

Healthcare Identifiers and Privacy Submission
Primary and Ambulatory Care Division (MDP 1)
Emailed to: ehhealth@health.gov.au

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Civil Liberties Australia supports the use of the latest technology to improve patient health and safety, provided a patient's ownership and control of his/her health information is safeguarded. CLA believes the principles behind the new Health ID (HID) system should be:

1. A patient owns and can control his/her data, in every format;
2. A patient is entitled to the privacy of that data, unless the patient decides otherwise;
3. A patient only can approve use of the patient's data (except in medical or national urgency or emergency¹);
4. An alleged breach of ownership, control or privacy of a patient's data is subject to both civil and criminal legal processes, with either able to be initiated by the patient (or his/her appropriate representative) or the State; and
5. A public process is used to audit/monitor operation of the HID system, quarterly.

Legislation, regulations, rules and guidelines should reflect the above principles.

A HID Monitor body (see 5), should comprise the following, or similar, representatives:

- Health consumers representing and reflecting the areas of aged care, mental health, chronic care, Indigenous, and paediatrics (3 reps);
- Health care professionals representing specialists, general practitioners, nurses, midwives and ancillary staff (3 reps);
- Health service managers representing Commonwealth and jurisdictional governments as well as hospitals (4 reps, including 1 x private and 1 x public hospitals);
- IT representatives (consumer x 1, professional x 1);
- Privacy representatives (2 reps – government and non-government organisation); and
- Civil liberties representative.

The HID Monitor body would have open access to all aspects of the HID system, and receive regular and one-off reports of its choosing. The HID Monitor body would have the power to require immediate change of operating practice in an urgent situation, to request a change of regulations/guidelines within three months, or to ask for changed legislation within six months.

CLA commends this patient-centred, privacy-oriented approach.

Yours sincerely

Dr Kristine Klugman
President

PS: Please feel free to make this submission publicly available

¹ To be defined tightly, after public consultation, with trigger points for various degrees of urgency/emergency