

SWSLHD Privacy Management Annual Report 2016-2017

South Western Sydney Local Health District (LHD) continues to meet its privacy obligations through appropriate governance and the provision of privacy information, training and support to staff. Oversight for monitoring compliance with privacy legislations is provided by the Chief Executive with assistance from the Privacy Contact Officer.

South Western Sydney LHD provides ongoing privacy information and support to the general public and staff through:

- A website which provides access to:
 - NSW privacy legislation
 - NSW Health privacy policies (Privacy Management Plan and Privacy Manual)
 - External resources including Privacy and Information Commissioners; and
- Provision of privacy awareness at staff orientation
- Provision of privacy awareness during training for access to electronic systems.
- A privacy declaration form is signed by all employees who are granted access to South Western Sydney LHD systems, acknowledging their privacy obligations
- Provision of privacy training, available as either an online or face to face training programs
- Access to privacy information posters and patient information brochures, copies of which are available for patients/clients attending as well as staff working in South Western Sydney Local Health District facilities/services
- All Medical Record Departments have a designated officer with privacy training who can assist with enquires and provide advice when required

The Privacy Contact Officer provides policy and compliance support and advice to staff and patients particularly in relation to electronic health records and access to, and disclosure of personal health information.

Internal Review

The *Privacy and Personal Information Protection Act, 1998* provides a framework 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'

One application was received for an internal review this reporting period. The complaint concerned the breach of the Health Records and Information Privacy Act 2002. The following Health Protection Principles (HPPs) were applicable:

- HPP 5 (Retention and security)

Personal health information held by public health agencies must be securely housed and protected against loss or misuse. Information must be kept only as long as is necessary for the purpose (or as required by a law, such as the *NSW State Records Act 1998*), and must be disposed of securely.

- HPP 10 (Use)

Personal health information can only be used for the purpose for which it was collected, or for other purposes recognised by the Act. These include a “secondary purpose” such as where there is consent for the use, the use is a “directly related purpose”, for management, training and research activities, for investigation and law enforcement, or where there are serious threats to individuals or the public.

The internal review found that the applicant was of the view that her health information was accessed and used inappropriately by the Agency.

The findings of the Internal Review concluded that there was no breach of HPPs 7 & 10. The Agency apologised to the applicant for the misunderstanding.

Privacy Breach Complaints

Privacy complaints where the complainant has not requested an Internal Review, or where the breach has been internally identified, are investigated using a modified approach of the internal review system. Thorough investigation is undertaken in all cases and any recommendations are implemented.

During 2016-17, SWSLHD investigated ten (1) alleged breach of privacy requiring investigation. The alleged breach of privacy was notified by external government agency. The nature of this matter is as follows:

January 2017 – advice from external agency that a staff member is alleged to have used the health information of patients in a statement provided to the agency. Breach of *HPP 5 Retention and security* and *HPP 10 Limits on use of health information* was substantiated.