NSW GOVERNMENT | Health

Notifiable Conditions Data Security and Confidentiality

Summary The purpose of this policy is to provide guidance for NSW staff to manage the security and confidentiality of Notifiable Conditions data in any form, either unit records or aggregated form. This includes paper notification records, electronic notification records, the Notifiable Conditions Management System (NCIMS), the Secure Analytics for Population Health Research Intelligence (SAPHaRI), and/or any other form of data that has not been approved for release in the public domain.

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Clinical/Patient Services - Information and Data, Records

Applies to Local Health Districts, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, Public Health System Support Division, Government Medical Officers, Ministry of Health, Public Health Units, Public Hospitals

Distributed to Public Health System, Divisions of General Practice, Environmental Health Officers of Local Councils, NSW Ambulance Service, Ministry of Health, Private Hospitals and Day Procedure Centres

Audience All NSW Health and Local Health District Staff

Notifiable conditions data security and confidentiality

PURPOSE

The purpose of this policy is to provide guidance for NSW Health staff to manage the security and confidentiality of Notifiable Conditions data in any form, either unit records or aggregated form. This includes:

- paper notification records
- electronic notification records,
- the Notifiable Conditions Information Management System (NCIMS),
- the Secure Analytics for Population Health Research and Intelligence (SAPHaRI), and/or
- any other form of data that has not been approved for release in the public domain.

MANDATORY REQUIREMENTS

All NSW Health and Local Health District staff must comply with this policy when accessing, managing or analysing notifiable conditions data.

Prior to accessing notifiable conditions data, NSW Health staff must sign each page of the Notifiable Conditions Data Security and Confidentiality Policy Directive, to confirm that they have read, understood and agreed to comply with the policies, procedures and conditions set out in it.

Release of notifiable conditions data must be managed according to section 4 – Data and information release.

IMPLEMENTATION

This policy directive should be distributed to all NSW Health staff. Staff with access to notifiable conditions data must follow the procedure set out in this policy directive.

All staff with access to notifiable conditions data in any form must sign the Notifiable Conditions Data - Confidentiality and Security Agreement at Appendix 1.

REVISION HISTORY

Version	Approved by	Amendment notes
July 2012 (PD2012_047)	Deputy Director General Population and Public Health and Chief Health Officer	Additional advice on electronic data security and release and use of notifiable conditions data. Templates updated. Replaces PD2005_181
PD2005_181	Director General	Issued 29 August 2000

ATTACHMENTS

1. Notifiable conditions data security and confidentiality: Procedures

Notifiable conditions data security and confidentiality

PROCEDURE

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CONTENTS

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1   INTRODUCTION

1.1   About this document

Notifications of Scheduled Medical Conditions made under the Public Health Act include highly confidential information. NSW Health staff from Local Health Districts and the NSW Ministry of Health with access to such information should always protect the security and confidentiality of this information.

1.2   Key definitions

This policy refers to the security and confidentiality of Notifiable Conditions data in any form, either unit records or aggregated data. This includes paper or electronic notifications, the Notifiable Conditions Information Management System (NCIMS), the Secure Analytics for Population Health Research and Intelligence (SAPHaRI), or any other form that has not been approved for release in the public domain.

Notifiable Condition	A medical condition listed under Schedule 1, 2 or 3 in the NSW Public Health Act (excluding category 1 conditions and cancer).
Unit record data	For the purpose of this policy directive, 'unit record data' are line listed electronic records of information that relate to the health of an individual which are held by NSW state data collections and owned by NSW Health.
Identifiable data	Information that allows identification of a specific individual
De-identified data	Information from which identifiers have been permanently removed, or where identifiers have never been included. De-identified information cannot be re-identified
Aggregate data	Summary data from analysis of unit record data by broad categories (such age group, sex or geographic location) so that it is not possible to identify the individual
Disclosure	Communication or transfer of information outside NSW Health or Local Health District to Universities, and all other organisations or individuals
Data custodian	The person with responsibility and administrative control over the ongoing development, data collection, maintenance, review of the data collection and granting access to data.

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2   LEGAL AND LEGISLATIVE CONTEXT

The conditions and procedures set out in this document are supplemental and subordinate to any State or Commonwealth statutes, legislation or regulations and any NSW Health policies or guidelines subsequently issued by the Director-General which relate to confidentiality and data security.

Specifically, management of confidential notification data are referred to in the following legislation:

- NSW Public Health Act 2010
- Health Administration Act 1982

NSW Health Employees with access to notifiable conditions data must also acquaint themselves with the NSW Health Records and Information Privacy Act 2002 and the NSW Health Privacy Manual (Version 2) PD2005_593 (http://www.health.nsw.gov.au/policies/pd/2005/PD2005_593.html).

3   ACCESS TO SCHEDULED MEDICAL CONDITIONS DATA

3.1   Personnel

Access to notifiable conditions data for NSW Health Staff should be limited to the minimum level required to fulfil the functions of their position. Individuals requesting access to scheduled medical conditions data (and their managers) must:

- Be aware of their responsibilities with regard to information privacy
- Undertake training on the operation of any databases or systems which they will operate to record or access personal health information in relation to notifiable conditions data.
- Complete the Confidentiality Agreement (appendix 1) and identify the appropriate level of access according to their position and role.

3.2   Security

3.2.1 Password Security

NSW Health staff with access to databases containing information on notifiable conditions must observe the following measures in order to maintain security:
- Each individual is assigned a unique username. Access to the data will be controlled by a password. The password must be known only to the individual.
- Passwords are required to be a minimum 6 and maximum 12 characters and contain at least one numeric and at least one text character.
- The individual must not record their password in any file or other electronic document, no matter where or how such a file or document is stored.

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- Individuals must change their passwords when requested by system administrators.

3.2.2 Electronic Security

- Access to notifiable conditions data through the NCIMS web based application is to be through individual login passwords only.
- When an individuals' access to the notifiable conditions data is no longer required (i.e. the role of the staff member changes, or their employment by the organisation at which they worked when the Confidentiality Agreement was signed), the staff member and or manager must notify the System Administrators of their changed circumstance, so that role changes can be made or logins disabled.
- System administrators will undertake an audit of NSW Health staff with access at least twice annualy

3.2.3 Physical Security and Storage of Data

- Electronic notifiable conditions data should be password protected and stored on secured networks with appropriately restricted access, not stand alone PCs.
- Where access to notifiable conditions data through the NCIMS application is required externally (outside the usual work environment), individuals must ensure that information is not downloaded or saved to a PC.
- Network hardware and any back up or copies of notifiable conditions data must be password protected and stored in a secure location.
- Hard copies of identifiable notifiable conditions data related scheduled medical conditions should be stored in locked cabinets in a secure location.
- Secure document disposal facilities must be available.
- Secure printers and faxes must be available for confidential data management

3.2.4 Workstation Security

- Care must be taken not to leave documents containing personal health information related to notifiable conditions data on work benches or anywhere they may be visible to unauthorised people.
- Personal health information should be unloaded from computer monitors (or the screen locked) if the monitor is to be left unattended.
- These requirements also apply where notifiable conditions data is handled externally (outside the physical confines of the usual work environment).

3.3 Acceptable use of notifiable conditions data

Notifiable conditions data must only be used for official NSW Health/Local Health District business related to notification or public health action, unless authorised in writing by an appropriate officer (see section 4 - Data and Information Release).

Notifiable conditions data should not be used for personal study. Use of the data for research purposes is subject to the NSW policy directive PD2012_010: 'Data Collections - Disclosure of unit record data held for research or management of health services' referred to in section 4 -

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Data and Information Release. Where an individual holds external organisation (e.g. academic) **and** NSW Health/Local Health District appointments, access to notifiable conditions data must not be used for any academic or teaching purposes without prior approval.

4   DATA AND INFORMATION RELEASE

4.1   Legal context for release of data

This section should be read in conjunction with 'Data Collections- Disclosure of unit record data held for research or management of health services' (PD2012_010).

NSW Health staff with access to notifiable conditions data must not release, pass on or otherwise make available to third parties (where the first party is NSW Health and the second party is the notifiable conditions data user) any data, subset of data or any tables, graphs or other aggregations or manipulations of data obtained or derived from notifiable conditions data where this data or information allows the identification of individual persons, institutions, communities or organisations by any means.

NSW Health staff with access to notifiable conditions data should note that identification of individuals, communities or organisations may occur through the release of specific identifying information such as addresses, or by inference from the combination of multiple non specific or less specific data items (such date of birth plus postcode).

The authority to disclose notifiable conditions data is vested in:

a)   the Director General or his/her delegate (for identified unit record data) under the Health Administration Act 1982 and the Health Administration Regulation 2012 (subject to the conditions of that Act and Regulation)

b)   the Chief Health Officer (for epidemiological data) under the Public Health Act 2010 and Health Administration Act and Health Administration Regulation (subject to the conditions of those Acts and Regulation).

There are no delegations relating to the disclosure of identified unit record notifiable conditions data under the Public Health Act.

The delegations under the Health Administration Act 1982 can be found in section 10 of the Combined Delegations Manual at (http://www.health.nsw.gov.au/resources/policies/manuals/combdeles_pdf.asp).

Other persons are not authorised to disclose notifiable conditions data.

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4.2   Applications for release of data

Applications for release of notifiable conditions data should be made through the relevant data custodian using the appropriate form and will be assessed in accordance with PD2012_010 (Appendix 2)

Applications for the release of identified unit record notifiable conditions data for research or management of health service should be submitted to the NSW Population and Health Services Research Ethics Committee for consideration as per policy directive PD2010_055 *Ethical & Scientific Review of Human Research in NSW Public Health Organisations*. Available at: www.health.nsw.gov.au/policies/pd/2010/PD2010_055.html

Specific guidelines for the release of Aboriginal health information related to notifiable conditions data are required to protect Aboriginal people from the risk of identification as individuals or communities. Disclosure of Aboriginal health information must comply with the NSW Aboriginal Health Information Guidelines.

4.3   Exceptions for release of identifying data

Under the Public Health Act 2010 (Section 130), it is an offence to disclose information obtained in connection with the Act unless the disclosure is made:
- with the consent of the person whom the information was obtained
- in connection with the administration or execution of the Act or regulations
- for the purposes of legal proceedings arising out of the Act or the regulations, of a report of any such legal proceedings
- with the approval of the Chief Health Officer, or a person authorised by the Chief Health Officer, to a person specified in the approval and the information consists of epidemiological data specified in the approval
- in any other prescribed circumstances, or
- with other lawful excuse

4.4   Acknowledgement of use of data in publications

Where notifiable conditions data is approved for release in research or management of health services, all approvals must include a condition that data recipients agree to include a written acknowledgement of the role of NSW Health and the Centre for Health Protection in the fulfilment of any data requests and in the preparation of any report, scientific paper or on-line document (such as a World-Wide Web page). Typically the acknowledgement will appear in the covering letter, foreword or, in the case of electronic documents, as part of the introductory or top-level pages.

The source of notifiable conditions data should be attributed to the underlying data collection. For example, a graph which displays notifiable disease information derived from Notifiable

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conditions data should have the following attribution: "Source: Notifiable Conditions Information Management System, NSW Health".

Where data is accessed via a secondary interface, such as SAPHaRI, the underlying data collection should be referenced along with the method of extraction: "Source: Notifiable Conditions Information Management System (Secure Analytics for Population Health Research and Intelligence), NSW Health"

5   DURATION OF THIS AGREEMENT

The applicant agrees to be bound by the conditions of this Agreement indefinitely or until they sign a new Confidentiality and Data Security Agreement which supersedes this agreement.

The applicant is bound by this Agreement regardless of whether they continue to be an active user of the notifiable conditions data or database system and regardless of whether they remain an employee of or associated with the NSW Health or Local Health District.

6   LIST OF ATTACHMENTS

1.   Notifiable conditions Confidentiality and Security Agreement
2.   Data request template

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Appendix 1

Notifiable Conditions Data - Confidentiality and Security Agreement

I, (Full name of applicant) _____

(work phone number)_____ (work e-mail address)_____

(employed as Position)_____

by (Name of business unit employing the person)_____

agree to abide by the confidentiality and data security conditions and procedures set out in this document.

By signing this document and each page of the Notifiable Conditions Data Security and Confidentiality Policy Directive, I confirm that I have read, understood and have agreed to comply with the policies, procedures and conditions set out in it.

I undertake not to knowingly access any personal health information unless such information is essential for me to properly and efficiently perform my duties. I undertake strictly to preserve the confidentiality of this information and I understand that a breach of this undertaking will result in disciplinary action.

I acknowledge my statutory duty under Section 22 and Section 23 of the NSW Health Administration Act 1982 and Section 130 of the NSW Public Health Act 2010, in relation to the disclosure of information. In order to fulfil this undertaking, I will not divulge any identifying, personal or health information regarding individual persons, except to authorised staff of the NSW Ministry of Health, Local Health District or other staff who require such information to carry out their medical or public health duties.

I further undertake to inform my supervisor immediately if I become aware of any breach of privacy or security relating to the information which I access in the course of my duties.

Signature of applicant _____ Date: _____

Position Title: _____

Witnessed by (Name of witness): _____

Signature of witness: _____ Date: _____

To be completed by **Unit manager** employing the applicant:

I confirm that, to properly fulfil the functions of their position, the above signed has reasonable need for access to notifiable conditions data. I also confirm that, in order to properly undertake the business of NSW Health or Local Health District, the business unit has a valid requirement for access to this data.

Manager's Name: _____

Signature: _____ Date: _____

Position Title: _____

Business Unit Name: _____ Local Health District_____

For access to notifiable conditions data through the NCIMS application - please tick all that apply

Applicant position:		**Intended role:**	
Administration	☐	Administration	☐
Immunisation staff	☐	Data entry	☐
Project Officer	☐	Data cleaning/analysis	☐
Public Health Nurse	☐	Epidemiological analysis	☐
Surveillance Officer	☐	Outbreak response	☐
Tuberculosis Nurse	☐	Surge Capacity	☐
Other (describe)	☐ _____	Other (describe)	☐ _____

End of Agreement

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Appendix 2

Request for Release of Notifiable Conditions Data

Request for release of notifiable conditions data by requesters external to NSW Health or Local Health District.

To be completed by person making the request

1. **Person and/or agency making request:**

2. **Purpose for which data is sought**:

3. ☐ **Epidemiological/aggregate data**   ☐ **Unit record data**
   Where unit record data are sought, please provide a copy of the NSW Population and Health Services Research Ethics Committee approval (according to PD 2012_010)

4. **Description of data requested** *(disease/condition, fields of interest, & time period of interest)*

5. **What (if any) publication of data is intended?**

6. **Date data requested by**: *(allow up to 6 weeks from the date of request)* _____ / _____ / _____

7. **Person taking responsibility for appropriate use of data**:

   Name: _____   Position: _____

   Organisation name: _____

   Phone: _____   Email: _____

   Signature: _____   Date: _____

Fax this form to the Surveillance Manager, Communicable Diseases Branch on 02 9391 9189

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NSW Health reserves the right of comment on use of data and interpretation prior to publication.

Request Recieved: _____	**Request Approved:** _____
Date request completed: ____ ____ / ____ ____ / ____ ____	**Data prepared by:** _____