



**Australian Government**  
**Office of the Privacy Commissioner**

Level 8 Piccadilly Tower  
133 Castlereagh Street  
Sydney NSW 2000  
GPO Box 5218  
Sydney NSW 2001

P +61 2 9284 9800  
F +61 2 9284 9666  
privacy@privacy.gov.au

Enquiries 1300 363 992  
TTY 1800 620 241  
www.privacy.gov.au

ABN 13 152 473 225

Ms Juanita Fernando  
Chair  
Health Sub-Committee  
Australian Privacy Foundation  
C/o Faculty of Medicine, Nursing and Health Sciences  
Monash University VIC 3800

Dear Ms Fernando

**Responses to breaches of NPP 4.1**

I refer to your letter received on 6 April 2009, concerning recently reported apparent breaches of NPP 4.1, particularly in relation to sensitive health information.

As you would appreciate, my Office generally does not comment on specific matters which may potentially be the subject of enquiry or investigation. My Office does however monitor reports of data breaches, including those in the media. We will often follow up with an agency or organisation if they have not contacted us to advise of the apparent data breach.

Presently the reporting of data breaches is a voluntary process, and my Office has published guidelines aimed at encouraging the reporting of breaches and the taking of appropriate steps to remediate the error or minimise any adverse impacts. As you know, the Australian Law Reform Commission has recommended the introduction of a mandatory data breach reporting scheme, which in principle my Office supports.

I agree that trust, quality of service, transparency and respect for patients are vital elements to be included in e-health initiatives. My Office will continue to use its resources to ensure agencies and organisations fulfil their responsibilities to patients in respect of privacy.

Thank you for raising this matter with me.

Yours sincerely

Karen Curtis  
Australian Privacy Commissioner

9 April 2009