identify an individual.

Requirements

1. Obtaining information

- 1.1. Clinicians must only obtain information from patients in their care for the purpose of:
 - a) identifying a patient
 - b) guiding service design, patient treatment, and care
 - c) recording health status and treatment
 - d) supporting handover to other health professionals involved in a patient's care.
 - e) reporting and administration, including billing.
- 1.2. Clinicians must inform patients and/or their whānau about what information is being collected and what it will be used for.
- 1.3. HCL must inform people about what information is being collected and what it will be used for which may include:
 - a) provision of feedback or other engagement through HCL contract channels
 - b) fulfilling reporting or audit obligations, using de-identified information
 - c) undertaking research and development, using de-identified information
 - d) billing administration.

2. Information management

Recording and storage

- 2.1. Patient information must be recorded and stored securely in eTriage (the approved Electronic Patient Record Form (ePRF)) and the Missions database for 10 years, ensuring that patient identity is checked prior to attaching an NHI number.
- 2.2. De-identified data may be stored securely beyond 10 years, for the purpose of research and system improvements.



- 2.3. If an ePRF is submitted with an incorrect NHI number, the relevant clinician at clinical handover must be notified and the incident reported to HCL the *HCL Notifiable Event/Near Miss Reporting Form*.
- 2.4. If photos or videos are required for relevant stakeholders, such as police, receiving hospitals or phone support, the ePRF camera function via the Honeywell tablet must be used wherever possible. Personal devices should only be used when necessary and must not retain sensitive images once their purpose is fulfilled.
- 2.5. Clinicians and any other operational staff must not store any media (photos or videos) on their personal devices where a patient is identifiable, whereby identifying features include but are not limited to:
 - a) patients' heads/faces
 - b) body markings
 - c) details on ECGs
 - d) whānau, bystanders, identifiable vehicles and residences in the background.

Access

- 2.6. Patient information may only be accessed for patients that a clinician is assessing or treating, or for HCL clinical audit.
- 2.7. Clinicians may be authorised to access Health One to obtain patient information to inform treatment, confirm identity, or follow up treatment outcomes.
- 2.8. Authorisation to establish a Health One account may be requested from HCL.
- 2.9. Health One usage is subject to Health One Terms of Reference and this policy.
- 2.10. Patient information must not be accessed by any person who is not a clinician, unless for the purpose of meeting Government billing requirements.

Sharing

- 2.11. Information may only be shared when:
 - a) it is necessary to avoid a serious and imminent danger to the individual, someone else, public health or public safety
 - b) relating to children and adults at risk and permitted by the Oranga Tamariki Act 1989, the Family Violence Act 2018 and the Privacy Act 2020 in *HCL Policy – Protecting children and adults at risk*
 - c) discussing a patient's care with other health professionals involved in the patient's care, for example during a clinical handover
 - d) the disclosure of the information is for one of the purposes that the information was obtained for
 - e) it is the subject of clinical audit by HCL in accordance with the *HCL Policy – Clinical Audit*
 - f) otherwise permitted by Rule 11 of the Health Information Privacy Code 2020.
- 2.12. Requests for information must be directed to the HCL Privacy Officer by using the Patient Information Request Form and will be subject to identification checks.
- 2.13. Health information may be utilised for quality assurance and training subject to the information being de-identified.

3. Training

- 3.1. Operators must ensure that any employee able to access patient information in their role, undertakes the Health ABC e-learning course issued by the Office of the Privacy Commissioner, annually.



- 3.2. HCL employees must undertake the Health ABC e-learning course issued by the Office of the Privacy Commissioner, annually.

4. Policy compliance

- 4.1. The HEMS Privacy Officer is the CEO of HCL.

System compliance

- 4.2. Operators must provide evidence of compliance with the policy requirements when requested by HCL.
- 4.3. HCL may audit any component of this policy to ensure compliance.
- 4.4. Non-compliance with this policy will be managed by:
 - a) Notification of non-compliance and remediation pathway
 - b) Escalation to the Office of the Privacy Commissioner.

Privacy breaches

- 4.5. Patients are permitted to make complaints about privacy to Operators, HCL, the Privacy Commissioner, the Health and Disability Commissioner and/or Te Kaunihera Manapou.
- 4.6. Privacy breaches must be reported to the HEMS Privacy Officer immediately.
- 4.7. HCL will investigate any suspected privacy breach, whereby the Privacy Officer must:
 - a) acknowledge the complaint within 5 working days
 - b) record the actions of taken regarding the complaint
 - c) determine whether the complaint is justified within 10 working days
 - d) determine whether more time is needed to investigate the complaint
 - e) keep the complainant informed of timing, actions HCL proposes to take and the right to complain to the Privacy Commissioner.
- 4.8. Complaints about a breach of privacy may be escalated to the Privacy Commissioner.

Supplementary documents and forms

HCL Policies:

- Patient consent
- Protecting children and adults at risk
- Clinical audit

[HCL Notifiable Event/Near Miss Reporting Form](#)

[Health ABC e-learning course – Office of the Privacy Commissioner](#)

References

- [Code of Health and Disability Services Consumers' Rights](#)
- [Family Violence Act 2018](#)
- [Health Act 1956](#)
- [Health Information Privacy Code 2020](#)
- [Health Practitioners Competence Assurance Act 2003](#)
- [Oranga Tamariki Act 1989](#)
- [Privacy Act 2020](#)

Clinical Policy Package

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Version control

Issued April 2026; in effect 1 April 2026.

Review due: April 2029

Authorised by: Ken Franklin, CEO, HCL

Clinical Policy Package

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Assurance

