

PRIVACY & CONFIDENTIALITY IN PORTFOLIO EVIDENCE

Privacy extends to all individuals and portfolio development must take into account an individual's right to privacy. The inclusion of evidence which breaches privacy in any way will require return of a portfolio and immediate removal of the privacy breach.

There are 3 components to confidentiality and privacy in regard to portfolios.

1. PATIENTS/ FAMILY

- All patient personal details and any identifiers must be removed from all parts of the portfolio. The nurse must abide by the Privacy Act, so that information collected for the furthering of patient care is used only for that purpose, not for inclusion in a portfolio.
- 'Identifiers' relates not only to a person's specific information such as birth date, address or NHI, it can relate to a context or situation whereby if that situation is described, it will identify the person by process of elimination
- See New Zealand Nurses Organisation (NZNO, 2016) [Guideline- privacy, confidentiality and consent in the use of exemplars of practice, case studies and journaling](#) for more assistance. Click the link above to download.
- The Health Practitioners Disciplinary Tribunal has stated *"There is no justification for a nurse accessing the records of a former patient without authority for any reason. Once the care of the patient has passed from the nurse, the nurse has no right or authority to any information concerning the patient's condition, no matter how much concern or curiosity there may be. If there is learning to be done from accessing records and structured inquiry, then that should be done with proper authority and after having obtained appropriate consent."*¹
- Privacy requirements do not preclude the inclusion of exemplars and/ or written reflections on practice, as these are expected within a portfolio. The focus of these pieces of evidence is on the nurse's practice rather than on the patient and therefore can generally be provided without accessing a patient's clinical record. In contrast, in-depth detailed case studies have a strong patient focus and are not recommended within portfolios. However, if they are included, full informed consent must be gained and evidenced within the portfolio.

2. HEALTH PROFESSIONALS/ COLLEAGUES

- Nurses must not reveal names or identifiers of other health professionals or colleagues in portfolios, including in email correspondence. Generic job titles should be used if required. Privacy extends to all individuals.

3. THE PORTFOLIO CONTENTS.

- Portfolios when not being assessed should be secured in a locked cupboard or room.
- Consent to access portfolios is given only by the nurse who has completed the portfolio.
- Assessors should not discuss what the portfolio contains unless it is for the direct purpose of assessing the portfolio.

The use of technology in healthcare and many aspects of daily life have increased significantly and is continuing to grow. Nurses are cautioned against using video and /or photographs in portfolio evidence and where they are used they should adhere to the DHBs privacy requirements and those state above.