

Privacy Management Annual Report 2014 - 2015

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 for Health Information, 2015
<http://www.health.nsw.gov.au/policies/manuals/Pages/privacy-manual-for-health-information.aspx>
 - 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 (3rd – 9th May 2015)
- 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 2014 - 2015.

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 (3rd – 9th May 2015)

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 2014-15, the SLHD received three new applications for internal review:

1. Application for internal review was received on 6 August 2014, alleging a breach of Health Privacy Principle (HPP) 7 Access to Health Information. The internal review confirmed no breach of HPP 7. An apology was provided to the applicant together with an invitation for a face to face interview to discuss the findings. A full refund of the fee paid was provided to the applicant. A review of the processes was also recommended. The applicant, being dissatisfied with the outcome, subsequently lodged an application to have the matter heard before the NSW Civil and Administrative Tribunal. The Tribunal found that the SLHD had breached HPP 7 and provided the applicant with a full copy of their medical record. The applicant then discontinued the proceedings in their entirety.

2. Application for internal review was received on 1 September 2014, alleging a breach of HPP 5 Retention and Security and HPP's 10 and 11 Use and Disclosure of Health Information. The internal review confirmed no breaches of HPP's 5, 10 and 11. An apology 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. The Tribunal found that the SLHD had not breached HPP 5. The tribunal found that the SLHD had breached HPPs 10 and 11 and ordered the SLHD to render a written apology to the applicant.

3. Application for internal review was received on 24 April 2015, alleging a breach of HPP 5 Retention and Security and HPP's 10 and 11 Use and Disclosure of Health Information. The internal review confirmed no breaches of HPP's 5, 10 and 11. An apology for the distress caused was provided to the applicant.

Maria Karkousi
A/Privacy Contact officer
31 October 2015