

## Privacy Management Annual Report 2018-19

### Statutory requirements

This report is produced by *Justice Health and Forensic Mental Health Network* 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

*Justice Health and Forensic Mental Health Network* 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 Network* 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 (published on the intranet).
- 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 (On-Line Training).
  - Links to external resources including the NSW Information and Privacy Commission.
- Access to privacy information posters and patient information leaflets, a copy of which is available to all patients/clients attending a correctional health centre facility.
- Privacy information is provided to consumers through an Information Privacy Internet site at: <https://www.justicehealth.nsw.gov.au/>

*The Network's* 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 2018-19 which were facilitated by the NSW Ministry of Health Regulation and Compliance Unit.

### Privacy complaints

Complaints may either be:

- Addressed as informal complaints, handled through existing complaints handling and investigation processes; or
- 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 *Justice Health and Forensic Mental Health Network* as appropriate resulting from these complaints, including review of policies and practices, staff training and disciplinary action.

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## **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**

1 privacy internal review matter was **carried over** from 2017-18 reporting period.

1. **Date received:** 18<sup>th</sup> December, 2017

**Privacy Principles breached:** HPP 11 – limits on disclosure of personal health information.

**Details:** Patient complaint alleged unauthorised disclosure.

**FINDING:** The agency undertook an investigation and concluded that a breach of *HPP 11* could not be substantiated.

**NCAT REVIEW:** Yes.

**NCAT FINDING:** The application was dismissed.

### **New internal review applications**

1. **Date received:** 20<sup>th</sup> September, 2018

**Privacy Principles breached:** HPP 8 –Amendment of personal health information.  
HPP 9 – Accuracy.

**Details:** The patient wanted to amend his personal health information as he alleged it was inaccurate.

**FINDING:** The agency undertook an investigation and concluded:

- That the Network would amend the patient's personal health information as it had no bearing on his care.
- That a breach of Health Privacy Principle(s) 8 & 9 could not be substantiated.

**NCAT REVIEW:** Yes

**NCAT FINDING:** No breach was confirmed. *The Network* and the applicant came to an agreement to resolve the matter.

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Date: 15/10/19.

**Approved for publication by:**



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Date: 16/10/19

