

## Privacy Management Annual Report 2021-22

This report is produced by Nepean Blue Mountains Local Health District in accordance with Ministry of Health annual reporting requirements regarding privacy matters.

### 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
- Guided on-line privacy training and provided on-demand, tailored face to face programs
- Access to a privacy information leaflet for staff
- 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 ensured that policy and compliance support and advice is available to health service staff, particularly in relation to access to, and disclosure of personal health information and electronic medical records.

The Privacy Contact Officer and privacy support staff actively participate in privacy networking and professional development, including attendance at privacy information and networking sessions during 2021-22 facilitated by the NSW Ministry of Health Regulation and Compliance Unit and the NSW Right to Information & Privacy Practitioners Network.

## Part 2. Internal review

Privacy complaints are managed in accordance the NSW Health Privacy Internal Review Guidelines.

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 two Internal Review matters carried over from 2020-21 reporting period.

1. **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 Protection 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.

2. **Date received:** 20 May 2021  
**Privacy Principles breached:** No  
**Details:** The applicant complained that the agency had breached Health Privacy Principle 5 in relation to security or storage of personal health information.

During the course of the investigation the applicant was provided a copy of their medical record. Following review of their record and discussion with the Privacy Contact Officer, the applicant advised satisfaction with the explanation of the documentation in the medical record and the outcome of discussions and subsequently withdrew their application for internal review in July 2021.

### New internal review applications

During 2021-22, Nepean Blue Mountains Local Health District received three **new applications** for Internal Review.

1. **Date received:** 14 September 2021  
**Privacy Principles breached:** No  
**Details:** The applicant complained that the agency had breached or Information Protection Principles 7 in relation to access to personal information and or Information Protection Principles 10 in relation to use of personal information.

The agency undertook an investigation and concluded that breaches of Information Protection Principles 7 and 10 had not occurred.

#### **Further review in NCAT:**

Nil

2. **Date received:** 15 December 2021

**Privacy Principles breached:** Yes

**Details:** The applicant complained that the agency had breached Health Privacy Principle 5 - retention and security, Health Privacy Principle 7 – access to personal health information, 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 breaches of Health Privacy Principle 7 Access and Health Privacy Principle 9 Accuracy had occurred. It was concluded that breaches of HPP 5 and HPP 10 had not occurred.

**Further review in NCAT:**

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

3. **Date received:** 17 March 2022

**Privacy Principles breached:** No

**Details:** The applicant complained that the agency had breached Health Privacy Principle 11 in relation to disclosure of personal health information.

The agency undertook an investigation and concluded that a breach of Health Privacy Principle 11 had not been substantiated

**Further review in NCAT:**

Nil

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**Report prepared by:**



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Lynne Paine  
Privacy Contact Officer  
**Nepean Blue Mountains Local Health District**

*Date:* 5 September 2022

**Approved for publication by:**



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Kay Hyman  
Chief Executive  
**Nepean Blue Mountains Local Health District**

*Date:* 26 September 2022