



Privacy Management Annual Report 2019-20

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
- Access to a privacy information leaflet for staff
- 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
- Delivery of privacy training, available either on-line as mandatory training or on-demand, tailored face to face programs
- Access to privacy information posters – both hard copy wall posters and electronic on digital totems at various locations throughout Nepean Blue Mountains Local Health District facilities
- Access to 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 legislative, policy and compliance support/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 2019-20

facilitated by the NSW Ministry of Health Regulation and Compliance Unit and the Right to Information and 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 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.

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

Two privacy internal review matters were **carried over** from the 2018-19 reporting period.

1. **Date received:** 18 April 2019

Privacy Principles breached: Yes

Details: The applicant complained that the agency had breached Health Privacy Principle 10 - use of health information and Health Privacy Principle 11 - disclosure of health information. The internal review also considered Health Privacy Principle 5 – Retention and Security.

The agency undertook an investigation and concluded that a breach of Health Privacy Principles 10 and 11 had occurred. It was concluded that a breach of Health Privacy Principle 5 had not occurred.

Further review in NCAT:

Nil

2. **Date received:** 10 May 2019

Privacy Principles breached: Yes

Details: The applicant complained that the agency had breached Health Privacy Principle 11 - disclosure of health information.

The agency undertook an investigation and concluded that a breach of the Health Privacy Principle 11 had occurred.

Further review in NCAT:

Nil

New internal review applications

During 2019-20, Nepean Blue Mountains Local Health District received five **new applications** for Internal Review.

1. **Date received:** 12 July 2019

Privacy Principles breached: No

Details: The applicant complained that the agency had breached Health Privacy Principle 10 in relation to use of health information. The internal review also

considered Health Privacy Principle 6 - information about health information held by organisations and Health Privacy Principle 9 – accuracy of health information.

The agency undertook an investigation and concluded that a breach of Health Privacy Principle 6, 9 and 10 had not occurred.

Further review in NCAT:

Nil

2. **Date received:** 12 July 2019

Privacy Principles breached: Yes

Details: The applicant complained that the agency had breached Health Privacy Principle 7 in relation to access to personal health information. The internal review also considered Health Privacy Principle 6 - information about health information held by organisations.

The agency undertook an investigation and concluded that a breach of Health Privacy Principle 7 had occurred. It was concluded that a breach of Health Privacy Principle 6 had not occurred.

3. **Date received:** 2 August 2019

Privacy Principles breached: No

Details: The applicant complained that the agency had breached Health Privacy Principle 5 - retention and security, 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 5, 10 and 11 had not occurred.

Further review in NCAT:

Nil

4. **Date received:** 17 October 2019

Privacy Principles breached: No

Details: The applicant complained that the agency had breached Health Privacy Principle 2 – collection 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 Principles 2, 10 and 11 had not occurred.

Further review in NCAT:

Nil

5. **Date received:** 20 January 2020

Privacy Principles breached: No

Details: The applicant complained that the agency had breached Health Privacy Principle 9 – accuracy of health information.

The agency undertook an investigation and concluded that a breach of Health Privacy Principle 9 had not occurred.

Further review in NCAT:

Nil

Report prepared by:



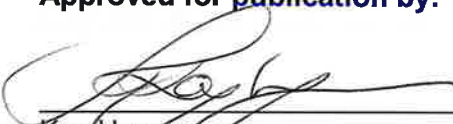
Lynne Paine

Privacy Contact Officer

Nepean Blue Mountains Local Health District

Date: 26/8/20.

Approved for publication by:



Kay Hyman

Chief Executive

Nepean Blue Mountains Local Health District

Date: 28 Aug 2020