

# Fact sheet

## Confidentiality and privacy



Council of New South Wales

## Summary

This fact sheet provides an overview on how we collect, maintain, use and disclose personal information.

### **i** What

Personal information is any information or opinion about an individual. This includes any records containing: names, address, sex, etc, and any information or opinion about an individual's health.

### ? Why

We collect, use, maintain and disclose personal information to:

- assess and manage complaints
- conduct research to improve our processes and publish de-identified data
- ensure employers are aware of conditions on a practitioners' registration.

### **⚙** How

#### **We collect and use**

- information from complainants, including contact details, so we can update them on the outcome of their complaint. This can include information that has been provided to us by the complainant directly or by the Health Care Complaints Commission (HCCC) or the Australian Health Practitioner Regulation Agency (AHPRA).
- information from practitioners during the management of the complaint, including written information, face-to-face interviews and the results of independent assessments conducted for the Council.
- information from third parties to help us manage the complaint effectively, including the practitioner's employer/s, HCCC, or AHPRA. This includes information relating to a practitioner's registration status and their contact details from AHPRA in NSW or other jurisdictions in which a practitioner has previously been registered.
- information about a patient, including records, that a practitioner or other person provides to us when responding to a complaint.

#### **How we maintain information**

We maintain files for every practitioner that we receive a complaint about. We hold personal information securely and protect it from misuse,

loss, interference, unauthorised access, modification or disclosure.

These files contain all documented information sent or received by us in relation to a complaint. This can include file notes of telephone calls, letters, minutes, written decisions, reports, photographs and other images and information provided to us by a complainant and others.

#### **Disclosing information**

A person exercising a function of the Council may not disclose personal information to anyone else.

However, we may share personal information with other regulators of health practitioners or authorities. This may include the HCCC, AHPRA, the National Board, the police and the courts. These agencies must also comply with privacy legislation.

We will release to you, information about you, without the need for a formal application, unless there are good reasons to require one.

### **⚖** Legislative requirements

We collect, store, and disclose information in accordance with the:

- *Health Practitioner Regulation National Law (NSW) (National Law (NSW))*
- *Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act)*
- *Government Information (Public Access) Act 2009 (GIPA Act)*
- *Health Records and Information Privacy Act 2002 (NSW) (HRIP Act).*

### **📞** Contact us

If you have questions or feel we have misused your personal information you can contact the Health Professional Councils Authority's Privacy Officer on 1300 197 177.

### **☰** Further details

This fact sheet details FAQs for:

1. the public
2. practitioners
3. employers
4. complainants

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## Further details

### For the public

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#### **What is published on the national register?**

Conditions on a practitioner's registration are published on the national register. Conditions about a practitioner's health are not usually made public.

The register for students is not publicly available.

#### **What is published elsewhere?**

Decisions of the NSW Civil and Administrative Tribunal (NCAT) are published on NSW Caselaw.

These decisions can also be accessed via our website and the HCCC website.

### For practitioners

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#### **What will we tell the complainant about you?**

Following consideration of the complaint, we will tell the complainant about the outcome. If we deal with a matter via an Inquiry, we must give the complainant a copy of the decision.

We will not generally disclose confidential information unless it is in the public interest to do so.

#### **What will we tell your employer/s about you?**

We write to your employer/s each time a condition is imposed, lifted, or amended on your registration. You may have a condition on your registration which requires us to share other information with your employer/s or treating practitioners. This assists us to monitor your compliance with conditions.

#### **Who else may request information that we hold?**

We may be obliged by law to disclose information, including under a subpoena, or under the GIPA Act. In the case of a GIPA Act application, we will consult with you before making a decision about releasing information.

#### **What will we tell you?**

We will:

- tell you about the complaint, and usually provide you with a full copy of the complaint
- keep you updated regarding the status of the complaint, at least every three months
- inform you of the actions taken and outcome of the complaint.

### For employers

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#### **When will we contact you?**

We may ask you for information about a practitioner's health, performance or conduct after we receive a complaint.

#### **What information will we provide you?**

To maintain the privacy of the parties involved, we will not usually provide you with a copy or details of the complaint. However, if we place restrictions on a practitioner's practice, the *National Law (NSW)* requires us to provide you with details of the conditions imposed on the practitioner's registration, and any changes made then.

### For complainants

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#### **What will we tell the practitioner about you?**

Unless you request otherwise, we will provide the practitioner with a copy of your complaint.

We will disclose your identity to the HCCC, staff and panel members who are dealing with your complaint in accordance with the *National Law (NSW)*.

#### **Can we manage a complaint if you remain anonymous, or withhold your identity from the practitioner about whom you are making a complaint?**

We may not be able to further assess or manage your complaint in these circumstances.

#### **Do we allow you to attend Council proceedings?**

The public may attend Tribunal hearings. On rare occasions witnesses are called to other hearings. You will not be asked to attend Council meetings.

#### **What will we tell you?**

We will:

- write to let you know we are managing your complaint
- keep you updated regarding the status of your complaint, at least every three months
- inform you of the actions taken and outcome of the complaint.