

14 March 2022

Response to a request for official information

Thank you for your request for official information 15 February 2022 by Nelson Marlborough Health (NMH)¹, where you seek the following information:

- 1. *What was your board's policy regarding media access to your DHB premises to interview staff and patients, and take photographs and video before any COVID-19 restrictions were introduced?***

NMH response:

Please see attached NMH Policy *Media and Social Media* Issue number 1 (approved 13/04/2017).

- 2. *Were any new conditions for media access introduced as a result of COVID-19?***

NMH response:

Please see attached NMH Policy *Media and Social Media* Issue number 2 (approved 20/09/2021) where Section B 'Responding to media enquiries' (including requests for permission to access) and Section I 'News media access and visits' outline the same conditions as the previous policy.

- 3. *If so, how was this decision made and why?***
- 4. *What were the new conditions and how did they affect access at different alert levels and under the current traffic light system?***

NMH response:

Please see our response to Q 2.

- 5. *What is your board's intentions for the future regards media access under COVID-19?***

NMH response:

In reference to the accepted definition of official information 'held', agencies are required to provide a fact-based response. There is no obligation to form an opinion or create information and, as such, NMH declines to respond under section 12(2) 'the official information requested shall be specified with due particularity in the request.'

¹ Nelson Marlborough District Health Board

6. Do you feel your media access rules are consistent with the media's responsibilities to report accurately and promptly on issues, and also with the right of patients and staff to interact freely with the media if they consent?

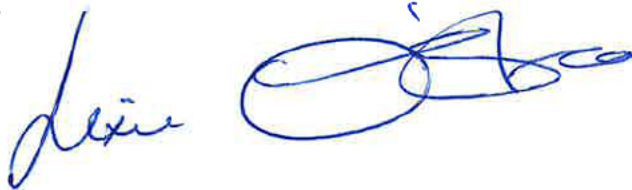
NMH response:

Please see our response to Q 5.

This response has been provided under the Official Information Act 1982. You have the right to seek an investigation by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or free phone 0800 802 602. If you have any questions about this decision please feel free to email our OIA Coordinator OIArequest@nmdhb.govt.nz

I trust this information meets your requirements. NMH, like other agencies across the state sector, supports the open disclosure of information to assist the public's understanding of how we are delivering publicly-funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website from 10 working days after they have been released. If you feel that there are good reasons why your response should not be made publicly available, we will be happy to consider.

Yours sincerely



Lexie O'Shea
Chief Executive

Attachment 1: *Nelson Marlborough Health Media and Social Media Policy Issue Number 1 (4 pages)*
Attachment 2: *Nelson Marlborough Health Media and Social Media Policy Issue Number 2 (4 pages)*

Media and social media

Purpose

The purpose of this policy is to guide employees', board and committee members' engagement with news media and social media to ensure:

- these parties do not breach, or risk breaching, privacy law
- that our organisation is represented accurately and appropriately
- increased community awareness and understanding of our services, strategies and initiatives
- sustainable, high-functioning media relationships.

Scope

This policy applies to all employees, contracted individuals, board and committee members. These groups are referred to as 'all parties' from this point forward.

This policy does not apply to statutory officers when applying the specific authority granted to them by the Director-General of Health to speak on behalf of the Ministry of Health.

Other relevant policies and documents

- i) The *Submissions on Behalf of NMDHB Policy* guides written and oral submissions to external agencies such as councils and central Government agencies and Ministers' offices.
- ii) The *Privacy Policy* outlines legal requirements under the *Privacy Act 1993* and *Health Information Privacy Code 1993*.
- iii) The *Privacy: Enquiries about Patients Policy* guides responses about patient enquiries.
- iv) The *Interim Delegated Powers Policy* outlines the powers delegated by the Chief Executive to staff, including public communication delegations.
- v) The State Services Commission's *Standards of Integrity and Conduct 2007* (code of conduct) describes the requirements of district health board employees to be fair, impartial, responsible and trustworthy.
- vi) Employment agreements that may include relevant clauses, eg CL 26 in the New Zealand Nurses' Organisation *Multi-Employer Collective Agreement*.

Definitions for the purposes of this policy

Media:

Media means news media representatives from any print, broadcast or electronic publication.

Social media:

Social media means all web-based social media sites including blogs, online forums and social networking sites.

Statutory officers:

Most statutory officers are designated by the Director-General of Health under the Health Act 1956. These officers – medical officers of health and health protection officers – are accountable to, and subject to direction from, the Director-General.

Policy statements

A. Personal vs official representation

Parties could be deemed to be representing Nelson Marlborough Health (NMH) in news and social media when:

- their job title is published or broadcast as part of public commentary
- comments are published or broadcast while wearing uniform, identification cards, or when they are seen with branded material such as sign-written vehicles.

People should endeavour to represent NMH in an accurate and professional manner.

In cases when an individual seeks to comment in a personal or professional capacity, they should make that clear and attempt to avoid the perception that they are representing the view of their employer – NMH.

Employees who wish to contribute to public debate on issues surrounding NMH are advised to contact their union for advice.

B. Responding to media enquiries

All media enquiries should be referred to the communications manager in the first instance, or the organisation's duty manager (a rostered member of the Executive Leadership Team) if the communications manager cannot be reached. This should be done as soon as possible.

This includes any requests for permission to access any NMH hospitals, facilities or property.

Communications will clarify the request, determine the best approach and liaise with subject matter experts to draft a response. Most responses will be signed out by the Chief Executive.

Communications will identify spokespeople and work with them to prepare for any interviews.

C. Official Information Act vs media enquiries

Under this policy, the communications team will endeavour to respond to the majority of media enquiries outside of the formal NMH Official Information Act process.

However, when media seek complex information that could take a longer time to retrieve or analyse, the communications manager can advise that the request cannot be met within the required timeframe and will be handled under the Act.

In such cases, it may be possible after conversation with the media for the scope of the request to be narrowed, reduced to something that can be handled promptly.

D. Designated spokespeople

The following parties are authorised to speak directly to news media, or reply to social media posts, as required:

- the Chief Executive, or delegate
- the Nelson Marlborough District Health Board Chair, or delegate
- the Communications Manager, or delegate.

E. Ensuring patients' privacy

All parties have a legal responsibility to maintain patients' privacy when using any form of news media and social media.

The communications team handles most media requests for information about the condition of a particular patient. On weekends and public holidays, news media are advised to contact the duty nurse manager at Nelson and Wairau hospitals directly for this information.

Under privacy law, patient condition updates are limited to one of the following terms:

- comfortable: vital signs stable, within normal limits, patient comfortable
- stable: vital signs stable and within normal limits, patient may be uncomfortable
- improving: usually used after a patient has been serious, or critical. Generally means some vital signs have stabilised
- serious: vital signs not stable, patient usually in intensive care unit or high dependency unit
- serious but stable: this may indicate the patient condition is not expected to improve
- critical: vital signs unstable, not within normal limits
- treated and discharged: the patient was discharged from hospital after being treated. The patient may have follow-up clinics to attend with their doctor or at an outpatient clinic.
- transferred: the patient has been transferred to another hospital (name the hospital)

Any other detail cannot be released without consent from the patient, their parent or guardian.

Condition updates cannot be given for patients who are in the process of being triaged in the Emergency Department.

A patient's death can only be confirmed with family consent and after notifying next of kin. Sometimes media we will be referred to a police media liaison officer.

Refer to the *Privacy: Enquiries about Patients Policy* for more general information about how to respond to enquiries about patients, and to the *Privacy Policy* for information about our legal requirements under the Privacy Act 1993 and Health Information Privacy Code.

F. Ensuring employees' and contractors' privacy

All parties have a legal responsibility to maintain employee and contractors' privacy.

Occasionally the news media or other external parties request information about Nelson Marlborough Health employees, contractors, board and committee members.

In such cases commercially-sensitive and personal information must be withheld.

To ensure that parties do not breach or risk breaching privacy law, they are asked to contact the communications team for assistance in such circumstances.

G. Ensuring no surprises

NMH leadership and the communications team aims to ensure 'no surprises' where relevant stakeholders are advised about any issue that has the potential to prompt political or public debate.

Parties who are aware of any such issues are asked to advise the communications manager.

Issue Number	2
Date Approved	20/09/2021
Date Review	20/09/2022

This is a Controlled Document. The electronic version of this document is the most up-to-date and prevails over any printed version. Printed versions of this document are valid for the day of printing only. All health professionals across NM are welcome to access this document, and must interpret and apply the contents with careful consideration.

Author	Communications Manager
File name	Media Social Media Policy
Page	3 of 4

H. Proactive media and social media engagement

Proactive media engagement helps maintain a functional relationship with media, through which we can keep our communities informed and fulfil our obligations as a publicly-accountable organisation.

All parties should consider whether their work might be of public interest for use by the communications team via:

- a media release or social media post
- a website, intranet, newsletter or publication article
- advertorial
- a talking point for the Executive Leadership Team, health officials or other influential stakeholders

Nelson Marlborough Health will ask permission before using employees' images or information in this way.

I. News media access and visits

News media representatives are required to contact the communications manager, or an after-hours duty manager, for permission to access any Nelson Marlborough Health hospitals, facilities or property.

The communications manager grants media permission to photograph, film or interview patients or employees. Patient or parental permission alone is insufficient.

J. Recording conditions for film, photography and interviews (medical imaging excluded)

The following conditions aim to protect the safety and privacy of Nelson Marlborough Health patients, visitors and staff:

- the communications team must be contacted in advance with any commercial filming, photography or interview requests
- all people involved must first give consent in accordance with the *Health Information Privacy Code*. This includes people who may be in the background.
- media must confirm how recordings will be used and disseminated
- premises must be left in the same condition as they were found
- health and safety procedures must be observed
- requests to stop recording, or for media to leave, must be adhered to
- recording must not hinder access to any building or facility.

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Issue Number	1
Date Approved	13/04/2017
Date Review	13/04/2020

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