

## Privacy Management Plan

**Summary** The NSW Health Privacy Management Plan has been updated. All NSW Health entities must adopt, implement, and promote it to staff and the public, including by publishing it on their public facing websites. The Information Bulletin outlines key obligations for NSW Health entities.

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Corporate Administration - Governance, Information and Data  
Personnel/Workforce - Conduct and ethics, Learning and Development
- Applies to** Ministry of Health, Public Health Units, Local Health Districts, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, NSW Health Pathology, Public Health System Support Division, Cancer Institute, NSW Ambulance Service, Public Hospitals
- Distributed to** Ministry of Health, Public Health System, NSW Ambulance Service, Health Associations Unions, Tertiary Education Institutes
- Audience** All Staff of NSW Health

## Privacy Management Plan

### Purpose

The NSW Health Privacy Management Plan has been reviewed with an updated version published on the NSW Health website [Patient privacy](#).

All NSW Health organisations are required to adopt and implement the NSW Health Privacy Management Plan within their organisation and promote it to their staff and the public, including through publication of the Plan on their public facing websites.

### Key Information

#### Key actions for NSW Health organisations

All NSW Health organisations must ensure the collection, use, management and disclosure of personal and health information complies with the Information Protection Principles and with the Health Privacy Principles (HPP), as detailed in the *Privacy and Personal Information Protection Act 1998* (NSW) [PIPP Act] and *Health Records and Information Privacy Act 2002* (NSW) [HRIP Act], respectively.

NSW Health organisations are required to have a Privacy Contact Officer (or a designated staff member), whose role includes to facilitate compliance with privacy laws and NSW Health privacy policy in their organisation.

New staff members in NSW Health organisations are to complete mandatory privacy training as part of their induction and orientation process.

Where staff have access to large data sets of personal and health information in their roles, NSW Health organisations must ensure that, in addition to privacy training, appropriate privacy undertakings have been signed, prior to these systems being accessed.

Appropriate collection notices are to be used to satisfy privacy requirements when personal and health information is being collected, particularly when new programs or systems are being developed.

A request for a privacy internal review must be completed as soon as practicable, and within 60 calendar days.

Any wilful act of unauthorised access to, use, or disclosure of, personal or health information by a staff member is to be referred to human resources for advice regarding appropriate disciplinary action. In consultation with the Ministry of Health, the Chief Executive must give consideration for referring the matter to the police, and/or informing persons affected by a breach, of the option of referral to prosecution.

NSW Health organisations have privacy-related statutory reporting obligations, including obligations under the *Independent Commission Against Corruption (ICAC) Act 1988* (NSW),

the *Privacy Act 1988* (Cth), *My Health Records Act 2012* (Cth), and the *Security of Critical Infrastructure Act 2018* (Cth). Mandatory reporting obligations include privacy breaches involving inappropriate use/disclosure of Tax File Numbers, My Health Record data breaches, other privacy matters related to corrupt conduct, and for notifying cyber security incidents to the Australian Cyber Security Centre.

A data breach is any unauthorised access to, disclosure, or loss of any data held by a NSW Health organisation. Chief Executives must appoint a Data Breach Assessment Officer to assess data breaches and determine whether data breaches are considered an eligible data breach. Mandatory notification requirements may apply as per the Mandatory Notification of Data Breach Scheme (MNDB Scheme).

Each NSW Health organisation is to provide a submission to the Ministry of Health by 31 July each year, that outlines the actions it has undertaken in relation to privacy management and compliance, and details of privacy statistics, for the financial year immediately prior.

All NSW Health organisations are to publish their own privacy management actions and statistics (as included in the submission to the Ministry of Health) on their own websites after the NSW Health Annual Report has been published on the NSW Health website, and by no later than 30 November of that same year.

Further information on privacy-related matters can be found in the NSW Health Policy and Procedure Manual [NSW Health Privacy Manual for Health Information](#).

### **About the NSW Health Privacy Management Plan**

The NSW Health Privacy Management Plan:

- Demonstrates to members of the public and other third parties how NSW Health meets its obligations under the PPIP Act
- Provides an overview of how personal information is managed appropriately and in accordance with the law, and provides advice about the management of staff members' personal information
- Demonstrates NSW Health's commitment to respecting the privacy rights of staff, members of the public, and other third parties together with a Privacy Information Sheet for Personal Information
- Sets out how individuals, whether they are staff or members of the public, can access their personal information, seek to amend their personal information, submit a privacy complaint, and request a privacy internal review and how possible breaches of privacy in relation to personal information will be managed by NSW Health.
- Outlines limits on access to personal information and legislative exemptions (including Public Registers, Public Interest Directions and Codes of Practice)
- Sets out the remedies available to individuals, if they have a concern that the privacy of their personal information has been breached.
- Sets out how NSW Health manages data breaches.

### Revision History

| Version                      | Approved By  | Amendment Notes  |
|------------------------------|--|--|
| IB2024_055<br>October-2024   | Deputy Secretary,<br>People, Culture &<br>Governance     | Plan updated to include MNDB considerations, offences under the PPIP and HRIP Act, and the HPPs.   |
| IB2023_012<br>May-2023       | Deputy Secretary,<br>People, Culture &<br>Governance     | Plan updated to sit independently of the Policy Distribution System.<br>Key requirements are summarised in this document and detailed in the NSW Health Privacy Manual for Health Information. |
| PD2015_036<br>September-2015 | Deputy Secretary,<br>Governance, Workplace,<br>Corporate | Plan updated to reflect legislative changes in relation to privacy, policy changes in relation to the introduction of the Privacy Manual for Health and structural changes to NSW Health.      |
| PD2005_554<br>March-2005     | Deputy Director General                                  | New Policy   |