

Privacy Management Annual Report 2013 - 2014

Sydney Local Health District (SLHD) continues to meet its privacy obligations through the appropriate governance and the provision of privacy information, training and support to its staff members. Oversight for monitoring compliance with privacy legislation is provided by the SLHD Director of Operations and the General Manager of Canterbury Hospital with assistance from the Privacy Contact Officer.

SLHD provides ongoing privacy information and support to its staff members through:

- A privacy information link on the SLHD Intranet home page which gives staff members access to:
 - SLHD Policy Directive SLHD_PD2012_015 *Privacy Management Requirements under the Health Records and Information Privacy (HRIP) Act (2002)*
 - SLHD Policy Directive SLHD_PD2012_014 *Privacy Management Requirements under the Privacy and Personal Information Protection (PPIP) Act 1998*
 - NSW Health Privacy Intranet page <http://internal.health.nsw.gov.au/privacy/>
 - NSW Health Privacy Manual version 2
http://www0.health.nsw.gov.au/policies/pd/2005/PD2005_593.html
 - NSW Health Privacy Management Plan
http://www0.health.nsw.gov.au/policies/pd/2005/PD2005_554.html
 - SLHD Privacy Information for Patients/Clients brochure
 - SLHD Privacy Information for Staff brochure
- Mandatory online privacy training during orientation of new staff members
- Provision of privacy awareness during training of electronic systems and requirement to sign a Data Security Declaration form before access is granted
- Regular face to face privacy presentations
- Participation of Privacy Awareness Week (4 – 10 May 2014)
- Memos from SLHD Chief Executive

SLHD A/Privacy Contact Officer continues to provide policy and compliance support/advice to SLHD staff, particularly in relation to electronic health records, and access to, and disclosure of personal information and personal health information. The A/Privacy Contact Officer also attended privacy information and networking sessions during 2013-14.

Privacy information is provided to consumers through:

- Privacy information on the SLHD Internet website:
<http://www.slhd.nsw.gov.au/personalInfo.html>
- SLHD Privacy Information for Patients/Clients brochure
- Participation of Privacy Awareness Week (4 – 10 May 2014)

Operational privacy issues and privacy complaints are addressed as required, either as informal complaints handled through existing complaints handling processes, or as formal complaints under privacy law via the Internal Review process.

Following the investigation/review of a privacy complaint, actions undertaken by SLHD include review of policies and procedures, additional staff training and if necessary, disciplinary action can be taken in relation to serious privacy breaches. It is through processes such as these that the SLHD continues to review and improve staff member's knowledge about privacy obligations and more effectively manage personal and health information.

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'.

During 2013-14, the SLHD received two new applications for internal review:

1. Application for internal review was received on 30 July 2013, alleging a breach of Health Privacy Principle (HPP) 5 Retention and Security and HPP's 10 and 11 Use and Disclosure of Health Information. The internal review confirmed a breach of HPP 5 had occurred. The internal review further concluded that there were no breaches of HPP's 10 and 11. An apology was provided to the applicant. Relevant staff members completed online privacy training as a refresher. A memo was sent to all staff of the SLHD reminding them of their privacy obligations. The applicant, being dissatisfied with the outcome, subsequently lodged an application to have the matter heard before the NSW Civil and Administrative Tribunal. This matter has yet to be resolved.
2. Application for internal review was received on 26 August 2013, alleging a privacy breach of health information which occurred in May 1996. An internal review was not

carried out as the complaint was well outside of the six month legislated timeframe however there was a formal investigation. The investigation confirmed that there was a breach of Department of Health NSW Circular 89/13, 1989. The investigation also confirmed that a breach of collection and accurate documentation of health information was unable to be substantiated. There were no breaches of HPPs 7, 8, 10 and 11 as well as NSW Health Circular 90/126, 1990. An apology letter and an offer to add an addendum to the medical record was provided to the applicant. The applicant, being dissatisfied with the outcome, subsequently lodged an application to have the matter heard before the NSW Civil and Administrative Tribunal. This matter has yet to be resolved.

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