

11 November 2010

Mr Roger Clarke  
Chair, for the Board of the Australian Privacy Foundation  
BY EMAIL: [Chair@privacy.org.au](mailto:Chair@privacy.org.au)

Dear Mr Clarke

**Re: Personally Controlled Electronic Health Record (PCEHR)**

Thank you for your letter dated 8 November 2010 in regard to the upcoming PCEHR roundtables.

Privacy compliance is a fundamental principle for the National E-Health Transition Authority (**NEHTA**), both in terms of meeting legal obligations and community expectations. As has always been the case, NEHTA is committed to the ongoing consideration of privacy within the context of our work with a view to avoiding and mitigating privacy risks as early as possible in the design of e-Health solutions.

Throughout the product development lifecycle of every product, NEHTA continues to subject its solutions to appropriate privacy quality assurance measures, in consultation with our stakeholders. As you would expect, therefore, privacy is a key driver in the development of national e-Health architecture.

Given this, NEHTA takes the views of the Australian Privacy Foundation (**APF**) and indeed all stakeholders very seriously. We appreciate that the APF has accepted the opportunity to contribute to the PIA that we are currently completing in relation to the electronic transfer of prescriptions (eTP). We expect that the APF will continue to be involved when consultation on the PCEHR commences. We recognize that for a national framework for the PCEHR to be accepted, it must balance the range of interests expressed by all our stakeholders.

You have raised some frustrations with NEHTA in your letter and I wish to respond to these. While NEHTA endeavours to keep consultation processes coherent and communicative, it is sometimes not practicable to report back to every stakeholder at every stage of the process. Further, the premise of consultation is that all voices are heard, even though they may not be reflected in the final policy positions which are articulated as a result of the process. As you would expect, the views of our stakeholders are diverse and they are varied. Sometimes even within the organisations with which we deal, there is a range of views on topical issues. The challenge that faces the Governments of Australia and NEHTA is to balance these views and arrive at an outcome which meets the needs of the stakeholders and delivers the best outcomes for all Australians. While the views expressed in consultation are not always captured in documents, they are a key part of the debate which leads to relevant outcomes.

Through the APF's involvement in e-Health and NEHTA (including its input to the 2008 EHR consultations), we have come to understand the APF's policy position on e-Health data and in more recent times, healthcare identifiers. NEHTA continues to follow the published views of the APF in an effort to better understand the views of the APF and the people that it represents.

You have asked me to confirm NEHTA's commitment to a methodical and cumulative approach to engagement with privacy advocacy organizations. I am happy to confirm this. Many of NEHTA's processes accord with the list you provided as an attachment to your letter.

Finally, I turn to the PCEHR roundtables and opportunities for further engagement once formal consultation commences. We welcome the APF's attendance at the consumer roundtable and regret that you are unable to attend the other three roundtables to which you were invited. I confirm that the roundtables are a prelude to consultation. Key stakeholders who were involved in the 2008 EHR consultation and subsequently have been invited to attend the roundtables ahead of formal consultation. I believe that my colleagues have communicated with you and confirmed that the roundtables are intended to help NEHTA test some of the issues raised in 2008 consultation and subsequent work with a view to ensuring that the material NEHTA prepares for broader consultations (including the upcoming E-Health Conference) provides adequate detail and addresses the sorts of questions the broader community might have. NEHTA understands that the APF has finite resources and therefore has committed to attend only the consumer roundtable.

We thank you for your involvement with NEHTA during 2010. We look forward to your further involvement in consultation on this significant national project.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Peter Fleming".

Peter Fleming  
Chief Executive