

Appendix 3 – Pro forma Privacy undertaking

This proforma is an example only, and if necessary, may be adapted to local needs in consultation with the Privacy Contact Officer for your health service (see Section 6.2 for details).

(**Reference:** Section 6.4, Section 9 and Section 16.1 of the NSW Health Privacy Manual for Health Information)

Privacy undertaking

I,(name),
understand that while I am employed by the

..... (name of health service)

I will have access to personal health information collected from patients/ clients that is protected by privacy law. I undertake not to knowingly access any personal information, (such as information contained in a patient's health record, including in an electronic health record/ XXXX data collection(s)/ XXXX data warehouse) unless such information is essential for me to properly and efficiently perform my duties.

I recognise and accept that my access to, holding and use of this information is subject to the Health Privacy Principles contained in the *NSW Health Records and Information Privacy Act 2002* (copy of Health Privacy Principles attached). In order to fulfil this undertaking, I will not divulge any personal information regarding individual persons, except as allowed by the Health Privacy Principles.

I undertake to comply with other information privacy and security procedures as stipulated by NSW Health policies* in relation to any personal information that I access in the course of my duties. 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 that prevents unauthorised access.

I further undertake to inform (my supervisor/ title of relevant officer) immediately if I become aware of any breach of privacy or security relating to the information that I, or other staff, access in the course of my duties.

Signed

.....

(name)

.....

(signature)

.....

(position)

.....

Date

Witnessed

.....

(name)

.....

(signature)

.....

(position)

.....

Date

*** Relevant NSW Health policy directives include:**

- NSW Health Privacy Manual for Health Information
- Data Collections – Process for Approval of New or Modified
- Electronic Information Security Policy – NSW Health
- NSW State Digital Information Security Policy

A.3.1 Contractual provisions

The types of provisions which should be included where data is transferred to an external contractor for work include:

Acknowledgement of privacy laws

- **Recognise** that the information must be handled in accordance with relevant privacy laws.

Purpose

- Clearly **define the purpose** for which it will be used and the disclosures (if any) allowable under the contract
- Require the contractor **not to use or disclose** the information for any other purpose without appropriate written consent of the health service
- **Require the data to be destroyed** or returned to the health service after use or at the termination or completion of the Contract

Security

- Information provided must be handled in a **secure manner**
- The **contractor is responsible** for ensuring the appropriate security for and disposal of the information
- **No copies** to be made of the information unless the copies are reasonably necessary for the defined purpose or made with the written permission of the health service
- Contractor must ensure that all information sent to it under the Contract via disc, ftp, email, gopher, Internet or other media is **moved to a secure computer storage** as soon as received
- The contractor to **ensure information is disclosed to as few persons** within its organisation as are reasonably necessary for the defined purposes for which the information was supplied

