

Privacy Management Annual Report 2021-2022

Requirements

This report is produced by Western Sydney Local Health District (WSLHD) in accordance with Ministry of Health annual reporting requirements regarding privacy matters.

Part 1 - Compliance activities

WSLHD 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.

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

- 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
 - Privacy training details
 - Links to external resources including the NSW Information and Privacy Commission
- Provision of mandatory on-line privacy training via My Health Learning.
- Face to face privacy training programs in addition to My Health Learning privacy training
- Access to privacy posters and patient information privacy leaflets, a copy of which is made available to all patients/clients attending WSLHD facilities.
- Privacy information is provided to consumers through an Information Privacy Internet site at: <https://www.wslhd.health.nsw.gov.au/right-to-information/right-to-information>
- Privacy audits on access to information systems.
- Access to a privacy information leaflet for staff.
- Individual privacy advice as required.

Face to face privacy training programs continue to be delivered in combination with privacy training delivered virtually, using MS Teams.

The Privacy and Information Compliance Manager (Privacy Contact Officer) and Information Release Officer provide support and advice to WSLHD staff in relation to compliance with privacy legislation with increasing reference to electronic health records (eMR). Specifically in relation to access to, use and disclosure of the health information held in these records.

The continuation of the COVID-19 pandemic in the 2021-2022 financial year resulted in the ongoing use of electronic messaging and communication platforms and applications by staff for inter-organisational communication and for the delivery of health care. In 2021-22 a new procedure titled, 'Maintaining Privacy during Virtual Care' was drafted to assist staff when delivering patient care virtually. This has since been published.

In 2020-2021 the Privacy and Information Compliance Manager (Privacy Contact Officer) was seconded to the NSW Ministry of Health to assist with the response to the cyber-attack on NSW Health. This continued into the 2021-2022 financial year.

The Privacy and Information Compliance Manager (Privacy Contact Officer) and Information Release Officer have actively participated in privacy networking and professional development, with increased learning opportunities resuming in late 2021 and into 2022.

Privacy complaints

Complaints about breach of privacy may be addressed as informal complaints and handled through existing complaints handling and investigation processes if this is the wish of the complainant.

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*.

Actions have been undertaken by WSLHD as appropriate resulting from these complaints, including review of policies and practices, staff training and disciplinary action.

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 reviews carried over from 2020/21

There were nil internal reviews carried over from 2020/21

New internal review applications

During 2021/22 five new applications for internal review were received.

1. **Date received:** July 2021

Privacy Principles breached: Yes

Details: In relation to their own information, the applicant asserted that WSLHD had breached:

- s12 – Retention and security of personal information
- s17 – Limits on use of personal information
- s18 – Limits on disclosure of personal information

The agency undertook an investigation and concluded that there was a breach of s18 – Limits on disclosure of personal information. No other breaches were identified.

Further review in NCAT: No

Outcome: A formal apology was made to the applicant. Privacy refresher training has been given to relevant staff.

2. **Date received:** October 2021

Privacy Principles breached: Not Applicable

Details: In relation to their own information, the applicant asserted that WSLHD had breached all Health Privacy Principles.

The agency declined to accept this application because the complaint related to care provided prior to the commencement of the HRIP Act and Parts 2 and 5 of the PPIP Act.

Further review in NCAT: No

Outcome: Not Applicable

3. **Date received:** December 2021

Privacy Principles breached: Yes

Details: In relation to their own information, the applicant asserted that WSLHD had breached:

- HPP 9 Accuracy
- HPP 11 Limits on disclosure of health information

The agency undertook an investigation and concluded that a breach of HPP 9 and HPP 11 had occurred.

Further review in NCAT: No

Outcome: A formal apology was made to the applicant. Correspondence correcting the error was sent to the recipients of the erroneous information.

4. **Date received:** January 2022

Privacy Principles breached: No

Details: Six applications from the same applicant in relation to the same matter. In relation to their own information, the applicant asserted that WSLHD had breached all Health Privacy Principles.

The agency refused to deal with this application because it had been more than six months since the applicant had become aware of these matters.

Further review in NCAT: No

Outcome: Not applicable

5. **Date received:** February 2022

Privacy Principles breached: No

Details: In relation to their own information, the applicant asserted that WSLHD had breached:

- HPP 5 – Retention and Security
- HPP 10 – Limits on use of health information
- HPP 11 – Limits on disclosure of health information

The agency undertook an investigation and concluded that no breaches had occurred.

Further review in NCAT: No

Outcome: Not Applicable

Report prepared by: Privacy Information and Compliance Manager Western Sydney Local Health District Date: 29 August 2022	Approved for publication by: Chief Executive Officer Western Sydney Local Health District Date: 2 September 2022
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