

Inquiry into the Privacy Act 1988
Public hearing 20 May 2005

Questions taken on notice
Department of Health and Ageing

Question 1 (proof Hansard p. 32)

Senator Bolkus asked:

Could you come back to us with, say, the last three years of stats on aspects of misuse, abuse, unauthorised use and hackers?

ANSWER

The Department does not have any evidence of misuse, abuse, unauthorised use of personal information for the last three years.

Access to the systems is limited to authorised personnel and the security system is designed to prevent unauthorised access. To logon to the Department's network a user must be registered on the Access Control and Identity Management systems. In addition, a user must also be registered (have a need to know) to access specific systems. All access by users is logged in access control logs and all additions, changes and deletions to records are written to audit logs. The system owners are required to review and validate their users regularly.

The systems that contain personal information do not interface with the Internet and therefore Internet hackers do not pose a significant risk. To date the Department has not recorded any hacking attempts on systems containing personal information.

Question 2 (proof Hansard p 33)

Senator Stott Despoja asked:

I want to know specifically what security measures are being contemplated or will be implemented to protect that data. My understanding is that \$128 million has been allocated to this project. Can you supply us with a breakdown of the privacy aspect and the security aspect? I am happy for you to take that on notice. It just seems a lot of money, in my opinion, has been allocated in recent budgets, particularly the last one, to potentially invasive schemes that deal with the privacy of Australians. I do not see a lot of money being allocated to secure the privacy of Australians. That is not specific to the health department; it is across the board.

ANSWER

Healthconnect has adopted a multi faceted approach to privacy and security arrangements. The program's approach is to focus on policy and legal, technology and change management components.

The Department commissioned a legal issues report in 2004. A discussion document

has been published on a number of legal issues including privacy. This report will guide the finalisation of the program's privacy policy.

IT security is being provided by the Broadband for Health program with incentives based on compliance with agreed IT security guidelines.

The National E-Health Transition Authority (NEHTA) has been established to accelerate the adoption of e-health by supporting the process of reform in the Australian health sector. NEHTA is undertaking work in key areas of privacy and security including the development of consent arrangements for information transfer between entities or within a shared electronic health record, and a nationally consistent security model for secure messaging and transfer of information.

The Department will ensure that Healthconnect complies with Federal, State and Territory privacy legislation by applying to electronic health records the highest standard from the Information Privacy Principles, the National Privacy Principles or the privacy principles in state legislation.

Question 3 (proof Hansard p 34)

Senator Stott Despoja asked:

We have heard evidence today about a perceived lack of consultation in the roll out of this card [Medicare smartcard]. We are trialling it in one state. It really is under way now. It is not a question of it being considered. It sounds like this proposal is up and running, as a consequence of the minister's announcement on 28 July. What stakeholder groups or members of the public have been involved in the development of this proposal?

ANSWER

Six Consumer Focus Testing sessions were held in June 2004 to understand attitudes and expectations about the use of the smartcard prior to its release.

Government agencies and providers were consulted through the Health Insurance Commission's standard consultative groups, the Stakeholder Advisory Committee and Doctors Communication Group.

In-depth consultation took place with consumer representative groups and consumer focus groups. Consumer groups consulted were Consumers' Health Forum, Chronic Illness Alliance, Health Consumers Rural and Remote Australia, Australian Federation of Disability Organisations and the Health Issues Centre.

Question 4 (proof Hansard p 34)

Senator Stott Despoja asked:

Thank you for outlining your understanding of the role of the Human Genetics Advisory Committee. ... I am wondering if you can take on notice some specific queries. I have seen the budget papers so I know the general role and I also

understand the allocation of \$7.6 million over four years, but I would like to know who it is envisaged would be involved, who would be on the committee, what stakeholder groups would be involved if consultations took place to determine the membership of that committee and also whether it will be like other NHMRC committees in terms of determining a reference and getting references from the minister or whether it will have discretion to bring about its own references. Perhaps you could answer some of those questions.

ANSWER

The new Human Genetics Advisory Committee will be a new Principal Committee of the National Health and Medical Research Council (NHMRC) and will be established as part of the new NHMRC at the start of the next triennium, which is due to commence in January 2006.

The expertise and composition of the new committee are yet to be established. This will be determined in consultation with the Minister for Health and Ageing.

As a Principal Committee of the NHMRC, the new Committee will work closely with the Council and the other Principal Committees, in consultation with the Minister, in developing the Council's strategic plan for the new triennium and in setting its own work program.

Question 5 (proof Hansard p 37-8)

Senator Stott Despoja asked:

The department and obviously the minister have had the opportunity to examine the ALRC's comprehensive report into genetic privacy, *Essentially yours*. Can you advise us of what discussions, meetings or debates have taken place around that report? I am wondering if there is a time line for a response to that report. I am sure the minister is responsible for any specific dates or information, but I am just wondering what work the department has done on that comprehensive report.

ANSWER

The report addressed a number of issues of legal and health policy and also made recommendations relating to other areas of government. There has been extensive consultation with relevant portfolios and State and Territory Governments in developing a whole-of-government response to the recommendations of the report. The response will be provided by the Minister for Health and Ageing and the Attorney General. One of the factors in finalising the response was deciding on whether to establish an advisory body on human genetics.

Question 6 (proof Hansard p 38)

Senator Stott Despoja asked:

I notice that in response to questions of mine in the parliament last week, Minister Ellison talked about specific aspects of that report being referred to the Standing

Committee of Attorneys-General. I am just wondering if there is a comparable committee within the health department that may have been examining the report.

ANSWER

Some of the recommendations in the Australian Law Reform Commission/Australian Health Ethics Committee (ALRC/AHEC) Report, *Essentially Yours: The Protection of Human Genetic Information* are being considered by the Australian Health Ministers' Advisory Council (AHMAC) and relevant sub-committees.