

The Health Privacy Principles (HPPs) Guidance for organisations

The 15 Health Privacy Principles (HPPs) are the key to the *Health Records and Information Privacy Act* (HRIP Act). They are legal obligations describing what organisations (NSW public and private sector) must do when they collect, hold, use and disclose health information.

However, in some cases, organisations do not have to comply with one or more of the HPPs. For more information about exemptions, contact the Privacy Contact Officer in your organisation or Privacy NSW.

Collection

- 1. Lawful** – only collect health information for a lawful purpose. Only collect health information if it is directly related to the organisation's activities and necessary for that purpose.
- 2. Relevant** – ensure that the health information is relevant, not excessive, accurate and up to date. Ensure that the collection does not unreasonably intrude into the personal affairs of the individual.
- 3. Direct** – only collect health information directly from the person concerned, unless it is unreasonable or impracticable to do so. See the *Handbook to Health Privacy* for an explanation of "unreasonable" and "impracticable".
- 4. Open** – inform the person as to why you are collecting health information about them, what you will do with the health information, and who else might see it. Tell the person how they can see and correct their health information, and any consequences if they decide not to provide their information to you.

If you collect health information about a person from someone else, you must still take reasonable steps to ensure that the person has been notified as above.

Storage

- 5. Secure** – ensure that health information is stored securely, not kept any longer than necessary, and disposed of appropriately. Information should be protected from unauthorised access, use or disclosure (Note: private sector organisations should also refer to section 25 of the HRIP Act for further instructions).

Access & Accuracy

- 6. Transparent** – explain to the person what health information about them is being stored, why it is being used and any rights they have to access it.
- 7. Accessible** – allow people to access their health information without unreasonable delay or expense (Note: private sector organisations should also refer to sections 26-32 of the HRIP Act for further instructions).
- 8. Correct** – allow people to update, correct or amend their health information where necessary (Note: private sector organisations should also refer to sections 33-37 of the HRIP Act for further instructions).
- 9. Accurate** – ensure that the health information is relevant and accurate before using it.

Use

- 10. Limited** – only use health information for the purpose for which it was collected, or a directly related purpose that the person would expect. Otherwise, you generally need their consent.

Disclosure

- 11. Limited** – only disclose health information for the purpose for which it was collected, or a directly related purpose that the person would expect. Otherwise, you generally need their consent.

Identifiers & Anonymity

- 12. Not identified** – only identify people by using unique identifiers if it is reasonably necessary to carry out your functions efficiently.
- 13. Anonymous** – give people the option of receiving services from you anonymously, where this is lawful and practicable.

Transferrals & Linkage

- 14. Controlled** – only transfer health information outside New South Wales in accordance with HPP 14.
- 15. Authorised** – people must expressly consent to participate in any system that links health records across more than one organisation. Only include health information about them, or disclose their identifier for the purpose of the health records linkage system, if they have expressly consented to this.

The material in this Fact Sheet is intended only to inform. It has been simplified and should not be relied on as legal advice. The Fact Sheet presents a summary of the HPPs only and not a full statement of your obligations. You should consult the full text of the HPPs as well as Part 3 of the HRIP Act (public sector organisations) and Part 4 of the HRIP Act (private sector organisations) for a full statement of your obligations. If in doubt, please contact your Privacy Contact Officer or call Privacy NSW on (02) 9268 5588 or write to privacy_nsw@agd.nsw.gov.au for more information.

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