

INFORMATION SHEET: PRIVACY INTERNAL REVIEW

Privacy internal review is a process whereby NSW Health Pathology will handle complaints about how it has dealt with personal information under the Privacy and Personal Information Protection (PPIP) Act 1998 and personal health information under the Health Records and Information Privacy (HRIP) Act 2002.

Under section 53 of the PPIP Act, individuals have the right to seek an internal review of certain conduct of an agency, in circumstances where the individual believes that the agency has breached the terms of either the PPIP Act and / or the HRIP Act.

The request for internal review can only be made where it is alleged that the agency has:

- breached any of the Information Protection Principles under the PPIP Act, and/ or any of the Health Privacy Principles under the HRIP Act that apply to the agency
- breached any code made under the Acts applying to the agency
- disclosed personal or personal health information kept in a public register

How to request an internal review

The request for internal review should be lodged using an application form available from NSW Health Pathology or the NSW Information and Privacy Commission. This application should be sent direct to the Privacy Contact Officer at NSW Health Pathology within six months from the time the applicant first became aware of the conduct sought to be reviewed. If after six months, the agency will decide if special circumstances apply.

Notifying the Information and Privacy Commission

The NSW Privacy Commissioner will be notified of the internal review application, the progress of the internal review and the findings of the internal review to allow for submissions to be made to NSW Health Pathology where appropriate. The NSW Privacy Commissioner will subsequently be notified of the action proposed to be taken by NSW Health Pathology in relation to the matter.

Timeframe for an internal review

A review officer will be appointed to conduct the internal review, which should be completed within 60 calendar days from the day on which the application is received. If the review is not completed within 60 calendar days, NSW Health Pathology will contact the applicant to explain the circumstances for the delay. The applicant is entitled to make an application to the NSW Civil and Administrative Tribunal for a review of the conduct concerned.

In order to investigate the circumstances surrounding the complaint, the review officer may need to discuss the matter with relevant staff members and seek legal advice from the Ministry of Health. All information held by the agency in connection with the complaint will otherwise be kept secure and confidential.

Outcome of the internal review

The review must recommend that NSW Health Pathology respond in any one or more of the following ways:

- take no further action on the matter
- make a formal apology to the applicant
- take such remedial action as it thinks appropriate
- provide undertakings that the conduct will not occur again

- implement administrative measures to ensure that the conduct will not occur again, such as revision of relevant policies and guidelines, and privacy training for relevant staff.

Within 14 calendar days of the completion of the review, the applicant will be notified in writing of:

- the findings of the review and the reasons for those findings, and
- the action proposed to be taken by the agency including the reasons for taking that action, and
- the right of the applicant to have the agency's findings and proposed action reviewed by the NSW Civil and Administrative Tribunal.

NSW Civil and Administrative Tribunal

If an applicant is not satisfied with the findings of the review, or the action taken by NSW Health Pathology in relation to the application, the applicant may apply to the NSW Civil and Administrative Tribunal for a review of the conduct that was the subject of the application for internal review, within 28 calendar days from receipt of the correspondence. The contact details for the NCAT are:

Telephone: 1300 006 228

Address: Level 9, John Maddison Tower, 86 – 90 Goulburn Street SYDNEY NSW 2000

Website: www.ncat.nsw.gov.au

Contact Details

To discuss the internal review process with the Privacy Contact Officer for NSW Health Pathology:

Telephone: (02) 4920 4000

Email: NSWHP-Privacy@health.nsw.gov.au

Postal address Level 5, 45 Watt Street, NEWCASTLE NSW 2300