

## Privacy Undertaking for Employee or Contractor

I, (name).....understand that, while I am (employed / contracted) by New South Wales Health Pathology, I may have access to personal health information collected for purposes of client / patient care or for administrative, statistical or other purposes. Such personal information includes the identity of, personal and health information about individual persons.

I undertake not knowingly access any personal health information unless such information is essential for me to properly and efficiently perform my (duties / contractual obligations).

I recognise and accept that my access to, holding and use of this information is subject to the Health Privacy Principles contained in the *Privacy Manual (Version 2) – NSW Health PD\_2005\_593 (copy of the act attached)* and undertake to comply with those Principles and relevant NSW Health Policies affecting the collection, holding, use or disclosure of the information.

In order to fulfil this undertaking, I will not divulge any personal health information regarding individual persons, except as allowed by the Health Privacy Principles.

I also undertake to follow other information privacy and security procedures as stipulated by NSW Health Policies in relation to any health information which I access in the course of my (duties / contractual obligations).

In order to fulfil this undertaking I will ensure that, so far as is within my control, such information, whether in the form of paper documents, computerised data or in any other form, cannot be viewed by unauthorised persons, and that the information is stored in a secure and orderly manner which prevents unauthorised access.

I further undertake to inform (my supervisor / manager) immediately if I become aware of any breach of privacy or security relating to the information which I access in the course of my (duties / contractual obligations).

Health information provided to me for the purpose of providing a service to New South Wales Health Pathology will be (deleted, destroyed, returned to the Area Health Service) as soon as practicable following receipt.

**Signed:** .....

**Witnessed:** .....

**Name:** .....

**Name:** .....

**Position:** .....

**Position:** .....

## Summary of the Health Privacy Principles (or HPPs)

### Collection principles

#### HPP 1      Purposes of collection of personal health information

Personal health information must be collected by lawful means and for the lawful purpose. The purpose must be directly related to, and reasonably necessary for, an organisation's functions or activities.

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#### HPP 2      Collection and information sought must be relevant, not excessive, accurate and not intrusive.

#### HPP 3      Collection from individual concerned

Personal health information must be collected from the individual it relates to, unless that is unreasonable or impractical.

#### HPP 4      Individual to be made aware of certain matters

Reasonable steps must be taken to inform the individual about how the information may be used, who may access it and the consequences of not providing it.

The individual should be told what agency is collecting the information and that they have a right to access it. This information should generally also be given to the individual where information about them is collected from someone else, unless certain exemption, listed in the Act and the Guidelines apply.

### Security principles

#### HPP 5      Retention and security

Personal health information held by public health agencies must be securely housed and protected against loss or misuse. Information must be kept only as long as is necessary for the purpose (or as required by a law, such as the *NSW State Records Amendment Act 2005*, and must be disposed of securely).

### Access and amendment principles

#### HPP 6      Information about personal health information held by organisations

Organisations that hold personal health information must allow individuals to find out if they hold information about that individual, and if so, what kind of information they hold, what it is used for and whether and how the individual can access it.

#### HPP 7      Access to personal health information

Individuals must be allowed to access the personal health information held about them. This must be done without excessive delay or expense.

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**HPP 8        Amendment of personal health information**

Individuals may request that their personal health information be amended to ensure that it is accurate, relevant, up-to-date, complete and not misleading.

Organisations must either make the requested amendments or, if requested attach to the information a statement by the individual of the amendment they sought.

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**Accuracy principles****HPP 9        Accuracy**

Organisations must take reasonable steps to ensure that the personal health information they hold is relevant, up-to-date, completed and not misleading.

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**Disclosure Principles****HPP 10        Limits on use of personal health information**

Personal health information can be used for the purpose for which it was collected, or for other purposes recognised by the ACT. These include "secondary purposes" such as where there is consent for the use, the use is "directly related purpose", for management training and research activities, for investigation and law enforcement or where there are serious and imminent threats to individuals or the public.

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**Use principles****HPP 11        Limits on disclosure of personal health information**

The provisions for disclosure of personal health information are the same as those for use of this information.

They also include a provision that a person's personal health information may be disclosed to immediate family members for compassionate reasons, provided that this is not contrary to the expressed wish of the individual.

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**HPP 12        Identifiers**

Identifiers can only be applied to personal health information if this is reasonably necessary to carry out the organisation's functions. Public health system identifiers may be used by private sector agencies, but only in defined circumstances and with strict controls.

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**HPP 13        Anonymity**

Provided that it is lawful and practicable, individuals should be given the option of not identifying themselves when dealing with health organisations.

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**HPP 14        Transborder data flows and data flows to Commonwealth agencies**

As a general principle, personal health information must not be transferred to a Commonwealth agency or an organisation in another state jurisdiction unless the receiving agency applies personal health information privacy policies and procedures substantially similar to those of NSW.

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**HPP 15        Linkage of health records**

Personal health information must not be included in a system that links health records of one health service with health records in another health service unless the individual it relates to has expressly consented.