



**Australian
Privacy
Foundation**

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Monday April 6 2009

Commissioner Karen Curtis
Australian Privacy Commissioner
GPO Box 5218
Sydney NSW 2001

Dear Commissioner Curtis

Re: Response to breaches of NPP 4.1

The Australian Privacy Foundation (APF) refers to the example of an apparent breach of NPP 4.1 re data security, as recently reported in the Courier Mail [1-2]. The story alleges that 254 patient profiles were made publicly available on the Internet, that no apology was made by the company involved to the patients concerned and that search engines cached the data so they remained accessible despite their subsequent removal from the company's website.

While we do not comment nor expect your office to comment on this particular case, we are concerned about the impact of breaches to NPP 4.1 (data security) more generally. Trust, quality of service, transparency and respect for patients must be at the forefront of e-health developments if they are to succeed in the Australian context [3]. The public expects the Privacy Commissioner to use her existing powers to the full extent available in order to ensure companies recognise their responsibilities to patients. Thus, we enquire about the nature of your response to information breaches such as those outlined in the exemplar above.

Thank you for your consideration.

Yours sincerely

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Chair
Health Sub-Committee
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References

1. Caldwell, Anna & Earley, David “Sullivan Nicolaidis has 254 patient profiles on net” Courier Mail March 29, 2009 11:00pm (cited April 5 2009) Available: <http://www.news.com.au/couriermail/story/0,,25260243-3102,00.html>
2. “Sullivan Nicolaidis leak exposes hypocrisy” Courier-Mail March 30, 2009 11:00pm (cited April 5 2009) Available: <http://www.news.com.au/couriermail/story/0,23739,25265407-13360,00.html>).
3. APF Health Sub Committee ALRC Report Part H – Health, Submission to Clth PM & C, February 2009 (cited April 5 2009) Available: <http://www.privacy.org.au/Papers/index.html>