

Privacy Management Annual Report 2021-22

Requirements

This report is produced by Hunter New England Local Health District in accordance with Ministry of Health annual reporting requirements regarding privacy matters.

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 attends privacy information and networking sessions 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 was one Internal Review application carried over from the previous (2020-2021) reporting period.

PIR-20-04 - The applicant complained that the Agency had breached Health Privacy Principles (HPP's) 1, 2, 3, 4, 5, 9 and 11.

Hunter New England Health's Privacy Contact Officer undertook the internal review investigation and concluded that a breach of HPP's 1, 2, 3, 4, 5, 9, & 11 had **not** occurred.

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

This matter was heard in the NSW Civil and Administrative Tribunal on 3 June 2021. On 13 December, 2021, the Tribunal handed down its decision, dismissing the application.

New internal review applications

During 2021-2022, Hunter New England Health received four **new applications** for Internal Review.

1. **Date received:** 18 August, 2021. PIR-21-03

Privacy Principles breached: Yes

Details:

The applicant complained that the Agency had breached Health Privacy Principle (HPP) 7.

Hunter New England Health's Privacy Contact Officer undertook the investigation and found that the Agency had breached HPP 7.

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

2. **Date received:** 17 September, 2021. PIR-21-04

Privacy Principle breached: Yes

Details:

The applicant complained that the Agency had breached Health Privacy Principle (HPP) 11.

Hunter New England Health's Privacy Contact Officer undertook the investigation and concluded that a breach of HPP 11 had not occurred.

Hunter New England Local Health District's legal representative found that the actions of the health service did constitute a privacy breach.

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

On 5 November, 2021 the Applicant made an application for administrative review in the NSW Civil and Administrative Tribunal.

On 17 December, 2021 the Applicant withdrew the proceedings under s.55(1)(a) of the Civil and Administrative Tribunal Act, 2013.

3. **Date received:** 19 February, 2022. PIR-22-01

Privacy Principles breached: No

Details:

The applicant complained that the Agency had breached Health Privacy Principles (HPP's) 1,2,3,4,5,6,7,9,10 and 11.

Hunter New England Health's Privacy Contact Officer did not accept the internal review application as it was out of time. This decision was supported by Information & Privacy Commission on 29 March, 2022.

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

NIL

4. Date received: 26 February, 2022. PIR-22-02

Privacy Principle breached: No

Details:

The applicant complained that the Agency had breached Health Privacy Principles (HPP's) 5, 10 and 11.

Hunter New England Health Privacy Contact Officer undertook the investigation and found that the Agency had **not** breached any of the above HPP's

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

On 11 April, 2022 the Applicant made an application for administrative review in the NSW Civil and Administrative Tribunal.

On 16 May, 2022 a Case Conference was held.

On 21 June, 2022 a Mediation Conference was held.

The matter was withdrawn from NCAT on 26 August, 2022.

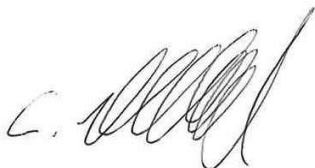
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Date: 31 August 2022

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Hunter New England Local Health District

Date: 31 August 2022