

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Supplementary Budget Estimates 2011-2012, 19 October 2011

Question: E11-476

OUTCOME 10: Health System Capacity and Quality

Topic: EHEALTH - PRIVACY

Written Question on Notice

Senator Boyce asked:

Even though you cannot guarantee the security of the system, healthcare organizations will face stiff penalties for privacy breaches. How is this fair and reasonable? How is that even therefore enforceable when the system you have designed could be robustly argued to be inherently faulty?

Answer:

The personally controlled electronic health record (PCEHR) system security is being developed in line with international and Australian standards and Australian Government requirements as outlined in the Protective Security Policy Framework, the Information Security Manual and Gatekeeper Framework and policy.

It is essential that the PCEHR system adequately protects consumer information within it. Civil penalties are included in the draft PCEHR legislation as a deterrent to deliberate or intentional misuse or unauthorised access of the PCEHR system. Penalties are required to dissuade improper use of, and access to, the PCEHR system and provide assurance to consumers that their privacy is protected. It is not intended that healthcare organisations (or their authorised users) be penalised for unintended breaches.

All Government agencies will be required to conform to the legislation, policy and processes as required. Appropriate guidance will be provided to non-Government users.