

## Privacy Management Annual Report 2019-2020

### Statutory requirements

This report is produced by Western Sydney Local Health District (WSLHD) in accordance with annual reporting requirements regarding privacy matters, as set out in:

- *NSW Annual Reports (Departments) Regulation 2015, Clause 6, and*
- *NSW Annual Reports (Statutory Bodies) Regulation 2015, Clause 8.*

### 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: [\[http://www.wslhd.health.nsw.gov.au/Quality---Patient-Safety/Right-to-Information/Information-Privacy/Information-Privacy\]](http://www.wslhd.health.nsw.gov.au/Quality---Patient-Safety/Right-to-Information/Information-Privacy/Information-Privacy)
- Privacy audits on access to information systems.
- Access to a privacy information leaflet for staff.
- Individual privacy advice as required.

The Privacy and Information Compliance Manager (Privacy Contact Officer) provides 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 COVID-19 pandemic in the 2019-20 financial year resulted in a rapid introduction of electronic messaging and communication platforms and applications. Consequently, there was an increased use of these mediums for inter-organisational communication and the delivery of health care. Guidelines and procedures to maintain privacy when using these platforms, were developed and implemented.

In 2019-20 the Privacy and Information Compliance Manager (Privacy Contact Officer) has provided consultancy services and advice to other NSW Local Health Districts.

The Privacy and Information Compliance Manager (Privacy Contact Officer) actively participates in privacy networking and professional development, and attended one privacy information and network session during 2019 which were facilitated by the NSW Ministry of Health Regulation and Compliance Unit.

### Privacy complaints

Complaints may be addressed as informal complaints, handled through existing complaints handling and investigation 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*.

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 2018-2019

One internal was carried over from 2018/2019.

1. **Date received:** February 2019

**Privacy Principles breached:** No

**Details:** In relation to their own health information, the applicant complained that WSLHD had breached:

- 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:** Yes.

**Outcome:** The matter was dismissed on appeal.

### New internal review applications

During 2019-2020 two new applications for internal review were received.

2. **Date received:** February 2020

**Privacy Principles breached:** Yes

**Details:** In relation to their own, and their child's health information, the applicant complained that WSLHD had breached:

- HPP 2 Information must be relevant, not excessive, accurate and not intrusive
- HPP 9 Accuracy
- HPP 5 Retention and security
- HPP 8 Amendment of health information
- HPP 10 Limits on use of health information

The agency undertook an investigation and concluded there had been a breach of HPP 2 and HPP 9 but there had been no breach of HPP 5, HPP 8 or HPP 10.

**Further review in NCAT:** Nil

3. **Date received:** June 2020

**Privacy Principles breached:** No

**Details:** In relation to their own, and their child's health information, the applicant complained 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 in relation to their health information.

The agency commenced an investigation that was still in progress as at 30 June 2020.

**Further review in NCAT:** Not known as at 30 June 2020.

<b>Report prepared by:</b> Privacy Information and Compliance Manager Western Sydney Local Health District  Date: 07/09/2020	<b>Approved for publication by:</b> Chief Executive Officer Western Sydney Local Health District  Date: 16/09/2020
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