

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER

Question No. 39

Senator Boyce asked the following question at the hearing on 18 November 2013:

On September 25, 2013 I wrote to Professor McMillan AO in relation to the Personally Controlled eHealth Record System (PCeHER). The automated response I received on October 3 said the Office of the Australian Information Commissioner (OAIC) aimed to respond to all written enquiries within ten working days. It is almost two months since I sent that letter and I still haven't received a response to that letter. Could you please advise:

- How many incidents/complaints and the nature of those incidents/complaints relating to the PCeHER have you received over the past 12 months?
- How many have been brought to your agency's attention by the national health system's own operator?
- Would you please provide me with as much information as possible as to the status of those incidents/complaints?

The answer to the honourable senator's question is as follows:

- 1) The OAIC has not received any complaints from individuals under the *Personally Controlled Electronic Health Records Act 2012* (PCEHR Act). The OAIC has become aware of issues through the media, such as a pharmacist uploading the wrong patient's prescription details to the PCEHR.
- 2) The Department of Health (Health) notified the OAIC of a data breach which was first reported in the media in September 2013. On 19 December 2013 Health provided information to the OAIC about three further incidents.
- 3) On 21 October 2013 the Australian Information Commissioner wrote to Senator Boyce responding to her letter of 25 September, providing information on the status of the first data breach and other matters. The OAIC has since sought information from Health in relation to the three further incidents.