



Privacy policy

15 November 2019

1. Who are Ahpra, the National Boards and the Agency Management Committee?

The Health Practitioner Regulation National Law (the National Law) is in force in each Australian state and territory. The National Law creates the Australian Health Practitioner Regulation Agency (Ahpra), National Health Practitioner Boards (National Boards) and the Agency Management Committee, which oversees and controls Ahpra's affairs. The National Law also provides for individuals to be appointed to perform particular functions under that law (such as assessors and inspectors who deal with complaints about health practitioners). In this policy, these entities and people are called 'we', 'us' and 'our'.

2. What is this policy about?

The National Law establishes a privacy framework, which places obligations on Ahpra and the National Boards to maintain privacy and confidentiality over 'protected information', which means information that comes to a person's knowledge in the course of, or because of, that person exercising functions under the National Law. Specifically, the National Law requires that we comply with the *Privacy Act 1988* (Cth) as modified by the Health Practitioner Regulation National Law Regulation 2018.

We value individuals' privacy and are committed to protecting information that identifies an individual or from which an individual's identity could be reasonably ascertained ('personal information'). This Privacy policy sets out how we comply with our obligations to collect, store, use and disclose personal information under the Privacy Act and the associated Australian Privacy Principles.

3. Why do we collect, hold and use personal information?

National Boards perform a number of functions under the National Law, including:

- overseeing the accreditation of programs of study for health practitioners
- overseeing assessment of the knowledge and skills of overseas-trained applicants for registration
- registering health practitioners, imposing conditions on registration, and monitoring compliance, and
- overseeing the receipt, assessment and investigation of notifications (complaints) about health practitioners, and deciding the outcome of those complaints (including referral to adjudication bodies).

Ahpra helps the National Boards to perform these functions, and generally administers the National Law (including performing research relevant to that law) to support the National Boards.

Ahpra, the National Boards and the Agency Management Committee collect, hold and use personal information where this is required or permitted under the National Law, or where it is reasonably necessary for us to administer the National Law.

4. What kinds of personal information do we collect and hold?

Before 2010, many of our functions were performed by various state and territory bodies. We inherited records from those bodies when the National Law began in 2010, which contain personal information associated with registration, complaint and investigation files, public register information and general administration files.

Under the National Law, we collect personal information that we need to perform our functions, such as:

- names and personal details of registered practitioners, people applying for registration, and complainants/notifiers
- personal information, including health information and criminal history information, of practitioners who have applied for registration or who have been subject to a notification/complaint or investigation, and

- personal information of people mentioned in a complaint, such as other health practitioners, and health information about patients who make a complaint or who are referred to in a complaint.

We will collect personal information of people who apply for a job at Ahpra or a position on the Agency Management Committee or one of the National Boards or committees constituted under the National Law. We also collect financial information when health practitioners pay registration fees to Ahpra.

5. How do we collect personal information?

Whenever possible, we aim to collect personal information directly from the individual it relates to. For example, we do this when a practitioner applies for, or renews, their registration. When this occurs, we will endeavour to tell the person why we need the information, what we will use it for, and when we might disclose it.

However, we often receive personal information about people from someone else (unsolicited personal information), such as when:

- a person making a complaint/notification provides information about another person (such as the practitioner being complained about, other health practitioners, or other patients)
- we receive information from a practitioner's education provider or employer for registration purposes
- an investigation or assessment involves asking other people for information or an assessment of a health practitioner about whom a notification/complaint has been made, or
- we ask other government agencies to perform a criminal history check (where a practitioner has consented to this), or to confirm a practitioner's identity or immigration status.

Unsolicited personal information held by us will be dealt with in accordance with the same privacy protections that apply to solicited information.

Where possible and reasonable in the circumstances, we will endeavour to advise individuals when we have obtained their personal information from someone else. There may be circumstances in which it would not be appropriate for us to do this, for example in the course of an investigation.

6. How do we protect personal information and maintain its quality?

We are committed to protecting individuals' personal information. In order to protect data against unauthorised access, loss or use, we have put in place appropriate technical, physical and administrative safeguards. Electronic data is held in Ahpra's data network, which is only accessible to people who hold credentials issued by Ahpra, and we continually monitor our electronic systems to identify vulnerabilities and prevent cyber attacks.

Information in hard copy form is held in Ahpra offices, with access restricted to authorised people who hold an Ahpra security pass. When archived, this information is held in secure external storage facilities.

Everyone we employ or engage under a contract is required to sign a confidentiality undertaking, in which they acknowledge their confidentiality obligations and promise to comply with the confidentiality rules imposed by the National Law.

We take reasonable steps to ensure that the personal information we hold is accurate, complete and up to date. We retain, manage and destroy this data in accordance with our record-keeping obligations under state and territory public records legislation.

7. What confidentiality rules apply to us?

A person who performs a function under the National Law must not disclose information that comes to their knowledge in the course of, or because of, exercising that function, unless an exception applies. The exceptions are:

- the information is disclosed in the exercise of a function under, or for the purposes of, the National Law
- the disclosure is to a co-regulatory authority (such as the Queensland Health Ombudsman, or, in NSW, a Health Professional Council established under the National Law)
- the disclosure is required or permitted by law
- the person the information relates to consents to the disclosure
- the disclosure is in a form that does not identify a person
- the information relates to proceedings before a responsible tribunal (as identified under the National Law) and the proceedings are or were open to the public
- the information is, or has been, accessible to the public, including if it is or was recorded in a National Register maintained by Ahpra, or
- the disclosure is otherwise authorised by a council of all Australian Health Ministers.

We require all our employees and contractors to comply with these confidentiality rules in relation to personal information they obtain in the course of their duties. This paragraph 7 is Ahpra's Confidentiality policy and it forms part of our overall Privacy policy.

8. When do we disclose personal information?

We maintain a publicly available, online national register of health practitioners, which sets out personal information about each practitioner, as required by the National Law.

We only use and disclose personal information for the purpose for which it was collected or a related purpose (as permitted by law), or in circumstances that include:

- where the affected individual consents or would reasonably expect the use or disclosure
- for the purposes set out in the information collection statement that applies to your interaction with us
- to our legal advisers, insurers, IT service providers, and other professional advisers or consultants (and we will ensure, as far as possible, these people are bound by confidentiality and privacy obligations at least as demanding as those that apply to us)
- where permitted, required or authorised by law (for example, the National Law requires or permits disclosures of personal information to other health regulators, tribunals and other government bodies in certain circumstances)
- publication of links to findings of disciplinary proceedings on the national register where a decision has already been made accessible to the public
- to validate a person's identity with third party payment processors when an online payment is made to Ahpra
- where we reasonably believe the disclosure is necessary:
 - for enforcement related activities conducted by an enforcement body
 - to lessen or prevent a serious threat to a person's life, health, safety or welfare
 - to lessen or prevent a serious threat to public health, public safety or public welfare
- where Ahpra makes a statement to the media that concerns personal information already in the public domain.

We may exchange information with external researchers subject to appropriate research ethics approvals. Usually, we will only provide de-identified information that does not identify any individuals and from which no-one's identity could be reasonably ascertained.

Ahpra is subject to the *Freedom of Information Act 1982* (Cth), and may be required to disclose personal information as required by that Act.

Ahpra uses third parties to hold, process and maintain personal information. For example, we use third party data processors to store our data in hosted facilities. Where we do this, we require the third parties to comply with the Privacy Act and impose, as far as possible, confidentiality and privacy obligations at least as demanding as those that apply to us.

9. When do we disclose personal information overseas?

Overseas service providers

As explained in section 8, Ahpra uses third parties to hold, process and maintain personal information. Third party IT support providers may also access our information systems remotely and this may involve access to personal information. Some of these third parties are located in countries outside Australia. Those countries include Japan, Canada and the United States of America.

In all cases, we seek to share the minimum amount of personal data necessary. We also require the third parties to comply with the Privacy Act and impose, as far as possible, confidentiality and privacy obligations at least as demanding as those that apply to us.

Overseas regulators

We may disclose personal information about a person where a health regulator in another country requires this information to do its job. For example, we may notify an overseas health authority when conditions are imposed on a practitioner's registration.

10. How can you access and correct your personal information?

You should ensure the personal information you give us is complete and up to date.

You have a right to access or correct the personal information we hold about you. If you would like to access, update or correct your personal information, contact:

Privacy Officer

Australian Health Practitioner Regulation Agency

GPO Box 9958

Melbourne VIC 3001

Details on how to make a freedom of information request are available at: www.ahpra.gov.au/About-Ahpra/Freedom-of-Information/Making-an-FOI-Request.aspx

11. How can you complain about a privacy breach?

We treat privacy complaints very seriously and we aim to resolve them quickly and fairly. If we receive a privacy complaint from you, or we become aware of a privacy breach ourselves, we will determine what (if any) action we should take to resolve the complaint and the privacy concerns raised.

If you become aware of a data or privacy incident, including an actual or suspected data breach, please tell us immediately. A data or privacy breach means an actual or suspected breach, as defined under the relevant law, and includes:

- an unauthorised use or disclosure of personal information
- the loss, accidental or illegal destruction, unauthorised access, or unauthorised alteration of personal information.

If we become aware of a data or privacy incident, including an actual or suspected data breach, we will respond in keeping with our breach of privacy procedure, which is available for download at: www.ahpra.gov.au/About-Ahpra/Information-Publication-Scheme.aspx

If you believe we have breached your privacy, you may complain to:

- Ahpra, or
- the National Health Practitioner Privacy Commissioner, or
- both Ahpra and the Privacy Commissioner.

Information about making a complaint to Ahpra, and the Ahpra complaint-handling policy and procedure, is available at: www.ahpra.gov.au/About-AHPRA/Complaints.aspx

The Office of the National Health Practitioner Privacy Commissioner can be contacted at:

GPO Box 2630

Melbourne VIC 3001

Phone 1300 795 265

Email complaints@nhpopc.com.au

Web <https://nhpopc.gov.au/>

12. Anonymity

Wherever practical, you may choose to remain anonymous when dealing with us. This will not be practical, for example, where you are a health practitioner applying for registration. If you make an anonymous notification/complaint this may limit our ability to investigate and respond.

13. What information do we collect when you visit our website?

We use 'cookies' on our websites to make them easier to use. A cookie is a small packet of information that a website places on a computer as a tool to record preferences and enhance functionality of the site. You can prevent the use of cookies through your browser settings, but this may affect your ability to use the full functionality of the website.

We also use Google Analytics to collect data about your interaction with our websites. The data is used to track use of our websites and to maintain and improve those sites. Information collected includes:

- server address
- top-level domain name
- the date and time of visit
- pages access and documents downloaded
- previous site visited
- if the person has visited our website before
- type of browser used
- type of device used (phone, tablet, PC).

Further, we use Funnelback, which is a third party hosted service, to enhance search capability within our websites and improve their accessibility features. This service collects the key words you use to search our websites along with your IP address. We require all third party service providers to comply with the Privacy Act and impose, as far as possible, confidentiality and privacy obligations at least as

demanding as those that apply to us.

14. Further information

Applicable legislation and regulations

- Health Practitioner Regulation National Law (as in force in each state and territory): www.ahpra.gov.au/About-Ahpra/What-We-Do/Legislation.aspx
- Health Practitioner Regulation National Law Regulation 2018: www.ahpra.gov.au/About-Ahpra/What-We-Do/Legislation.aspx
- Privacy Act 1988 (Cth): www.legislation.gov.au/Details/C2013C00482
- National Health Practitioner Ombudsman and Privacy Commissioner: <https://nhpopc.gov.au/>

15. Questions?

If you have questions about this policy or would like a printed copy, please contact:

Privacy Officer

Australian Health Practitioner Regulation Agency

GPO Box 9958

Melbourne VIC 3001

Phone: 1300 419 495

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