

Privacy Management Annual Report 2021-22

This report is produced by Mid North Local Health District in accordance with Ministry of Health annual reporting requirements regarding privacy matters. as set out in:

Part 1. Compliance activities

Mid North Local Health District 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.

The provides ongoing privacy information and support to its staff through:

- Privacy awareness training for new staff orientation.
- A privacy intranet website which provides staff with access to:
 - NSW privacy legislation
 - NSW Health Privacy Manual for Health Information
 - NSW Health Privacy Internal Review Guidelines
 - NSW Health Privacy Management Plan
 - Links to mandatory privacy training
 - Links to external resources including the NSW Information and Privacy Commission
- Guided on-line privacy training and provided on-demand, tailored face to face programs.
- Access to a privacy information leaflet for staff.
- Access to privacy information posters and patient information leaflets, a copy of which is available to all patients/clients attending a Mid North Coast Local Health District facility
- Privacy information is provided to consumers through an Information Privacy Internet site.
- Privacy audits on access to information systems.

The Mid North Coast Local Health District Privacy Contact Officer has continued to provide policy and compliance support and advice 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 and attended privacy information and network sessions during 2021-22 facilitated by the NSW Ministry of Health Regulation and Compliance Unit

Privacy complaints

Privacy complaints may either be addressed as informal complaints, handled through existing complaints handling and investigative processes.

Alternatively, a complaint may be handled formally under privacy law via the internal review process in accordance with the NSW privacy legislation and the NSW Health Privacy Internal Review Guidelines. Refer to Part 2 below.

Part 2. 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'.

Internal Review Applications carried over from 2020-21

1. **Date Received:** 9 November 2020
Privacy Principles breached: YES

Details: The applicant complained that the agency had breached the Health Privacy Principle 3 (collection), Health Privacy Principle 7 (Access), Health Privacy Principle 8 (Amendment), Health Privacy Principle 9 (Accuracy), Health Privacy Principle 10 (Use) and Health Privacy Principle 11 (Disclosure)

The agency undertook an investigation and concluded that a breach of Health Privacy Principle 7 and Health Privacy Principle 9 had occurred. It was concluded that breaches of HPP 3, HPP 10 and HPP 11 had not occurred.

The applicant referred the matter for review by NCAT

This matter was resolved by mediation and did not proceed to NCAT hearing.

2. **Date Received:** 22 September 2020
Privacy Principles breached: YES

Details: The applicant complained that the agency had breached the Health Privacy Principle (HPP) 11 Disclosure of health information.

The agency undertook an investigation and concluded that a breach of Health Privacy Principle 11 Disclosure of health information and the Mental Health Act had not occurred.

The applicant referred the matter for review by NCAT.

NCAT Outcome – On the 6th April 2022, the Tribunal made the order that no further action be taken on this matter. The relevant disclosures fell within the exception in HPP 11(2)(b) (non-compliance was permitted under the *MH Act*).

New Internal Review Applications

1. For the 2021/22 reporting year, one internal review application was lodged with NSW Health and the outcome can be summarised as follows

Date received: 22 March 2022

Privacy Principles breached: NO

Details: The applicant complained that the district had breached Health Privacy Principle (HPP) 7 – Access to health information, Health Privacy Principle 10 - Limits on use of health information, Health Privacy Principle 11 – Limits on disclosure of health information

The agency undertook an investigation and concluded that a breach of HPP 7, HPP 10 and HPP 11 had not occurred.

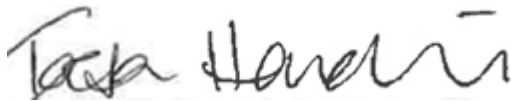
The Internal Review also concluded that there was no breach of the Privacy and Personal Information Protection Act 1998.

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