

INFORMATION SHEET FOR PRIVACY INTERNAL REVIEW

An internal review is a process whereby the Central Coast Local Health District will handle complaints about how it has dealt with personal information under the *Privacy and Personal Information Protection (PPIP) Act 1998* and/or health information under the *Health Records and Information Privacy (HRIP) Act 2002*.

Under section 53 of the *PPIP Act*, individuals have the right to seek a review of certain conduct of an agency, in circumstances where the individual believes that the agency has breached the terms of either the *PPIP Act* and/ or the *HRIP Act*. This right does not apply to conduct which occurred before July 2000.

The request for review can only be made where it is alleged that the agency has:

- Breached any of the Information Privacy Principles under the *PPIP Act*, and/or any of the Health Privacy Principles under the *HRIP Act*, that apply to the agency;
- Breached any code made under the Acts applying to the agency; and
- Disclosed personal or health information kept in a public register.

How to request an internal review

The request for internal review should be lodged using an application form available from the Central Coast Local Health District internet site. This application form is then sent direct to the Privacy Contact Officer within six months from the time the applicant first became aware of the conduct sought to be reviewed, or at an earlier date as decided by the agency if special circumstances apply.

Notifying the Information and Privacy Commission

The Information and Privacy Commission (IPC) will be notified of the internal review application as well as the progress and findings of the internal review to allow for submissions to be made to the Central Coast Local Health District where appropriate. The IPC will be notified of the action proposed to be taken by the Central Coast Local Health District in relation to the matter.

Timeframe for an internal review

A Review Officer (usually the Privacy Contact Officer) will be appointed to conduct the internal review, which will be completed within 60 days from the day on which the application is received. If the review is not completed within 60 days, the applicant is entitled to make an application to the NSW Civil and Administrative Tribunal for a review of the conduct concerned.

Outcome of the internal review

The review must recommend that the Central Coast Local Health District respond in one or more of the following ways:

- Take no further action on the matter;
- Make a formal apology to the applicant;
- Take remedial action as it thinks appropriate;
- Provide an undertaking that the conduct will not occur again; and
- Implement administrative measures to ensure that the conduct will not occur again, such as revision of relevant policies and procedures, and privacy training for relevant staff.

Within 14 days of completion of the review, the applicant will be notified in writing of:

- The findings of the review and the reasons for those findings;
- The action proposed to be taken by the agency, including the reasons for taking that action, and
- The right of the person to have the agency's findings and proposed action reviewed by the NSW Civil and Administrative Tribunal.

NSW Civil and Administrative Tribunal

If the applicant is not satisfied with the findings of the review, or the action taken by the agency in relation to the application, the applicant may apply to the NSW Civil and Administrative Tribunal (NCAT) for a review of the conduct that was the subject of the application, within 28 calendar days from receipt of the correspondence (+ 5 calendar days for postage). The contact details for the NCAT are:

Telephone: 1300 006 228

Address: Level 9
John Maddison Tower
86-90 Goulburn Street
SYDNEY NSW 2000

Contact Details

To discuss the internal review process with the Privacy Contact Officer for Central Coast Local Health District:

Telephone: 4320 3570

Email: CCLHD-PrivacyRTI@health.nsw.gov.au

Postal Address: Privacy Contact Officer
Ministerial and Executive Services
Post Office Box 361
GOSFORD NSW 2250