

Additional information for Committee

Can Medicare Australia provide details of sanctions taken for unauthorised access to records?

Medicare Australia employs nearly 6,000 staff. It holds the records for more than 21 million Australians and processes more than 290 million Medicare and 180 million Pharmaceutical Benefit services each year.

Since November 2006, Medicare Australia has undertaken over 1,000 reviews of potential unauthorised access. 43 per cent of these reviews involved legitimate access.

Unauthorised access is categorised by Medicare Australia as either a conflict of interest or a privacy breach. A **conflict of interest breach** occurs when an employee accesses their own customer records or the records of other family members on the employee's Medicare card. Access to these records is not allowed even when the family member may have requested the access. A **privacy breach** is the deliberate access to customer information without a business need to do so.

The attached table shows the number of confirmed cases of unauthorised access to records for the period from November 2006 to December 2009 and the action that was taken. Penalties are applied according to the seriousness of the breach.

Informal counselling or the issuing of unauthorised access detection notices is generally used in conflict of interest cases. It involves the employee's manager discussing the unauthorised access with the employee to highlight where inappropriate conduct and behaviour has occurred and to provide direction and/or instructions to that employee about expected appropriate behaviours to be displayed in the future.

Formal counselling involves the same process as informal counselling, however, a signed record of the counselling session is placed on the employee's personal file for a minimum period of two years. If there is no further inappropriate behaviour in the two year period, the formal counselling record is removed from the employee's personal file and destroyed.

In addition to having a strong penalty regime for unauthorised access, Medicare Australia has an active program to educate and train staff in regards to their privacy obligations. In particular, privacy is a key component of Medicare Australia's induction process. All staff receive a welcome letter from the Manager of Privacy addressing their privacy obligations in regards to Medicare Australia data. Unauthorised access is included in mandatory Privacy and Program Integrity training programs, warning messages are displayed every time staff log into their computers advising them of their responsibilities and regular communications are sent to all staff via staff newsletters and twice yearly Chief Executive Officer messages. Medicare Australia also actively participates in Privacy Awareness Week and uses this forum to promote best privacy practices.

Unauthorised Access incidents - November 2006 to December 2009

Privacy Breach

	2006/07	2007/08	2008/09	2009/10	Total
Informal counselling/ Warning via email	5	79	28	8	120
Formal counselling	36	81	26	3	146
Demotion/reduction in salary	0	5	2	1	8
Resigned following action by delegate	5	8	4	1	18
Resigned prior to knowledge of detection	9	27	3	3	42
Written reprimand	9	11	1	0	21
Written reprimand and fine	12	23	5	0	40
Other Sanction	0	0	1	0	1
Employment terminated following action by delegate	0	0	1	0	1
Referred for Criminal Investigation	0	0	1	0	1
Total	76	234	72	16	398

Conflict of Interest

	2006/07	2007/08	2008/09	2009/10	Total
Informal counselling/ Warning via email	1	42	64	29	136
Formal counselling	3	12	2	2	19
Demotion/reduction in salary	0	2	0	0	2
Resigned following action by delegate	0	1	0	0	1
Resigned prior to knowledge of detection	0	3	3	4	10
Written reprimand	2	0	1	0	3
Written reprimand and fine	0	0	0	0	0
Other Sanction	0	0	0	0	0
Employment terminated following action by delegate	0	0	0	0	0
Referred for Criminal Investigation	0	0	0	0	0
Total	6	60	70	35	171

Total of all unauthorised access

	2006/07	2007/08	2008/09	2009/10	Total
Informal counselling/ Warning via email	6	121	92	37	256
Formal counselling	39	93	28	5	165
Demotion/reduction in salary	0	7	2	1	10
Resigned following action by delegate	5	9	4	1	19
Resigned prior to knowledge of detection	9	30	6	7	52
Written reprimand	11	11	2	0	24
Written reprimand and fine	12	23	5	0	40
Other Sanction	0	0	1	0	1
Employment terminated following action by delegate	0	0	1	0	1
Referred for Criminal Investigation	0	0	1	0	1
Total	82	294	142	51	569

Note

2006/07 - includes incidents from November 2006

2009/10 - includes activity up to December 2009