



**Australian
Privacy
Foundation**

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May 21 2009

Karen Curtis
Australian Privacy Commissioner
GPO Box 5218
Sydney NSW 2001

Dear Commissioner Curtis

Re: Nurses paid to scout for Vioxx drug firm

The Australian Privacy Foundation (APF) understands from a recent report in the Australian that Vioxx has or had adopted a marketing strategy whereby "Merck & Co paid specialist nurses half-a-million dollars to "hunt" through patient records for potential candidates for their blockbuster anti-arthritis drug Vioxx. (1) "Evidently the data was harvested with the permission of the general practitioners. Merck & Co aimed to recruit 100 patients per practice.

The story also alleges that the Merck marketing team in Australia provided incentives so pharmacists would recommend suitable patients talk to their doctor about Vioxx.

It seems there are general practitioners selling or trading patient health records, some of which are de-identified, to third parties without the consent or knowledge of the patients concerned (2).

The public expects the Privacy Commissioner to use her existing powers to the full extent available in order to ensure health organisations recognise their responsibilities to patients.

In order to ensure that the public is properly informed about the use of their health information and in the context of recent controversy with regard to amending legislation so that Medicare bureaucrats can access and disclose private patient information, we enquire about the nature of your response to information breaches such as those outlined in the exemplars above.

Thank you for your consideration of this matter.

Yours sincerely

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cc: Karen Dearne

1. Rout, M. "Nurses paid to scout for Vioxx drug firm" in The Australian. Cited May 21, 2009. <http://www.theaustralian.news.com.au/business/story/0,,25504484-17044,00.html>
2. Dearne, K. "Grab for patient records" in the Australian IT. Cited May 19, 2009. <http://www.australianit.news.com.au/story/0,24897,25502296-24169,00.html>