

NSW Health Pathology Privacy Management Annual Report 2020-21

Statutory requirements

This report is produced by *NSW Health Pathology* in accordance with annual reporting requirements regarding privacy matters, as set out in:

- *NSW Annual Reports (Departments) Regulation 2015, Clause 6, and*
- *NSW Annual Reports (Statutory Bodies) Regulation 2015, Clause 8.*

Part 1. Compliance activities

NSW Health Pathology (NSWHP) is committed to meeting its privacy obligations under the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* through appropriate governance and the provision of privacy information, training and support to staff.

NSWHP provides ongoing privacy information and support to its staff through:

- Privacy consultation and advice to internal stakeholders.
- Participation by Privacy Contact Officer in privacy networking and professional development.
- Distribution of local and Ministry of Health privacy-related information including:
 - Privacy leaflets for patients and staff
 - Privacy Management Plan
 - Privacy policies and related procedures
 - Embedding privacy links in internal and external webpages.
- Delivery of privacy training, available either on-line as mandatory training or on-demand, tailored face to face programs.
- Maintenance of intranet resources that remind staff of privacy obligations and links to relevant legislation, policies, training and Privacy Contact Officer details.
- Privacy information is provided to consumers through an Information Privacy Internet site at <https://www.pathology.health.nsw.gov.au/about-us/privacy>.
- Internal publication of privacy news articles and reminders for staff that link to staff intranet privacy resources.
- Privacy Audits on access to information systems.
- Conduct of a privacy breach risk assessment identifying both the gaps in existing controls as well as new treatments.
- Adopting a 'privacy by design' approach and conducting Privacy Impact Assessments for new systems and initiatives.

NSWHP's Privacy Contact Officer has continued to provide legislative, policy and compliance support/advice to health service staff, particularly in relation to access to, and disclosure of personal health information and electronic medical records.

Attachment A

The Privacy Contact Officer actively participates in privacy networking and professional development including attendance at privacy information and network sessions held during 2020-21 which were facilitated by the NSW Ministry of Health Regulation and Compliance Unit.

Privacy complaints

Privacy complaints are managed in accordance with the *NSW Health Privacy Internal Review Guidelines*.

Part 2. Internal review

The *Privacy and Personal Information Protection Act 1998* provides a formalised structure for managing privacy complaints relating to this Act and to the *Health Records and Information Privacy Act 2002*. This process is known as 'internal review'.

Internal review applications carried over

0 (zero) privacy internal review matters were **carried over** from 2019-20 [the previous] reporting period.

New internal review applications

During 2020-21, *NSW Health Pathology* received 2 (two) **new applications** for Internal Review.

1. **Date received:** 7 December 2020

Privacy Principles breached: No

Details: The applicant complained that NSWHP had breached Health Privacy Principle(s) HPP 5 Retention and security, HPP10 Limits on use of health information and HPP 11 Limits on disclosure of health information held by *NSW Health Pathology*.

The agency undertook an investigation and concluded that the alleged breaches of HPP 5, 10 and 11 had not occurred.

Further review in NCAT:

Yes. Applicant applied for external review by NCAT and the matter was listed in April 2021. The hearing in this matter has now concluded and NCAT has reserved its decision. The matter is therefore still ongoing.

2. **Date received:** 11 March 2021

Privacy Principles breached: Yes

Details: The applicant complained that NSWHP had breached Health Privacy Principle(s) HPP10 Limits on use of health information and HPP 11 Limits on disclosure of health information held by *NSW Health Pathology*.

The agency undertook an investigation and concluded that the alleged breach of HPP 10 had occurred.

Further review in NCAT:

Nil. The 28 days to request a review have elapsed and the applicant did not apply for review of the decision with NCAT.

Report prepared by:



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Final Audit Report

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