

# HREC REPORT TO THE NSW PRIVACY COMMISSIONER

1 JULY \_\_\_\_\_ [insert year] TO 30 JUNE \_\_\_\_\_ [insert year]

## Compliance with Statutory guidelines on research under the Health Records and Information Privacy Act 2002

### 1. Name of HREC

Please include previous name of HREC in brackets if name has changed in last 12 months.

Name of HREC:

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### 2. Details of Chairperson

Name of HREC Chairperson: (include title)

Phone:

Fax:

Email:

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### 3. HREC Contact Officer Details

The mailing address for the Contact Officer will be used for HREC correspondence whether addressed to the Contact Officer or addressed to the Chairperson. This address must be a business address.

Name of HREC Contact Officer: (include title)

Position:

Mailing address:

Phone:

Fax:

Email:

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#### 4. Organisation Details

Name of Organisation:

Head of Organisation:

Mailing address for Organisation:

Type of Organisation: (please indicate which category best describes your organisation, tick one box only)

Hospital / health service – public

Government department

Hospital / health service – private

Government statutory agency

University/ education institution – public

Other organisation – not for profit

University/ education institution – private

Other organisation –for profit

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5. During the financial year to which this report applies, did your HREC review any proposals which involved the use or disclosure of health information **without** the consent of those individuals for:

- a. Research or the compilation or analysis of statistics in the public interest or
- b. the management of health services

[ie. proposals seeking to rely on the exemptions in Health Privacy Principle 10(1)(d), 11(1)(d), and / or 10(1)(f), 11(1)(f) of the Health Records and Information Privacy Act 2002]

YES

NO  Thank you for completing this form. Please go to final page to complete declarations.

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6. When considering these proposals did your HREC apply the NSW Privacy Commissioner's Statutory guidelines on research?

(Both boxes may be ticked)

YES  If Yes, for how many proposals did your HREC apply the Statutory guidelines on research? \_\_\_\_\_

NO  If No, for how many proposals did your HREC **not** apply the Statutory guidelines on research? If No, what are the reasons for not applying the Statutory guidelines on research?

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7. Did your HREC assess whether it had sufficient information, expertise and understanding available to it of privacy issues to make a decision that takes proper account of privacy (see Part 2, paragraph 4.1)?

YES Please tick one or more of the following to indicate the information, expertise and understanding of privacy issues available to your HREC:

- Members are familiar with the Health Privacy Principles (HPPs) set out in Schedule 1 of the Health Records and Information Privacy Act 2002 and the Statutory guidelines on research.
- One or more member attended an information session/ seminar or workshop on privacy
- Lawyer or other member had knowledge of privacy issues
- One or more member had experience or qualifications relevant to privacy issues
- One or more member accessed written guidance about privacy issues
- HREC sought additional advice or information from someone who is not a regular member of the committee
- Other (please outline)

NO  Please provide reasons for not making this assessment.

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8. Did your HREC consider whether the purpose of the proposed activity could be achieved using de-identified information (see Part 2, paragraph 4.2(a))?

(Both boxes may be ticked)

YES Please tick one or more of the following to indicate if your HREC considered:

- that scientific defects in the proposed activity would result if that activity was conducted using de-identified information

- that the proposed activity involved linkage of data
- Other (please outline)

NO  If No, please provide reasons why this was not considered.

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9. Did your HREC consider whether it was impracticable to obtain consent to collect, use or disclose an individual's health information (see paragraph Part 2, 4.2 (b))?

(Both boxes may be ticked)

YES Please tick one or more of the following to indicate if your HREC considered:

- The size of the population involved in the research;
- The proportion of individuals who are likely to have moved or died since the health information was originally collected;
- The risk of introducing potential bias into the research, thereby affecting the generalisability and validity of the results;
- The risk of creating additional threats to privacy by having to link information in order to locate and contact individuals to seek their consent;
- The risk of inflicting psychological, social or other harm by contacting individuals with particular conditions in certain circumstances;
- The difficulty of contacting individuals directly when there is no existing or continual relationship between the organisation and the individuals;
- The difficulty of containing individuals indirectly through public means, such as advertisement and notices;
- Other (please outline)

NO  Provide reasons why this was not considered

10. In reaching a decision under the Statutory guidelines on research (see Part 2, paragraph 4.4), for how many proposals did your HREC determine that:
- the public interest in the proposed research, statistical or management of health services activity substantially outweighed the public interest in the protection of privacy?

Number of proposals:

- 
11. Do you have any comments or feedback on the NSW Privacy Commissioner's Statutory guidelines on research?

**Thank you for completing this form.**

**Please complete the declarations on the final page.**

## Declaration of the organisation with responsibility for the HREC.

This declaration must be completed and signed by the CEO or equivalent officer who exercises the authority of the organisation/ institution for HREC activities.

HREC Name:

Organisation Name:

I confirm:

- that I am duly authorised to sign this declaration;
- that the information supplied on this form and any other attachment is true and correct;
- that, for the period to which this form relates, the above HREC has operated in accordance with the Statutory guidelines on research pursuant to the Health Records and Information Privacy Act 2002.

Name:

Position:

Date:

Signature:

When completed, please return this form to:

The NSW Privacy Commissioner  
Privacy NSW  
GPO Box 7011  
SYDNEY NSW 2001

If you have any queries, please contact the Office of the Privacy Commissioner on telephone (02) 8019 1600, or email [privacy\\_nsw@agd.nsw.gov.au](mailto:privacy_nsw@agd.nsw.gov.au)