



Confidentiality

Services, such as Odyssey House, must always have the person's permission before they tell anyone else about anything that is said in treatment, or about the client's treatment and how it is going.

- However, if the person does not give their permission, the law says that a service can tell a nominated carer about their treatment **ONLY IF** the service thinks it is necessary to keep their client safe from themselves or from others.

The Mental Health Act

To find out exactly what the law says about confidentiality, go to Section 120A of the Mental Health Act 1986 which can be found at :

<http://www.legislation.vic.gov.au/> Click on "Victorian Law Today" then under "Search" select "Acts" and type in "Mental Health Act 1986".

You can also find information about the mental health act on:

<http://www.health.vic.gov.au/mentalhealth/mh-act/index.htm>

The Mental Health Act 1986 is being reviewed by the Victorian Government. It is hard to understand because of the legal language used, but the government website can help to explain it:

<http://www.health.vic.gov.au/mentalhealth/pmc/confidentiality.htm>

What the law says

"A relevant person must not, except to the extent necessary.....give to any other person, whether directly or indirectly, any information acquired by reason of being a relevant person, if a person who is or has been a patient of, or has received psychiatric services from, a relevant psychiatric service could be identified from that information." (Mental Health Act 1986, Section 120A)

In other words: except when they think it is necessary, a therapist or doctor can only pass on information about their client if it does not identify that person.

Client Agreements

A useful way to be clear about what information can be shared is to set up an agreement between you, the person you wish to keep informed (like your partner, friend or family member) and the therapist.

- This agreement can be verbal or formally written up. It can cover:
 - ☞ The name of the person(s) the client agrees to share the information with
 - ☞ The types of information that person agrees to share or not share;
 - ☞ When it is important to share it for example if the person becomes mentally unwell and has difficulty telling the difference between reality and delusion.
 - ☞ How often the counsellor (or other staff) can speak to family and under what circumstances.
- An agreement can only be made if the person wants to set one up. If they do not want to share information with you, that is their right, unless they are a child. Odyssey House Victoria, like many services, will not set up an agreement without their client's consent.