

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Supplementary Budget Estimates 2011-2012, 19 October 2011

Question: E11-483

OUTCOME 10: Health System Capacity and Quality

Topic: EHEALTH - PRIVACY

Written Question on Notice

Senator Boyce asked:

Juanita Fernando, as chairwoman of the Australian Privacy Foundation's health sub-committee, said the privacy guarantees in the new system were inadequate, and the system would be unusable. And she went on to say "I think the way this PCEHR system has been implemented has set Australia back 10-15 years." What is NEHTA's response to such comments and concerns?

Answer:

The privacy of personal information held in the personally controlled electronic health record (PCEHR) system will be protected by a combination of technical, policy, governance and legislative safeguards. These safeguards are an integral part of the framework for the PCEHR system.

Key protections underpinned by the draft legislation include:

- the ability for a consumer to choose whether or not to have a PCEHR;
- the ability for the consumer to control which healthcare provider organisations can access their information from the PCEHR and closely defined limits on any other access;
- the ability for a consumer to view an audit trail of all access to their PCEHR;
- penalties for unauthorised viewing or access to records; and
- requirements for data breaches to be reported.

The development of the privacy protections has been undertaken in close consultation with privacy experts, stakeholders, industry and consumer representatives and has been informed by comments on the proposed design as set out in the concept of operations, legislative proposals and the exposure draft legislation and through stakeholder consultations undertaken by National E-Health Transition Authority. Stakeholders have been generally supportive of the proposals.