

Privacy Management Annual Report 2020-21

Statutory requirements

This report is produced by Nepean Blue Mountains Local Health District 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

The Nepean Blue Mountains 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 Nepean Blue Mountains Local Health District provides ongoing privacy information and support to its staff through:

- Provision of privacy awareness sessions at new staff and volunteer 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
 - Privacy training details and links to mandatory privacy training
 - Links to external resources including the NSW Information and Privacy Commission
- Access to a privacy information leaflet for staff
- Delivery of privacy training, available either on-line as mandatory training or on-demand, tailored face to face programs
- Access to privacy information posters and patient information leaflets, a copy of which is available to all patients/clients attending a Nepean Blue Mountains Local Health District facility
- Privacy information is provided to consumers through an Information Privacy Internet site at <http://www.nbmlhd.health.nsw.gov.au/right-to-information/information-privacy>
- Privacy audits on access to patient information systems

The Nepean Blue Mountains 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 networking sessions during 2020-21 facilitated by the NSW Ministry of Health Regulation and Compliance Unit and the NSW Right to Information & Privacy Practitioners Network.

Privacy complaints

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

Alternatively, a complaint may be managed 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.

Actions have been undertaken by Nepean Blue Mountains Local Health District 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 Review applications carried over

There were no Internal Review matters carried over from 2019-20 reporting period.

New internal review applications

During 2020-21, Nepean Blue Mountains Local Health District received five ***new applications*** for Internal Review.

1. **Date received:** 17 July 2020

Privacy Principles breached: No

Details: The applicant complained that the agency had breached multiple Health Privacy Principles (HPPs) or Information Privacy Principles (IPPs).

The applicant had applied for Internal Review previously. Following a review of the new application, the agency found no new reviewable conduct related to a HPP or IPP which had not previously been decided by Nepean Blue Mountains Local Health District, and declined to accept the application.

Further review in NSW Civil and Administrative Tribunal (NCAT):

Nil

2. **Date received:** 9 September 2020

Privacy Principles breached: Yes

Details: The applicant complained that the agency had breached Health Privacy Principle 9 – accuracy of health information, Health Privacy Principle 10 - use of health information and Health Privacy Principle 11 - disclosure of health information.

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

Further review in NSW Civil and Administrative Tribunal (NCAT):

Following release of the final Internal Review report, the applicant referred the matter for review by NCAT. The Tribunal decision was pending at close of the reporting period.

3. **Date received:** 22 January 2021
Privacy Principles breached: Yes
Details: The applicant complained that the agency had breached Health Privacy Principle 9 in relation to accuracy to personal health information.

The agency undertook an investigation and concluded that a breach of Health Privacy Principle 9 had occurred.

Further review in NCAT:
Nil

4. **Date received:** 8 March 2021
Privacy Principles breached: No
Details: The applicant complained that the agency had breached multiple Health Privacy Principles (HPPs) or Information Privacy Principles (IPPs).

The applicant had applied for Internal Review previously. Following a review of the new application, the agency found no new reviewable conduct related to a HPP or IPP which had not previously been decided by Nepean Blue Mountains Local Health District, and declined to accept the application.

Further review in NSW Civil and Administrative Tribunal (NCAT):
The applicant referred the matter for review by NCAT. The matter was still before the Tribunal at close of the reporting period.

5. **Date received:** 20 May 2021
Privacy Principles breached: To be determined
Details: The applicant complained that the agency had breached Health Privacy Principle 5 in relation to security or storage of personal health information.

The agency investigation into this matter was still being finalised at the close of the reporting period.

Report prepared by:



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Date: 3 September 2021

Approved for publication by:



Kay Hyman
Chief Executive
Nepean Blue Mountains Local Health District

Date: 10/09/21