

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Office of the Australian Information Commission

Question No. BE17-130

Senator Griff asked the following question on 02 June 2017:

1. How many complaints has the OAIC received regarding My Health Record, and what did they relate to (please provide breakdown according to categories/themes)?
 - a. What was the OAIC response to these complaints?
2. Is the OAIC aware of any data breaches or hacking attempts to date relating to My Health Record?
 - a. If so, please detail the nature of these and when they occurred.

The response to the honourable Senator's question is as follows:

- 1) The OAIC received one complaint in relation to the *My Health Records Act 2012*, in April 2016; and three complaints in relation to the *Healthcare Identifiers Act 2010*, one received in February 2012 and two received in September 2013. Detailed information about complaints received in relation to these two pieces of legislation is available in the annual report of the Australian Information Commissioner's activities in relation to digital health available at: <https://www.oaic.gov.au/about-us/corporate-information/annual-reports/ehealth-and-hi-act-annual-reports/>
 - a) Detailed information about complaints received in relation to these two pieces of legislation is available in the annual report of the Australian Information Commissioner's activities in relation to digital health available at: <https://www.oaic.gov.au/about-us/corporate-information/annual-reports/ehealth-and-hi-act-annual-reports/>
- 2) Since the start of the My Health Record system (formerly the Personally Controlled Electronic Health Record system) on 1 July 2012, the OAIC has received 57 data breach notifications (DBNs) made under s 75 of the *My Health Records Act 2012*. These 57 DBNs reported 300 data breaches which affected 378 individuals. Details on these DBNs are available in the annual report of the Australian Information Commissioner's activities in relation to digital health at: <https://www.oaic.gov.au/about-us/corporate-information/annual-reports/ehealth-and-hi-act-annual-reports/>