

OFFICIAL



Australian Government

Department of the Prime Minister and Cabinet

SECRETARY

Ref: EC21-000227

Office of the Australian Information Commissioner

privacy.rules@oaic.gov.au

GPO Box 5218

SYDNEY NSW 2001

Dear Commissioner

The Department of the Prime Minister and Cabinet's (PM&C's) submission to the National Health (Privacy) Rules 2018 review

I welcome the opportunity to comment on the Office of the Australian Information Commissioner's (OAIC's) review of the National Health (Privacy) Rules 2018 (the National Health Rules).

Data is a critical tool for government decision-making and service delivery. Access to comprehensive, credible and relevant government datasets helps agencies develop sound policies and respond to changing circumstances and user needs. Government data is a strategic national resource and should be leveraged to create value where possible.

The OAIC's review of the National Health Rules provides a timely opportunity to strike the right balance between privacy controls and improved data sharing between the Medicare Benefits Schedule (MBS) and Pharmaceutical Benefits Scheme (PBS).

The Australian Government has a strong commitment to the privacy and security of individuals' personal information; particularly health information. It also supports and encourages safe and secure data sharing within appropriate legal frameworks. The Government's 2015 Public Data Policy Statement affirms that Australian Government entities will:

- securely share data between Australian Government entities to improve efficiencies, and inform policy development and decision-making;
- uphold the highest standards of security and privacy for the individual, national security and commercial confidentiality; and
- optimise the use and reuse of public data.

Postal Address: PO BOX 6500, CANBERRA ACT 2600

Telephone: +61 2 6271 5111 www.pmc.gov.au ABN: 18 108 001 191

OFFICIAL

OFFICIAL

The Office of the National Data Commissioner's Best Practice Guide to Applying Data Sharing Principles (the Guide) outlines five data sharing principles to assist agencies safely and effectively sharing Australian Government data they hold. The Guide supports a cultural shift towards risk management and encourages greater data sharing by giving agencies 'responsibility to share' in providing an approach for effectively managing risks associated with data sharing.

The principles enable a privacy-by-design approach to data sharing by balancing the benefits of using government data with a range of risk-management controls and treatments. By focusing on controls and benefits, instead of restricting data linkages or reducing the level of detail shared, agencies can maximise the usefulness of their data and improve their policies and decision making. The National Health Rules would benefit from greater alignment with these principles.

MBS and PBS data are valuable assets

The MBS and PBS are important elements of Medicare, Australia's universal health insurance scheme. They involve the collection and use of sensitive health information, and cover most of the Australian population.

Maintaining the public's trust in the Government's ability to ensure the privacy of individuals that interact with the MBS and PBS is therefore paramount. How governments use data is an increasingly important driver of trust. In an increasingly complex world of greater data flows and new technologies, building trust requires meaningful engagement with the public about their expectations, needs and concerns.

The MBS and PBS are also rich and valuable datasets. While strict privacy measures must be maintained to ensure individuals cannot be identified from their sensitive health information, the use and reuse of this data is important for efficient policy design and service delivery, research and informed decision making. Flexible access to and use of data can also help agencies identify and correct issues sooner.

I encourage the OAIC to consider changes to the National Health Rules that take advantage of these benefits and reflect the Government's policy encouraging safe and secure data sharing within appropriate legal frameworks. The rules must accommodate rapid changes in the data and digital landscapes since the last review, and be able to accommodate future advances. Supporting agencies like Services Australia and the Department of Health to use MBS and PBS data to generate even more effective health policy settings will allow the Commonwealth to provide better outcomes for Australians.

Yours sincerely



Philip Gaetjens
11 June 2021

OFFICIAL