

NSW Health Pathology Privacy Management Annual Report 2019-20

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 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.

The *NSW Health Pathology* 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.

NSW Health Pathology'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 during 2019-20 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 *NSW Health Pathology* as appropriate resulting from these complaints, including review of policies and practices, self-reporting to other agencies such as ICAC and the IPC, staff training and disciplinary action.

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

1 (one) privacy internal review matters were **carried over** from 2018-19 [the previous] reporting period.

1. **Date received:** 17 December 2018

Privacy Principles breached: Nil

Details: The applicant complained that the agency 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 privacy breaches had not occurred.

Further review in NCAT:

Yes. Applicant applied for external review by NCAT and was listed in July 2019. NCAT handed down its decision in November 2019 finding that there was no breach and made no criticism of NSWHP's handling of the matter. The applicant did not lodge an appeal with NCAT. Matter is now considered finalised.

New internal review applications

During 2019-20, *NSW Health Pathology* received 0 (zero) **new applications** for Internal Review.

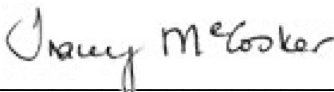
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M a t t h e w R y a n

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