

4 November 2015

Mr Timothy Pilgrim
Acting Australian Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

By email to: consultation@oaic.gov.au

Dear Mr Pilgrim

Re: PCEHR (Information Commissioner Enforcement Powers) Guidelines 2015

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to comment on the revision of the Office of the Australian Information Commissioner's (OAIC) Personally Controlled Electronic Health Records (Information Commissioner Enforcement Powers) Guidelines 2015 (the Enforcement Guidelines).

The RANZCP supports the Enforcement Guidelines, which explain the OAIC's approach to investigating or enforcing alleged breaches under both the *Personally Controlled Electronic Health Records Act 2012* (PCEHR Act) and the *Privacy Act 1988* in relation to the PCEHR system.

We believe that it is essential that there be a robust and transparent process surrounding enforcement and complaints handling under the PCEHR Act and consider that the Enforcement Guidelines provide an appropriate approach to facilitate that process.

The RANZCP also believes that the OAIC should deal with all complaints under the Enforcement Guidelines sensitively and that relevant investigations should be considered in light of the individual facts. This is especially the case where investigations and / or complaints concern the PCEHR records of people with mental illness given that issues of privacy, access and consent in these circumstances can be complex.

We refer you to our previous submissions on the PCEHR system to the Department of Health from [December 2013](#), [August 2014](#) and [June 2015](#) where the RANZCP has outlined these issues in more detail.



The Royal
Australian &
New Zealand
College of
Psychiatrists

If you would like to discuss any of the issues raised in this letter, please contact Ms Rosie Forster, Senior Manager, Practice, Policy and Partnerships via [REDACTED]

Yours sincerely



Professor Malcolm Hopwood
President

Ref: 4316