

Privacy Management Annual Report 2018-2019

Statutory requirements

This report is produced by Hunter New England Local Health District 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

Hunter New England Health 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.

Hunter New England Health provides ongoing privacy information and support to its staff through:

- Provision of privacy awareness sessions at new staff and volunteer orientation.
- Access to a privacy information leaflet for staff.
- A privacy intranet website which provides staff with access to:
 - NSW privacy legislation
 - NSW Health Privacy Manual for Health Information
 - NSW Health Privacy Internal Review Guidelines
 - NSW Health Privacy Management Plan
 - Privacy training details
 - Links to external resources including the NSW Information and Privacy Commission
- Delivery of privacy training, available either on-line as mandatory training or on-demand, tailored face to face programs.
- Access to privacy information posters and patient information leaflets, a copy of which is available to all patients/clients attending a Hunter New England Health facility.
- Privacy information is provided to consumers through an Information Privacy Internet site at: <http://www.hnehealth.nsw.gov.au/Pages/home.aspx>
- Privacy Audits on access to information systems.

Hunter New England Health'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.

The Privacy Contact Officer actively participates in privacy networking and professional development, and attended privacy information and network sessions during 2018-19 which were facilitated by the NSW Ministry of Health Regulation and Compliance Unit.

Privacy complaints

Complaints may either be addressed as informal complaints, handled through existing complaints handling and investigation processes.

Alternatively, a complaint may be handled formally under privacy law via the internal review process, in accordance with the NSW privacy legislation and the *NSW Health Privacy Internal Review Guidelines*.

Actions have been undertaken by Hunter New England Health as appropriate resulting from these complaints, including review of policies and practices, staff training and disciplinary action.

Part 2. Internal review (IR)

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

There were no Internal Review applications carried over from the previous 2017_2018 reporting period.

New internal review applications

During 2018_2019, Hunter New England Health received two **new applications** for Internal Review.

1. **Date received:** 23 November, 2018.

Privacy Principle breached: YES

Details:

The applicant complained that the agency had breached Health Privacy Principles (HPP's) 5, 7, 10 and 11 in relation to their personal health information.

Hunter New England Health's Internal Audit Unit undertook an investigation and concluded that a breach of HPP 5 (Security of Health Information) had occurred.

Further review in NCAT:

Following release of the final Internal Review report to the applicant, a claim for damages was agreed and settled without referral of the matter for review by NCAT.

2. **Date received:** 28 February, 2019.

Privacy Principle breached: NO

Details:

The applicant complained that the agency had breached Health Privacy Principle (HPP) 11 in relation to their personal health information.

Hunter New England Health's PCO undertook an investigation and concluded that there was insufficient evidence to confirm that a breach of HPP 11 had occurred.

Further review in NSW Civil and Administrative Tribunal (NCAT):

Following release of the final Internal Review report, the applicant referred the matter for review by NCAT. This matter is on-going and NCAT have scheduled a Case Conference to be held in July, 2019.

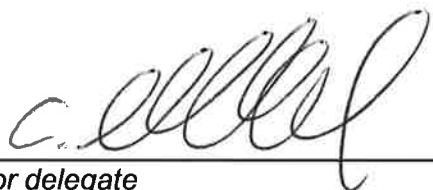
Report prepared by:



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Date: 01 July, 2019

Approved for publication by:



CE, or delegate

Date: 4/7/19