

## **Labor Senators' Additional Comments**

1.1 Labor Senators share the privacy and security concerns expressed in the Chair's report. In particular, we agree that the Government's botched implementation of an opt-out model means 'an unreasonable compromise has been struck between ensuring the utility of the system ... and safeguarding the privacy and safety of healthcare recipients'.

1.2 Labor Senators therefore urge the Government to commission an independent review of the My Health Record system by the Privacy Commissioner and the Office of the Australian Information Commissioner, which has itself called for further consideration of several privacy and security concerns.

1.3 In particular, the Privacy Commissioner and OAIC should consider:

- the appropriate balance between utility for clinicians, patients and others (such as carers), and privacy and security for individuals;
- the difficulty of ensuring informed consent in an opt-out model, and measures to encourage consumer engagement and informed choice;
- changes to default access settings that are necessary because of the shift to an opt-out model (from an opt-in model, where informed consent was assured);
- particular protections for vulnerable people, including minors aged 14-17 and families fleeing domestic violence; and
- further legislative, policy and system changes that are needed to achieve these aims.

1.4 In the meantime, the Government must suspend the opt-out rollout until the Privacy Commissioner and OAIC report, the Government makes necessary changes, and public confidence in this important reform is restored.

**Senator the Hon Kristina Keneally**

**Senator Louise Pratt**

**Senator the Hon Lisa Singh**

**Senator Murray Watt**

