



ACT DEMOCRATS

A Submission from the Australian Democrats (ACT Division) to

SENATE COMMUNITY AFFAIRS COMMITTEE

Inquiry into

**Healthcare Identifiers Bill 2010 and Healthcare Identifiers
(Consequential Amendments) Bill 2010**

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ACT Democrats submission to Senate Community Affairs
Committee: **Inquiry into *Healthcare Identifiers Bill 2010 and
Healthcare Identifiers (Consequential Amendments) Bill 2010***

The Australian Democrats (ACT Division) have serious privacy concerns over the *Healthcare Identifiers Bill 2010 and Healthcare Identifiers (Consequential Amendments) Bill 2010*.

We believe the *Healthcare Identifiers Bill 2010* legislation sounds reminiscent of the previous governments attempts to replace the Medicare Card with an Access Card (a de facto national ID card). So, we are concerned that adequate protection needs to be included in any legislation to prevent “function creep” and prevent an expansion of the Health Identifier and related card to purposes other than explicitly for health.

However, we do believe this legislation is an important step in facilitating access to medical records. But, there needs to be a guarantee that it won't become mandatory to present all medical details in order to access health care services **or Medicare benefits**.

We understand that the *Healthcare Identifiers Bill 2010* only applies to the Healthcare Identifier itself, not to personal medical information.

So, presumably further legislation is still to come to cover the handling of personal information and further privacy protection?

We recognise that the *Healthcare Identifiers (Consequential Amendments) Bill 2010* is an attempt to address concerns raised in the public submissions to the *draft Healthcare Identifiers Bill 2010*, which highlighted the need for proper privacy legislation. But, it also highlights the importance of personal access to (and control of) stored information about Australian citizens.

Good privacy legislation should address these topics and other similar issues relating to stored information such as credit records, police records, Centrelink records, etc).

We welcome the inclusion of *Section 27A Functions of Commissioner in relation to healthcare identifiers* in the *Healthcare Identifiers (Consequential Amendments) Bill 2010*. However, we would like to see some form of protection for the continuing role of the Privacy Commissioner in it's current or extended form. ie. that the word Commissioner be replaced specifically with Privacy Commissioner (in the legislation), to ensure the continuation of the role and we recommend a guarantee that the Privacy Commissioner will not be

replaced by, or become subservient to, a Technology Commissioner or other such position.

We further submit that the whole Healthcare Identifiers system should be reviewed on an ongoing basis to address privacy, security and legal concerns. And that a monitoring group be established under the jurisdiction of the Privacy Commissioner, comprised of health industry professionals, Medicare administrators, health consumer groups, IT experts, disability groups, privacy law experts and civil liberties representatives to monitor all aspects of the system, authorise the Minister to make immediate changes (if necessary) and recommend legislative changes.

We are concerned that accompanying privacy legislation must prevent future governments from increasing the coverage and uses of the Healthcare Identifier (function creep). This would create a de facto ID Card with the potential to track people's movement.

And what of accompanying legislation covering the handling and storage of personal information?

We submit that accompanying information storage legislation must allow people the right to see their own records, to have access to them and correct them (where necessary). But we need to be cautious that we don't allow a situation where anyone with a smart-card scanner can access personal records.

Will advances in technology be able to ensure the continuation of privacy safeguards? Or will the system entrench existing technology, which will eventually become obsolete or superceded, threatening the very privacy safeguards we legislate to protect.

Will information be stored in a chip on the proposed card? Or will a centralised database (or even local and regional database). There are considerable differences between a chip and a centralised database and with considerable risks, including the possibility of identity theft.

People must have a right to challenge and correct information and records held about them; and we ask that correction procedures be as simple and accessible as possible.

We ask that you address all privacy, security, information, records and function creep concerns before proceeding with the *Healthcare Identifiers Bill 2010 and Healthcare Identifiers (Consequential Amendments) Bill 2010*

The ACT Democrats thank you for your consideration of our submission.

Yours sincerely,

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