Australian Privacy Foundation

http://www.privacy.org.au

Secretary@privacy.org.au

http://www.privacy.org.au/About/Contacts.html

April 22 2009

David Gonski AC
NEHTA Chair
NEHTA Head Office
Level 25, 56 Pitt Street
Sydney
NSW 2000 Australia

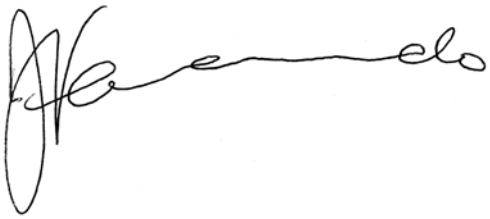
Dear Mr Gonski

Re: Publication link to alleged breach of NPP4.1

The Australian Privacy Foundation (APF) is the country's leading privacy advocacy organisation. A brief backgrounder is attached.

The APF is concerned that the pathology company recently involved in an apparent breach of NPP4.1 data security requirements is listed in a publication on the NEHTA website [1]. The publication concerned is attributed to NSW Health and outlines the benefits of the electronic transfer of health information without alluding to the alleged breach [3]. We are concerned the publication may misinform Australians with regard to shortcomings linked to e-pathology initiatives. Hence, we ask that the publication is modified in such as way as to make the potential threat clear to site visitors.

Yours sincerely



Chair, Health Sub Committee
Australian Privacy Foundation
03 9905 8537 or 0408 131 535 Juanita.Fernando@med.monash.edu.au

References

1. Caldwell, A. & Earley, D. Sullivan Nicolaides 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 Nicolaides 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. Persson, L (2008) Electronic Transfer of Laboratory Notifications. National E_Health Transition Authority (NEHTA) http://www.nehta.gov.au/dmdocuments/NSW_Health_Philip_Batey_14.05.08.pdf

Australian Privacy Foundation

Background Information

The Australian Privacy Foundation (APF) is the primary national association dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues that pose a threat to the freedom and privacy of Australians. The Foundation has led the fight to defend the right of individuals to control their personal information and to be free of excessive intrusions.

The APF's primary activity is analysis of the privacy impact of systems and proposals for new systems. It makes frequent submissions to parliamentary committees and government agencies. It publishes information on privacy laws and privacy issues. It provides continual background briefings to the media on privacy-related matters.

Where possible, the APF cooperates with and supports privacy oversight agencies, but it is entirely independent of the agencies that administer privacy legislation, and regrettably often finds it necessary to be critical of their performance.

When necessary, the APF conducts campaigns for or against specific proposals. It works with civil liberties councils, consumer organisations, professional associations and other community groups as appropriate to the circumstances. The Privacy Foundation is also an active participant in Privacy International, the world-wide privacy protection network.

The APF's Board comprises professionals who bring to their work deep experience in privacy, information technology and the law.

The following pages provide access to information about the APF:

- papers and submissions http://www.privacy.org.au/Papers/
- resources http://www.privacy.org.au/Resources/
- media http://www.privacy.org.au/Media/
- Board-members http://www.privacy.org.au/About/Contacts.html

The following pages outline several campaigns:

- the Australia Card (1985-87)
  http://www.privacy.org.au/About/Formation.html
- the Medicare Smart Card (2004-06)
  http://www.privacy.org.au/Campaigns/ID_cards/MedicareSmartcard.html
- the Human Services Card (2005-06)
  http://www.privacy.org.au/Campaigns/ID_cards/HSCard.html
- the Australia Card Mark II (2005-06)
  http://www.privacy.org.au/Campaigns/ID_cards/NatIDScheme.html
- the 'Access Card' (2006-07)
  http://www.privacy.org.au/Campaigns/ID_cards/HSAC.html