



11 November 2011

Mr Timothy Pilgrim
Privacy Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Dear Mr Pilgrim,

Public Interest Determination: Collection of Family, Social and Medical Histories

Thank you for the opportunity to provide a submission to the Office of the Australian Information Commissioner's (OAIC) consultation on the application for a Public Interest Determination: Collection of Family, Social and Medical Histories (the consultation).

The Consumers Health Forum of Australia (CHF) is the national peak body representing the interests of Australian healthcare consumers. CHF works to achieve safe, quality, timely healthcare for all Australians, supported by accessible health information and systems.

CHF has reviewed the OAIC's consultation paper relating to Dr Steve Hambleton's application for a Public Interest Determination to continue the current arrangements which exempt providers of health services, in certain circumstances, from complying with National Privacy Principle 10.

The existing arrangements under Public Interest Determination 10 permit health service providers to collect health information from a health consumer about a third party without the consent of the third party when certain circumstances are met, including when it is necessary to provide a health service directly to the consumer, and the third party's information is relevant to the family, social or medical history of that consumer. CHF considers the effect of the Public Interest Determination, which is due to expire in December 2011, to be of great significance to the safety and quality of healthcare.

CHF appreciates that there are circumstances in which good clinical practice requires health practitioners to collect consumer's medical histories and other health information from carers, family members and other representatives. The sharing of this information is crucial to the wellbeing of consumers in circumstances where they are unable to provide consent. It also ensures that consumers with cognitive impairments, such as dementia or brain injuries, are provided with appropriate care.

CHF notes that Section (3) of the Draft Public Interest Determination specifies that such information should only be sought from a person responsible for the health consumer. CHF welcomes the inclusion of this clause as a safeguard for the privacy of consumers. On this basis, CHF is broadly supportive of the Draft Public Interest Determination.

In the long-term, CHF would welcome the exploration of a permanent legislative amendment to address this issue, avoiding the need for continual applications for Public Interest Determinations to the OAIC.

CHF welcomes the opportunity to contribute to this consultation and looks forward to reviewing the determination of the Privacy Commissioner and the OAIC. Please do not hesitate to contact me should you wish to discuss any aspect of these comments further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carol Bennett', written in a cursive style.

Carol Bennett
CHIEF EXECUTIVE OFFICER