

# Community Visitor powers and responsibilities

## What are the powers and responsibilities of Community Visitors when inspecting, requesting or copying site documents?

Community Visitors (CVs) have broad powers to access a range of information (electronic and hard copy) that may be either private client information or secure organisation information (such as policies). Personal or agency information informs the Community Visitor Program's (CVP's) inquiry and advocacy functions. This information is critical for the CVP to perform its functions effectively.

The *Public Guardian Act 2014* (PGA) provides a definition for a visible site document (e.g. medical file, site records); outlines what a CV can do with these documents (e.g. take a photo); states the protection given to the consumer or anyone else if they provide these documents; and makes provision if a person refuses to provide the documents.

A service provider and its staff are required to provide a CV with the requested visible site documents which are relevant to the CVs functions. Some service providers and staff may be worried about providing documents, however if a person gives the information to the Public Guardian, the person is not liable, civilly, criminally or under an administrative process, for giving the information. They also cannot be found to have breached any code of professional etiquette or ethics; or departed from accepted standards of professional conduct (s24 PGA).

Community Visitors also have responsibilities to execute their powers and functions with consideration to the *Public Ethics Act 1994*, the *Public Service Act 2008* and the *Information Privacy Act 2009*. These Acts outline our obligations in relation to:

- Managing public resources effectively, efficiently and economically
- The collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose
- The information is collected is not an unreasonable intrusion into the personal affairs of the individual
- Using information only for the purpose for which it was obtained



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Before requesting records, CVs consider the following:

- Whether the records are necessary for, and directly related to their functions
- Whether the information can reasonably be gained through another source, for example through conversations with staff or clients
- What the client's views or wishes are regarding OPG having and viewing those records

When requesting visitable site documents, CVs should inform the requestee why they are requesting the documents and the purpose for their request. Services and staff can ask a CV for clarification on why they're asking for particular documents or records, and how they relate to the CVs functions. Services can also ask CVs what steps they will take to ensure that personal information for a client will be managed and stored appropriately.