



Australian Healthcare Association
PO Box 54 Deakin West
CANBERRA ACT 2600

Ms Catherine Cornish
Secretary
House of Representatives Standing Committee
on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Ms Cornish

INQUIRY INTO THE PRIVACY AMENDMENT (PRIVATE SECTOR) BILL 2000

I am writing in regard to the above inquiry. The Australian Healthcare Association (AHA) is supportive of the Privacy Amendment (Private Sector) Bill 2000, as it currently stands. As we have only a few issues to raise, we have decided not to lodge a formal submission. Instead, we have listed our concerns below.

The *Privacy Amendment (Private Sector) Bill 2000* (hereafter referred to as ‘the Bill’) was introduced into Parliament by the Attorney-General on 12 April 2000. The Bill proposes to amend the Privacy Act 1988, which currently regulates the Commonwealth and ACT public sectors, to establish legislation for the private sector as well. The Bill implements the *National Privacy Principles*, which were developed by the Privacy Commissioner, and revised following consultation with health stakeholders. The information and views expressed herein focus on these *National Privacy Principles*.

Collection

NPP 1.4

The phrase “*if it is reasonable and practicable to do so*” is an important caveat; the reasonableness element becomes increasingly important as the level of personal information increases in detail. For example, disclosing a person’s name and address is one thing, but disclosing to an unrelated third party that the person has had a history of mental illness, is a completely different matter. In other words, it would not be *reasonable* to disclose this level of personal detail to an unrelated third party without prior contact with the individual concerned.

Use and Disclosure

NPP 2.1 (e) [part (i)]

The phrase used here regarding disclosure being necessary to lessen or prevent “*a serious and imminent threat*” to an individual’s life, is not strictly consistent with **NPP 6.1 (b)** which states that providing access would pose “*a serious threat*” to the life of an individual. For the purpose of consistency, the AHA recommends that the word *imminent* be deleted.

Data Quality

NPP 3

In relation to data quality, there are some cases where it would not be in an individual’s best interests for a particular organisation to hold an absolutely complete record. There are varying degrees of *completeness* where health records are concerned, therefore the AHA suggests that an indicative model of what a “complete” health record ought to look like should be developed.

Any further correspondence relating to the Inquiry should be directed to me at the Australian Healthcare Association. Alternatively, should you require any further information please contact me on 6285 1488.

Yours sincerely

Mark Cormack
National Director

15 May 2000