

STANDING COMMITTEE ON SOCIAL ISSUES

INQUIRY INTO SERVICE COORDINATION IN COMMUNITIES WITH HIGH SOCIAL NEEDS

DR ELIZABETH COOMBS – NSW PRIVACY COMMISSIONER

QUESTION ON NOTICE – 8 OCTOBER 2015

Question

Reverend the Hon. FRED NILE: Thank you for coming in. In your report you made well over 30 recommendations.

Dr COOMBS: It is 36 across four themes.

Reverend the Hon. FRED NILE: What do you anticipate will happen with your recommendations? What is the procedure that you expect to be followed?

Dr COOMBS: Reverend, the Government has advised Parliament that it is considering my recommendations and that it will be preparing a response to those. We are always having discussions with the Department of Justice, and I try to engage with committees such as this one to ensure that it is not just another report that is placed on a shelf, that it is actually something that adds value to Parliament and to Government in its consideration of policy initiatives.

Reverend the Hon. FRED NILE: I anticipate that they are all important recommendations. It would perhaps help you and us if you sent us a copy of those recommendations and perhaps indicate priority for those recommendations, how to assist you in our recommendations.

Dr COOMBS: Certainly

Answer:

The 2015 report to Parliament, *Report of the Privacy Commissioner under Section 61B of the Privacy and Personal Information Protection Act*, was tabled by me in February 2015 and includes a consolidated list of my recommendations. As I indicated in my testimony, while I would consider all 36 recommendations carry equal weight, those recommendations most relevant to the issues being canvassed by the Inquiry are:

Recommendation 6:

The Privacy Commissioner to assist agencies to provide guidance and assistance to non-Government organisations in meeting their obligations and to manage the implementation of contracts including measuring, monitoring, benchmarking and reporting on compliance.

Recommendation 36:

The IPC budget has specific allocation to enable the Privacy Commissioner to acquit the broader requirements of the role specifically undertaking research, publish reports and conduct inquiries and investigations into privacy-related matters.

The development of guidelines would greatly assist in educating the sector in their statutory responsibilities, as well as provide an understanding of how the privacy regime can support the information sharing in a lawful and privacy respectful way. Appropriate resourcing for the Privacy Commissioner is required to undertake this work.

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The Hon. GREG DONNELLY: At 3.1, directly beneath it, there are four dot points. You and staff from your office have been or are currently involved in those whole-of-government issues. Specifically with respect to the first and second dot points, do you think things are progressing and getting underway in regards to those two particular committee works, first of all the Data Analytics Centre [DAC] steering committee and the Enabling Information Sharing Working Group? Do you think there is activity underway which is moving things ahead?

Dr COOMBS: I do think that. There is a very strong leadership in that space and a real desire to progress matters. The desire for this mechanism came out of the identification by agencies, particularly health and education, to be able to share de-identified personal information, and the steering committee has been working on this activity. I do not have a sense that it is going to peter out. I think that there is a very strong commitment to work it through. With respect to the second one, that group is also continuing. That is led—as is the DAC steering committee—by the Department of Finance, Services and Innovation. I am very happy to come back to you on some of the particular initiatives, if it would be useful, because I have been speaking in generalities.

The Hon. GREG DONNELLY: That would be good, particularly in the area of health.

Answer:

In relation to the Data Analytics Centre, I understand the *Data Sharing (Government Sector) Bill 2015* was introduced into the Legislative Council on 28 October 2015.

In addition to my involvement with the Enabling Information Sharing Working Group, over the last three years I have participated in a number of specific initiatives and programs which look to promote and advocate the right to privacy in relation to health records. These initiatives have an impact across Government.

- In general terms, as Privacy Commissioner I oversee the operation of the *Health Records and Information Privacy Act 2002*. This involves management across Government of statutory compliance, complaint investigation, oversight and approval of public interest directions and advice to relevant agencies and the general public.
- I have provided Government with guidance and advice on appropriate access to health records.
- I have participated in discussions about the potential privacy impacts of the Commonwealth Government's *e-health* initiative and complaints management processes.
- NSW Genetic Health Guidelines have been developed for organisations on the use and disclosure of genetic information to a patient's genetic relatives.

To further promote health related issues, Privacy Awareness Week 2016 will have a particular focus on raising community awareness about health privacy.