



COMMONWEALTH PRIVACY AMENDMENT (PRIVATE SECTOR) ACT 2000

INFORMATION SHEET 4 – REGISTERS, RECALLS AND REMINDER SYSTEMS

Background

New privacy provisions in the Commonwealth Privacy Act (1988) affecting private sector organisations come into effect on 21 December 2001. These provisions are based on the National Privacy Principles (NPPs), which aim to ensure that organisations that hold information about people handle that information responsibly. They also give individuals some control over the way information about them is handled. The new privacy laws give individuals the right to access any personal information an organisation holds about them, the right to correct that information if it is inaccurate, the right to complain if they think an organisation has breached their privacy rights and the opportunity for redress if the breach is proven.

Consent

There is no provision in the legislation requiring patients to give consent to health information being stored or used in a practice for the purposes of recall and reminders so long as that information is only used by the practice for the purposes of providing ongoing or preventative care. Consent is not required for disclosure to state or Commonwealth registers where such disclosure is required by law (eg: notifiable diseases).

Difficulties arise when Divisions operate registers for the purposes of patient recalls and reminders. In this instance, the patient must provide informed consent before personal information collected by a GP or practice or a pathology company can be disclosed to a Division or added to a Division's register. In gaining such consent, the primary purpose for which the information is being collected (eg: diabetes) and any third parties that information may be disclosed to must be identified. The patient must be informed as to who operates the register, what the register is used for and who has access to the information contained in it.

Note: Information can only be used for the primary purpose it was collected or for secondary purposes that are directly related to the primary purpose. Usage for any other purpose requires the patient to provide informed consent. Secondary purposes include quality assurance, education, research or statistics. Information disclosed for a secondary purpose should be de-identified.

What to Include on a Consent Form

The consent form should contain separate statements that:

- identify the issue of privacy and the Privacy Act and that individuals have rights under the new legislation;
- indicate information being collected is related to the management of the patient's health (eg: diabetes);
- information may be disclosed to the [name] Division for the purposes of registering the patient on a disease register, recall and/or reminder system(s);
- de-identified information may be disclosed to third parties for the purposes of quality assurance, local, state or national monitoring and research;
- how information collected may be accessed and corrected by the individual; and
- appropriate contact details of the [name] Division.

For more information on the issue of Consent see the Alliance of NSW Divisions Information Sheet 1 - Informed Consent.

Data Quality and Security

Under the National Privacy Principles, any Division that maintains a register must also ensure that the information is accurate, complete and up-to-date. The information should also be secure. In practical terms this can be achieved by:

- ensuring access to the register is on a 'need-to' only basis;
- password protection and limited server access;
- maintaining a 'clear-desk' policy (ie: data sheets and reports etc are not left out in the open);
- maintaining all paper based records and reports in a locked filing cabinet;
- encrypting all electronic transfers of information;
- not leaving any data on a lap-top computer; and
- ensuring all staff in the organisation sign confidentiality agreements as part of their conditions of employment.

Other Obligations

In addition to the above, Division's that maintain a register:

- should include information handling practices associated with that register in their privacy statement and privacy policy;
- should not use a Commonwealth identifier (eg: Medicare number) for the entering, extraction or maintenance of register records;
- should not collect any information that is extraneous to the utility of the register;
- de-identify any information that is disclosed to third parties; and
- permanently de-identify or destroy information that is no longer being used.

Note: For more information on the National Privacy Principles, or the Privacy Act, contact the Alliance of NSW Divisions on 92392900 or consult the Office of the Privacy Commissioner website at www.privacy.gov.au
