

## **NSW Health Pathology Privacy Management Annual Report 2023-24**

### **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 refresher training 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 such as Private Awareness Week (PAW).
- Privacy Audits on access to NSW Health business information systems.
- The conduct of privacy risk assessments that identifies both the gaps in existing NSWHP controls as well as new treatments to mitigate those risks.
- 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 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 including attendance at privacy information and network sessions held during

## Part 2. Internal review

### Privacy complaints

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

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

One (1) privacy internal review matter was **carried over** from the 2022-23 reporting period.

1. **Date received:** 8 February 2023

**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 by NSWHP 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 October 2023. NCAT handed down its decision in June 2024 finding that there was no breach and made no criticism of NSWHP's handling of the matter. The applicant has a right to appeal within 28 days of the decision but, as far as we are aware, there has been no appeal lodged by the applicant at the time of publishing this report.*

### New internal review applications

During 2023-24, *NSW Health Pathology* received one (1) **new application** for Internal Review.

2. **Date received:** 21 May 2024

**Privacy Principles breached:** Yes

**Details:** The applicant complained that NSWHP had breached Health Privacy Principle(s) HPP 9 Accuracy.

The agency undertook an investigation and concluded that the alleged breach by NSWHP of HPP 9 had occurred.

#### **Further review in NCAT:**

*The applicant has a right to appeal within 28 days of being notified of the decision however at the time of publishing this report no such appeal has yet been lodged by the applicant.*

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Date: Jul 26, 2024

**Approved for publication by:**



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