

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health, Disability and Ageing

Joint Standing Committee on Treaties (JSCOT)

Amendments to the International Health Regulations (2005)

23 October 2025

PDR Number: IQ25-000118

Privacy rights and data security

Spoken

Hansard page number: 2-3

Senator: Lisa Chesters

Question:

CHAIR: My next question, which came through concerns that submitters raised, was in relation to privacy rights and data security and a concern that the World Health Organization would have access to the health records of Australians. Is this true, and what measures are in place to ensure that Australians' health records are protected?.....

Mr Fairbrother: I can answer with a little more detail on both of your questions. In addition to article 3 sub 4 clearly stating that states parties retain full national sovereignty over their public health legislation, their public health policy, the argument about the WHO being empowered to force countries to do things is inaccurate. Where a public health emergency of international concern has been declared, the WHO Director-General can issue a temporary recommendation to affected states parties suggesting that they do various things, but, as you will see in article 1, temporary recommendations are clearly stated to be non-binding. That's the answer to that part of the question.

The other part of the question relates to data. There are provisions within there—I will have to come back to you on notice with exactly which one it is.....

Answer:

Health data is not provided to the WHO under the IHR except where it has been appropriately deidentified. This must be done in accordance with Australia's strict privacy laws and data management frameworks, and assessed in Australia's decision-making processes for sharing information with the WHO.

The Department also noted in response to questions by the Committee that the IHR text has a provision ensuring the confidentiality of data "as required by national law". The relevant provision is Article 45.